VILLAGE OF BETHANY

ORDINANCE NO. 2026-849

AN ORDINANCE AMENDING THE LIQUOR CODE
IN THE VILLAGE CODE
VILLAGE OF BETHANY, MOULTRIE COUNTY, ILLINOIS

BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF BETHANY, MOULTRIE COUNTY, ILLINOIS

ADOPTED BY THE VILLAGE BOARD OF THE VILLAGE OF BETHANY, ILLINOIS

THIS 14th DAY OF May, 2026

Published in pamphlet form by authority of the Board of Trustees of the Village of Bethany, Moultrie County, Illinois, this 14th day of May, 2026.

ORDINANCE NO. 2026-849
ORDINANCE AMENDING THE LIQUOR CODE
BETHANY, MOULTRIE COUNTY, ILLINOIS

BE IT ORDAINED by the President and Board of Trustees of the Village of Bethany as follows:

Section 1. The Liquor Code (Chapter 21) is hereby deleted in its entirety and replaced with the provisions set forth in **Attachment A** to this Ordinance, which Attachment is hereby incorporated herein by this reference.

Section 2. All ordinances, resolutions and policies or parts thereof, in conflict with the provisions of this Ordinance are, to the extent of the conflict, expressly repealed on the effective date of this Ordinance.

Section 3. If any provision of this Ordinance or application thereof to any person or circumstances is ruled unconstitutional or otherwise invalid, such invalidity shall not affect other provisions or applications of this Ordinance that can be given effect without the invalid application or provision, and each invalid provision or invalid application of this Ordinance is severable.

Section 4. The headings/captions identifying the various sections and subsections of this Ordinance are for reference only and do not define, modify, expand or limit any of the terms or provisions of the Ordinance.

Section 5. The Clerk is directed by the corporate authorities to publish this Ordinance in pamphlet form. This Ordinance shall be in full force and effect after its passage and publication in accordance with 65 ILCS 5/1-2-4.

PASSED THIS 14th day of May, 2024.
AYES: 6
NAYS: 0
ABSTENTIONS: 0
ABSENT: 0

APPROVED THIS 14th day of May, 2024.

Village President

ATTEST:

Clerk

ATTACHMENT A

CHAPTER 21

LIQUOR

ARTICLE I – GENERAL REGULATIONS

21-1-1 DEFINITIONS. Unless the context otherwise requires, the words and phrases herein defined are used in this Chapter in the sense given them in the following definitions:

"ALCOHOL" means the product of distillation of any fermented liquid, whether rectified or diluted, whatever may be the origin thereof, and includes synthetic ethyl alcohol. It does not include denatured alcohol or wood alcohol.

"ALCOHOLIC LIQUOR" includes alcohol, spirits, wine, and beer, and every liquid or solid, patented or not, containing alcohol, spirits, wine or beer, and capable of being consumed as a beverage by a human being. The provisions of this Chapter shall not apply to alcohol used in the manufacture of denatured alcohol produced in accordance with Acts of Congress and regulations promulgated thereunder, nor to any liquid or solid containing one-half of one percent (.05%) or less of alcohol by volume. **(235 ILCS 5/1-3.05)**

"BEER" means a beverage obtained by the alcoholic fermentation of an infusion or concoction of barley or other grain, malt and hops in water, and includes, among other things, beer, ale, stout, lager beer, porter and the like. **(235 ILCS 5/1-3.04)**

"CLOSE" means to shut up so as to prevent entrance or access by any person, and the entire suspension of business.

"CLUB" means a corporation or limited liability company organized under the laws of this State and not for pecuniary profit, solely for the promotion of some common object other than the sale or consumption of alcoholic liquors, kept, used and maintained by its members, through the payment of annual dues, and owning, hiring or leasing a building or space in a building of such extent and character as may be suitable and adequate for the reasonable and comfortable use and accommodation of its members and their guests and provided with suitable and adequate kitchen and dining space and equipment and maintaining a sufficient number of servants and employees for cooking, preparing and serving food and meals for its members and their guests; provided that such club files with the Local Liquor Control Commissioner at the time of its application for a license under this Chapter, two (2) copies of a list of names and residences of its members, and similarly files within ten (10) days of the election of any additional member, his/her name and address; and provided further, that its affairs and management are conducted by a board of directors, executive committee, or similar body chosen by the members at their annual meeting and that no member or officer, agent or employee of the club is paid, or directly or indirectly receives, in the form of salary or other compensation any profits from the distribution or sale of alcoholic liquor to the club or its members or guests introduced by members, beyond the amount of such salary as may be fixed and voted at the annual meeting by the members or by the board of directors or other governing body out of the general revenue of the club. **(235 ILCS 5/1-3.24)**

"CORPORATION" means any corporation, domestic or foreign, qualified to do business in the State of Illinois under the "Business Corporation Act" of Illinois. **(Rule 100.10(b))**

"EVENT" means a single theme. **(Rule 100.10)**

"HOTEL" means every building or other structure kept, used, maintained, advertised and held out to the public to be a place where food is actually served and consumed and sleeping accommodations are offered for adequate pay to travelers and guests, whether transient, permanent or residential, in which twenty-five (25) or more rooms are used for the sleeping accommodations of such guests and having one (1) or more public dining rooms where meals are served to such guests, such sleeping accommodations and dining rooms being conducted in the same building or buildings in connection therewith, and such building or buildings, structure or structures being provided with adequate and sanitary kitchen or dining room equipment and capacity. **(235 ILCS 5/1-3.25)**

"LIMITED LIABILITY COMPANY" means a legal business entity created and recognized under the Illinois "Limited Liability Company Act". **(Rule 100.10)**

"LOCAL LIQUOR CONTROL COMMISSIONER" means the Local Liquor Control Commissioner as provided in the Illinois Liquor Control Act of 1934 and all references to the Local Liquor Control Commissioner shall refer to the Village President of the Village of Bethany unless otherwise provided or unless another person has been appointed as Local Liquor Control Commissioner in accordance with 235 ILCS 5/4-2.

"MANAGER" OR "AGENT" means any individual employed by any licensed place of business, provided said individual possesses the same qualifications required of the licensee. Satisfactory evidence of such employment will be furnished the Local Liquor Control Commissioner in the form and manner as the Local Liquor Control Commissioner shall from time to time prescribe. **(Rule 100.10)**

"MEAL" means food that is prepared and served on the licensed premises and excludes the serving of snacks. **(Rule 100.10)**

"ORIGINAL PACKAGE" means any bottle, flask, jug, can, cask, barrel, keg, hogshead or other receptacle or container, whatsoever, used, corked or capped, sealed and labeled by the manufacturer of alcoholic liquor, to contain and to convey any alcoholic liquor. **(235 ILCS 5/1-3.06)**

"PARTNER" is any individual who is a member of a co-partnership. "Co-partnership" means an association of two (2) or more persons to carry on as co-owners of a business for profit. **(Rule 100.10)**

"PREMISES/PLACE OF BUSINESS" means the place or location where alcoholic beverages are manufactured, stored, displayed, offered for sale or where drinks containing alcoholic beverages are mixed, concocted, and served for consumption. Not included are sidewalks, street, parking areas, and grounds adjacent to any such place or location. **(Rule 100.10)**

"PRIVATE FUNCTION" means a prearranged private party, function, or event for a specific social or business occasion, either by invitation or reservation and not open to the general public, where the guests in attendance are served in a room or rooms designated and used exclusively for the private party, function, or event.

"RESIDENT" means any person (other than a corporation or limited liability company) who has

resided and maintained a bona fide residence in the State of Illinois for at least one (1) year and in the Village of Bethany for at least ninety (90) days prior to making application for such license. **(Rule 100.10(a))**

"RESTAURANT" means any public place kept, used, maintained, advertised, and held out to the public as a place where meals are served, and where meals actually are served and regularly served, without sleeping accommodations, such space being provided with adequate and sanitary kitchen and dining room equipment and capacity and having employed therein a sufficient number and kind of employees to prepare, cook and serve suitable food for its guests. **(235 ILCS 5/1-3.23)**

"RETAILER" means a person who sells or offers for sale alcoholic liquor for use or consumption and not for resale in any form. **(235 ILCS 5/1-3.17)**

"SALE" means any transfer, exchange, or barter in any manner or by any means whatsoever for a consideration and includes and means all sales made by any person, whether principal, proprietor, agent, servant or employee. **(235 ILCS 5/1-3.21)**

"SELL AT RETAIL" means sales for use or consumption and not for resale in any form. **(235 ILCS 5/1-3.18)**

"SPECIAL EVENT" means an event conducted by an educational, fraternal, political, civic, religious, or non-profit organization. **(235 ILCS 5/1-3.30)**

"SPIRITS" means any beverage which contains alcohol obtained by distillation, mixed with water or other substance in solution, and includes brandy, rum, whiskey, gin or other spirituous liquors and such liquors when rectified, blended or otherwise mixed with alcohol or other substances. **(235 ILCS 5/1-3.02)**

"TO SELL" includes to keep or expose for sale and to keep with intent to sell. **(235 ILCS 5/1-3.22)**

"WINE" means any alcoholic beverage obtained by the fermentation of the natural contents of fruits, vegetables, or honey, containing sugar, including mead and such beverages when fortified by the addition of alcohol or spirits, as above defined. **(235 ILCS 5/1-3.03)**

[All references to "Rules" refer to Illinois Liquor Control Commission Rules located in Title 11; Subtitle A; Chapter I; Part 100; Section 100.5 et seq.]

ARTICLE II - LICENSES

21-2-1 LICENSE REQUIRED. No person shall sell, keep, or offer for sale at retail, or conduct or operate any place for the sale at retail of, alcoholic liquor within the limits and territory of the Village of Bethany without having a license to do so, issued by the Local Liquor Control Commissioner in the manner hereinafter provided, and a valid license for such purpose issued by the Illinois Liquor Control Commissioner of the State of Illinois. A valid license issued by the Local Liquor Control Commissioner is required for and with respect to each building, location, and premises within the limits and territory of the Village of Bethany at or upon which alcoholic liquor is to be sold or kept or offered for sale at retail; provided, however, that if a licensee operates a single business extending into one or more adjacent buildings but constituting a single premises, only one license shall be required. **(235 ILCS 5/4-1)**

21-2-2 APPLICATIONS. The Local Liquor Control Commissioner is authorized to grant and issue licenses to individuals, firms, partnerships, corporations, and limited liability companies to sell, keep, and offer for sale at retail, and to conduct and operate any place for the sale at retail of alcoholic liquor within the limits and territory of the Village of Bethany upon the conditions and in the manner provided by this Chapter and by the Liquor Control Act of 1934, and not otherwise. Such license shall be in writing, signed by the Local Liquor Control Commissioner and attested by the Village Clerk, with the seal of his/her office affixed thereto.

Prior to issuance of a license, the applicant must submit to the Local Liquor Control Commissioner an application in triplicate, in writing and under oath, stating the following:

(A) The name, age, and address of the applicant in the case of an individual; in the case of a co-partnership, the persons entitled to share in the profits thereof, and in the case of a corporation for profit, limited liability company, or club, the date of incorporation or organization, the object for which it was organized, the names and addresses of the officers, directors, members, and the name of the person who will be managing the establishment for which the license is sought, and if a majority in interest of the stock of such corporation or interests of such limited liability company is owned by one person or his/her nominee, the address and name of such person;

(B) The citizenship of the applicant, his/her place of birth and if a naturalized citizen, the time and place of his/her naturalization;

(C) The character of business of the applicant.

(D) The length of time that the applicant has been engaged in the business of that character or in the case of a corporation or limited liability company, the date on which its charter was issued.

(E) The location and description of the premises or place of business which is to be operated under such license.

(F) [Intentionally Omitted].

(G) Whether the applicant has made similar application for a similar other license on premises other than described in the application and the disposition of such application.

(H) That the applicant has never been convicted of a felony and is not disqualified to receive a license by reason of any matter or thing contained in the Liquor Control Act of 1934 or in this Chapter or resolution and amendments thereto.

(I) Whether a previous license issued to the applicant by any state, or subdivision thereof, or by the federal government has been revoked and the reasons therefor;

(J) Any other information not listed above but required for an application to the State Commission for a retail license under 235 ILCS 5/7-1; and

(K) That he/she will not violate any of the laws of the State of Illinois or of the

United States, or any of the provisions of this Chapter or resolution and amendments thereto in the conduct of his/her place of business.

In the case of a partnership, the information and statements required by this Section shall be furnished as to each partner, and with respect to a corporation, the information and statements required by this Section shall be furnished as to the president of the corporation, the secretary of the corporation, the directors of the corporation, and with respect to the person who is to manage the establishment for which a license is sought, and with respect to a limited liability company, the information and statements required by this Section shall be furnished as to the members of the limited liability company and the managers of the limited liability company, and with respect to the person who is to manage the establishment for which a license is sought.

If the application is made on behalf of a partnership, firm, association, club, corporation, or limited liability company, then the application shall be signed and sworn to by at least two (2) members of such partnership, firm, association, club, corporation, or limited liability company (if there are two or more members) or by the president and secretary of such partnership, firm, association, club, corporation, or limited liability company.

One (1) copy of the application shall be retained by the Local Liquor Control Commissioner, one (1) copy given to the Chief of Police; the Chief of Police shall endorse on the copies his/her approval or disapproval of the application and may make further comments regarding that application. The copies shall be returned to the Local Liquor Control Commissioner and the endorsement and comment of the Chief of Police shall be considered by him/her as an aid in deciding whether the license should be issued or refused.

21-2-3 EXAMINATION OF APPLICANT. The Local Liquor Control Commissioner shall have the right to examine, or cause to be examined, under oath, any applicant for a local license or for a renewal thereof, or any licensee upon whom notice of revocation or suspension has been served in the manner hereinafter provided, and to examine or cause to be examined, the books and records of any such applicant or licensee; to hear testimony and take proof for his/her information in the performance of his/her duties, and for such purpose to issue subpoenas which shall be effective in any part of this State. For the purpose of obtaining any of the information desired by the Local Liquor Control Commissioner under this Section, he/she may authorize his/her agent to act on his/her behalf. **(235 ILCS 5/4-5)**

21-2-4 PROHIBITED LICENSEES. No retail license shall be issued by the Local Liquor Control Commissioner to the following:

(A) A person who **is not** a resident of the Village of Bethany (but see subsection (H) and (I)).

(B) A person who **is not twenty-one (21) years** of age.

(C) A person who has been convicted of a felony under any federal or state law, unless the State Commission determines that such person will not be impaired by the conviction in engaging in the licensed practice after considering matters set forth in such person's application in accordance with Liquor Control Act of 1934 and the State Commission's investigation.

(D) A person who has been convicted of keeping a place of prostitution or keeping a place of commercial sexual exploitation of a child, promoting prostitution that involves keeping a place of prostitution, or promoting commercial sexual exploitation of a child that involves keeping a place of commercial sexual exploitation of a child.

(E) A person who has been convicted of pandering or other crime or misdemeanor opposed to decency or morality.

(F) A person whose license under this Chapter or the Liquor Control Act of 1934 has been revoked for cause.

(G) A person who, at the time of the application for renewal of any license issued hereunder, would not be eligible for such license upon first application.

(H) A co-partnership, if any general partnership thereof, or any limited partnership thereof, owning more than **five percent (5%)** of the aggregate limited partner interest in such co-partnership would not be eligible to receive a license hereunder for any reason other than residence within the Village.

(I) A corporation or limited liability company, if any member, officer, manager or director thereof, or any stockholder or stockholders or members owning in the aggregate more than **five percent (5%)** of such corporation or limited liability company, would not be eligible to receive a license hereunder for any reason other than residence within the Village.

(J) A corporation or limited liability company unless it is incorporated or organized in Illinois, or unless it is a foreign corporation or foreign limited liability company which is qualified under the Business Corporation Act of 1983 or the Limited Liability Company Act to transact business in Illinois. The Local Liquor Control Commissioner shall permit and accept from an applicant for a license under this Chapter proof prepared from the Secretary of State's website that the corporation or limited liability company is in good standing and is qualified under the Business Corporation Act of 1983 or the Limited Liability Company Act to transact business in Illinois.

(K) A person whose place of business is conducted by a manager or agent unless the manager or agent possesses the same qualifications required by the licensee.

(L) Any person, corporation, limited liability company, co-partnership, or other entity not eligible for a state retail liquor license.

(M) A person who is not of good character and reputation in the community in which he/she resides.

(N) 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 enactment of this Chapter or has forfeited his/her bond to appear in court to answer charges for any such violation , unless the State Commission determines, in accordance with the Liquor Control Act of 1934, that the person will not be impaired by the conviction in engaging in the licensed practice.

(O) 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.

(P) Any law enforcing public official, including members of local liquor control commissions, any mayor, alderman, or member of a city council or commission, any president of a village board of trustees, any member of a village board of trustees, or any president or member of a county board; and no such official shall be interested directly in the manufacture, sale, or distribution of alcoholic liquor, except that a 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 and the Local Liquor Control Commissioner or as otherwise authorized under 235 ILCS 5/6-2(a)(14).

(Q) A person who is not a beneficial owner of the business to be operated by the licensee.

(R) A person who has been convicted of a gambling offense as proscribed by any of subsections (a)(3) through (a)(11) of Section 28-1.1 of, or as proscribed by Section 28-1.1 or Section 28-3 of the "Criminal Code of 1961" or the "Criminal Code of 2012", or as proscribed by a statute replaced by any of the aforesaid statutory provisions.

(S) A person or entity to whom a federal wagering stamp has been issued by the federal government, unless the person or entity is eligible to be issued a license under the Raffles and Poker Runs Act or the Illinois Pull Tabs and Jar Games Act.

(T) A person who intends to sell alcoholic liquors for use or consumption on his or her licensed retail premises who does not have liquor liability insurance coverage for that premises in an amount that is at least equal to the maximum liability amounts set out in 235 ILCS 5/6-21;

(U) A co-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.

(V) A corporation or limited liability company, if any officer, member, manager or director thereof, or any stockholder owning in the aggregate more than twenty percent (20%) of the stock of such corporation has been issued a federal wagering stamp for the current tax period; and

(W) Any premises for which a federal wagering stamp has been issued by the federal government for the current tax period. **(235 ILCS 5/6-2)**

21-2-4.5 REQUISITES FOR MANAGER. No licensee shall employ any person to manage his, her, or its licensed premises, unless such person possesses the same qualifications required of a licensee in Section 21-2-4. No licensee shall permit any person to act as a manager of his, her, or its licensed premises, unless such manager has been approved by the Local Liquor Control Commissioner.

21-2-5 TERM; FEE SUBMITTED IN ADVANCE. Retail liquor licenses issued under this Chapter shall be valid for a twelve (12) month period upon the payment of the license fee as hereinafter set forth unless sooner revoked or suspended. The twelve (12) month period shall be from June 1st to May 31st of the following year.

The license fee shall be payable in advance by the applicant for a license at the time the application for a license is submitted to the Local Liquor Control Commissioner as hereinbefore provided. A licensee may make arrangements to pay the liquor license fees quarterly. In the event the license is denied, the license fee shall be returned to the applicant. The fees shall be deposited in the Municipal General Fund. The application for a license shall be filed with the Village Clerk.

Licenses shall state thereon the names of the licensees and the address and description of the premises for which they are granted and the dates of their issuance and expiration.

Should the manager of a licensee change after the issuance of said liquor license, the licensee must submit the new manager's name within thirty (30) days. Continuation of the license will be contingent upon the new manager meeting all requirements as set out in this Chapter. All fees shall be waived should the license be changed only as a result of a change of manager. If, for some reason, the manager is not acceptable, the licensee shall have thirty (30) days to submit a new name before revocation. Failure to provide new information shall be grounds for suspension or revocation of said license. **(235 ILCS 5/4-1)**

21-2-6 CLASSIFICATION - FEE - LIMITATION. Every person engaged in the retail sale of alcoholic liquor in the Village shall pay an annual license fee. Such licenses shall be divided into the following five (5) classes:

(A) **Class "A" License** shall authorize the sale of alcoholic liquor at retail in original package forms, for consumption off said premises. The annual fee for such license shall be **Five Hundred Dollars ($500.00)**. Not more than **three (3) licenses** shall be issued and outstanding. Hours for selling shall be from **6:00 A.M. to 9:00 P.M.** on Sunday; **10:00 A.M. to 11:00 P.M., Monday through Thursday**; **10:00 A.M. Friday to 1:00 A.M. Saturday**; and, **10:00 A.M. Saturday to 1:00 A.M. on Sunday**.

(B) **Class "B" Licenses** shall authorize the sale of beer and wine by the drink for consumption on the premises where sold. The annual fee for such license shall be **Five Hundred Dollars ($500.00)**. As of the effective date of this Chapter, **zero (0) licenses** shall be issued and outstanding. Hours for serving shall be from **10:00 A.M. to 6:00 P.M., Sunday**; **10:00 A.M. to 11:00 P.M., Monday through Thursday**; and **10:00 A.M. Friday to 1:00 A.M., Saturday; and 10:00 A.M. Saturday to 1:00 A.M. Sunday.**

(C) **Class "C" License** shall authorize the sale of beer, wine and spirits by the

drink for consumption on the premises where sold at a premises offering restaurant service. To qualify for a Class "C" license, no less than **seventy percent (70%)** of revenue must be generated from food service. The annual fee for such license shall be **Five Hundred Dollars ($500.00)**. Not more than **one (1) license** shall be issued and outstanding. Hours of serving shall be from **10:00 A.M. to 10:00 P.M.**

(D) **Class "D" License** shall authorize the sale of alcoholic liquor at retail by a non-profit organization or club for consumption on premises where sold. The annual fee shall be **Thirty-Five Dollars ($35.00)**. Not more than **one (1) license** shall be issued and outstanding. This license shall be for organization/club members and their guests, and for not more than **twenty-four (24) days** total for the licensed year for non-members in which events shall be held. This shall include the organization/club members and their guests. Times of sales shall be **10:00 A.M. to 10:00 P.M., Monday through Sunday.**

All patrons or customers shall leave the premises at the specified closing time and shall not remain on the premises thereafter. **(235 ILCS 5/4-1)**

(E) **Class "E" License** shall authorize the sale of wine, beer and spirits by the drink for consumption on premises where sold. The annual fee for such a license shall be **Five Hundred Dollars ($500.00)**. Not more than **two (2) licenses** shall be issued and outstanding. The hours for serving shall be from **6:00 A.M. to 1:00 A.M. Monday through Sunday.**

(F) **Special Beer Permit** A special permit may be issued by the Liquor Control Commissioner with the approval of the Village Board of Trustees to allow a licensee for a period of twenty-four (24) hours to sell beer only at a location within the Village of Bethany apart from the premises listed in his/her/its license.

21-2-7 NATURE OF LICENSE. A license issued under this Chapter shall be purely a personal privilege, good for not to exceed one (1) year after issuance unless sooner revoked as in this Chapter provided, and shall not constitute property nor shall it be subject to attachment, garnishment or execution; nor shall it be alienable or transferable, voluntarily or involuntarily, or subject to being encumbered or hypothecated. Such license shall not descend by the laws of testate or intestate devolution, but it shall cease upon the death of the licensee, provided that executors and administrators of any estate of the deceased licensee and the trustees of any insolvent or bankrupt licensee, when such estate consists in part of alcoholic liquor, may continue the business of the sale of alcoholic liquor under the order of the court having jurisdiction of such estate and may exercise the privileges of such deceased, 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 (6) months after the death, bankruptcy, or insolvency of such licensee. A refund shall be made of that portion of the license fees paid for any period in which the licensee shall be prevented from operating under such license in accordance with the provisions of this Section. **(235 ILCS 5/6-1)**

21-2-8 LIMITATION OF LICENSES.

(A) **Annexing License Holders.** The restrictions contained in this Chapter shall in no way affect taverns and other business(es) holding retail liquor licenses, duly licensed by the County, which are located in the territory annexed to the Village of Bethany. Licenses may be issued to them or renewed by the duly constituted authorities upon annexation; provided that, thereafter, all of the restrictions and contingencies contained herein shall apply; and

(B) **Destroyed or Damaged Business.** No license shall be held in existence by the mere payment of fees by any person, firm, partnership, corporation, or limited liability company for a period longer than ninety (90) days without a tavern or liquor business for the same being in complete and full operation. However, if a tavern or liquor business has been destroyed or damaged by fire or act of God and cannot be rebuilt or repaired within the ninety (90) day period,

then, in that event, the Local Liquor Control Commissioner shall extend the period of time for which a liquor license may be held by the mere payment of fees without the tavern or liquor business being in full and complete operation for an additional ninety (90) days.

If either of the above stated periods of time passes without the particular tavern or liquor business returning to complete and full operation, the license for that particular business shall expire and not be subject to renewal, unless all other requirements of this Chapter shall have been met. **(235 ILCS 5/4-1)**

21-2-9 DRAMSHOP INSURANCE. No license shall be issued hereunder unless the applicant shall file with the application a certificate by an insurance company authorized to do business in the State of Illinois, certifying that the applicant has dram shop liability insurance for the full amount of potential liability under the Liquor Control Act of 1934 or other applicable law.

21-2-10 DISPLAY OF LICENSE. Every licensee under this Chapter shall cause his/her license to be framed and hung in plain view in a conspicuous place on the licensed premises. **(235 ILCS 5/6-24)**

21-2-11 RECORD OF LICENSES. The Local Liquor Control Commissioner shall keep a complete record of all licenses issued by him and shall supply the Clerk, Treasurer and Chief of Police a copy of the same. Upon issuance or revocation of a license, the Local Liquor Control Commissioner shall give written notice to these same officers within forty-eight (48) hours. **(235 ILCS 5/4-1)**

21-2-12 TEMPORARY WINE AND BEER LICENSE.

(A) **Temporary Wine and Beer License Authorized.** The Village may issue a temporary wine and beer beverage license to any non-profit religious, charitable, fraternal, educational or veteran's organization operating within the Village of Bethany, hereinafter termed for purposes of this Chapter, "Non-Profit Organization".

(B) **Application.** Any non-profit organization desiring a temporary license shall make application therefor in writing to the Village through the Village Clerk and accompanying their application with the required license fee. The application shall be verified and be upon a form prepared by the Village Clerk and shall contain that information as far as is applicable as is required by ordinance for a license under Section 21-2-2. All applications for temporary wine and beer beverage license shall be made at least thirty (30) days prior to the date of the event. The application, in addition to the above required information, shall indicate the non-profit organization which is applying for the license.

(C) **Conditions and Terms.**

(1) All such temporary licenses shall be valid for a period of forty-eight (48) hours as specified in the license and at the place specified in the application. It shall be unlawful for any non-profit organization to sell wine or beer beverages at any time other than the forty-eight (48) hour period specified in the license application and approved by the Village.

(2) The fee for a temporary wine and beer beverage license shall be Thirty-Five Dollars ($35.00).

(3) No more than one (1) temporary wine and beer beverage license shall be issued to any one non-profit organization during the Village's fiscal year.

(4) All provisions of the Code relating to dealers and alcoholic liquor not inconsistent with the stated terms of this Chapter shall apply to

temporary wine and beer beverage licenses. No license shall be issued unless all of the criteria for a license established by this Chapter have been met. In addition, no temporary license shall be issued unless adequate trash receptacles are provided and sanitation provisions are made. The applicant is responsible for control of litter and other material during and after the event and, in addition, the applicant is responsible for demonstrating that adequate parking is available.

(5) Prior to giving away or sale of any alcoholic beverages on or from any public ground of the Village, a licensee shall obtain a policy of insurance issued by a responsible insurance company and in an amount acceptable to the Village saving the Village harmless against any and all damages, judgments, claims, liens, costs and expenses arising under the Liquor Control Act of 1934 or under any present or future law or statute or ordinance by reason of said sale or giving away of said alcoholic beverage on or from the premises.

ARTICLE III - REGULATIONS

21-3-1 HAPPY HOUR RESTRICTIONS.

(A) 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 the establishment.

(B) No licensee or employee or agent of such licensee shall:

(1) Sell more than one drink of alcoholic liquor for the price of one drink of alcoholic liquor;

(2) Serve two (2) or more drinks of alcoholic liquor at one time to one person for consumption by that one person, except conducting product sampling pursuant to paragraph (a) below or selling or delivering wine by the bottle or carafe:

(a) Licensees may conduct, offer for sale, and serve product sampling for consumption at its licensed premises. Up to three (3) samples, consisting of no more than (i) one-fourth (1/4) ounce of spirits, (ii) one (1) ounce of wine, or (iii) two (2) ounces of beer may be served to a consumer in one (1) day.

(3) 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.

(4) [Intentionally Omitted].

(5) 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.

(6) 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

(7) Advertise or promote in any way, whether on or off the licensed premises, any of the practices prohibited under paragraphs (1) through (6).

(C) Nothing in subsection (B) shall be construed to prohibit a licensee from:

(1) Offering free food or entertainment at any time.

(2) Including drinks of alcoholic liquor as part of a meal package.

(3) Including drinks of alcoholic liquor as part of a hotel package.

(4) Negotiating drinks of alcoholic liquor as part of a hotel package.

(5) Providing room service to persons renting rooms at a hotel; or

(6) Selling pitchers (or the equivalent, including but not limited to buckets), carafes, or bottles of alcoholic liquor which are customarily sold in such manner. **(235 ILCS 5/6-28)**

21-3-2 PROHIBITED LOCATIONS. No license shall be issued for the sale of any alcoholic liquor at retail within **one hundred (100) feet** of any church, school (other than an institution of higher learning), hospital, home for the aged or indigent persons, or for veterans, their spouses or children or any military or naval station; provided, that this prohibition shall not

apply to hotels offering restaurant service, regularly organized clubs or to restaurants, food shops, or other places where the sale of alcoholic liquors is not the principal business carried on if the place of business so exempted shall have been established for such purposes prior to the taking effect of this Chapter; nor to the renewal of a license for the sale at retail of alcoholic liquor on premises within one hundred (100) feet of any church or school where such church or school has been established within such one hundred (100) feet since the issuance of the original license. In the case of a church, the distance of one hundred (100) feet shall be measured to the nearest part of any building used for worship services or educational programs and not to property boundaries.

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. **(235 ILCS 5/6-11)**

21-3-3 CHANGE OF LOCATION. A license issued under this Chapter shall permit the sale of alcoholic liquor only on the premises described in the application and license, and only one location shall be so described in each license. Such location may be changed only upon receipt of written permission to make such change issued by the Local Liquor Control Commissioner. No change of location shall be permitted unless the proposed new location is a proper one for the retail sale of alcoholic liquor under applicable law. Any enlargement of the improvements on the licensed premises shall require the approval of the Local Liquor Control Commissioner.

21-3-4 STORES SELLING SCHOOL SUPPLIES, LUNCHES, ETC. No license shall be issued to any person for the sale at retail of any alcoholic liquor at any store or other place of business where the majority of customers are minors of school age or where the principal business transacted consists of school books, school supplies, food, lunches, or drinks for such minors. **(235 ILCS 5/6-12)**

21-3-5 OPEN LIQUOR - CUP-TO-GO PROHIBITED. No licensee shall knowingly permit any person to leave the licensed premises with open liquor or in a "to-go" cup.

21-3-6 UNLAWFUL ENTERTAINMENT. No licensee, his/her agent, servant or employee shall permit or allow any lewd or lascivious act or any topless and/or bottomless employee and/or employees **[topless being defined as naked and substantially without clothing or covering of the body from the waist to the neckline and bottomless being defined as naked and substantially without clothing or covering of the body from the waist downward],** or entertainment to be performed within the licensed premises by an entertainer employed therein, or by any employee or guest.

Nor shall any licensee, his/her agent, servant or employee permit or allow any employee or guest or any other person whomever to solicit or encourage the purchasing of any alcoholic liquor or beverage of any description, or the giving of any gratuity or gift by any patron or guest to or for the benefit of such employee or guest.

The following kinds of conduct on licensed premises are prohibited:

(A) The performance of acts or simulated acts of sexual intercourse, masturbation, sodomy, bestiality, oral copulation, flagellation or any sexual acts;

(B) The actual or simulated exhibition, touching, caressing, or fondling of the breasts, buttocks, pubic hair, anus, vulva, or genitals;

(C) The actual or simulated displaying of the breasts, buttocks, pubic hair, anus, vulva, or genitals;

(D) The permitting by a licensee of any person to remain in or upon the

licensed premises who exposes to view any portion of his/her breasts, buttocks, genitals, vulva, or anus;

(E) The displaying of films or pictures depicting acts, a live performance of which are prohibited by the regulations quoted above.

21-3-7 SANITARY CONDITIONS. All licensed premises shall be kept in a clean and sanitary condition, and shall be kept in full compliance with the statutes and codes regulating the condition of the premises used for the storage or sale of food for human consumption. **(410 ILCS 650/1, et seq.)**

21-3-8 DISEASED EMPLOYEES. It shall be unlawful for any licensee to require, allow or permit any person who is affected with any communicable or sexually transmitted disease to work on the licensed premises. **(410 ILCS 650/10)**

21-3-9 HEALTH PERMIT. Every licensee shall have, at all times, a valid operating permit from the County Health Department which regulates health standards.

21-3-10 GAMBLING. No licensee shall keep, place, maintain or operate any gambling device or instrument in and upon the licensed premises except in compliance with applicable law, including this Code.

21-3-11 DISORDERLY HOUSE. No licensee shall suffer or permit any disorder, drunkenness, quarreling, fighting, unlawful games, or riotous or disorderly conduct on the licensed premises. **(235 ILCS 5/4-1)**

21-3-12 PROHIBITED SALES - GENERALLY. No licensee, nor any officer, associate, manager, member, representative, agent, or employee of such licensee shall sell, give, or deliver alcoholic liquor to any person under the age of twenty-one (21) years, or to any intoxicated person or to any person known by him/her to be a habitual drunkard, spendthrift, insane, or mentally ill. No person, after purchasing or otherwise obtaining alcoholic liquor shall sell, give or deliver such alcoholic liquor to another person under the age of twenty-one (21) years, except in the performance of a religious ceremony or service. **(235 ILCS 5/6-16)**

21-3-13 PERSONS SELLING LIQUOR.

(A) Any person who sells or serves alcoholic beverages on behalf of a licensee, including management personnel, shall show proof of completion of a state certified Beverage Alcohol Sellers and Servers Education and Training (BASSET) program;

(B) For licenses issued on or after ninety (90) days after passage of this Chapter and all original or renewal applications for any liquor license, said license shall be accompanied by proof of completion of a state certified BASSET program for all persons who sell or serve alcoholic beverages, all management personnel, and anyone whose job description entails the checking of identification for the purchase of alcoholic beverages, pursuant to that license;

(C) 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(a)(11.1) and 6-27 and Title 77 of Illinois Administrative Code, Chapter XVI Section 3500. All licensed BASSET providers shall be required to have on file all licenses and certificates to prove current qualifications and provide a certificate of course completion and a card (a picture type ID is optional), to participants as proof of completion;

(D) Any licensee, including any owner, manager, employee, or agent of a licensee must show proof of BASSET training before selling, serving or dispensing any alcoholic

beverage.

(E) A photocopy of the certificate of completion for all licensees, including owners, managers, employees, or agents required by this Chapter to have BASSET training shall be maintained, by the licensee, in a manner that will allow inspection, upon demand, by any designee of both the State Commission or the Local Liquor Control Commissioner; a photocopy of a certificate of completion of BASSET training shall be filed with the Local Liquor Control Commissioner.

(F) It shall be unlawful for any person under the age of twenty-one (21) years to sell, draw, pour or mix any alcoholic liquor in any Class "B", "C", "D", or "E" licensed retail premises. In a Class "A" licensed business, a person may sell alcoholic liquor if he/she is eighteen (18) years of age or older; and

(G) The Village of Bethany will honor all State of Illinois Liquor Control Commission (ILCC) BASSET approved programs.

21-3-14 UNDERAGED; ENTRY ON LICENSED PREMISES. It shall be unlawful for a licensee to allow any person known to the licensee to be under the age of 21 years or who the licensee has reason to suspect is under the age of 21 years to remain on such premises while in possession of alcoholic liquor. For purposes of this section, the term "licensee" shall be construed to include any person employed by a licensee when acting in the course of such person's employment, including, without limitation, employees, agents, and managers.

21-3-15 IDENTIFICATION REQUIRED. If a licensee or his/her agents or employees believes or have reason to believe that a sale or delivery of any alcoholic liquor is prohibited because of the age of the prospective recipient, he/she/it shall, before making such sale or delivery, demand presentation of some form of positive identification, containing proof of age, issued by a public officer in the performance of his/her official duties. **(235 ILCS 5/6-20)**

21-3-16 POSTING WARNING. In each licensed premises, there shall be displayed at all times in a prominent place, a printed card which shall be supplied by the Village Clerk, and which shall read as follows:

UNDERAGE LIQUOR WARNING

"YOU ARE SUBJECT TO PROSECUTION IF YOU PURCHASE ALCOHOLIC LIQUOR OR MISREPRESENT YOUR AGE FOR THE PURPOSE OF PURCHASING OR OBTAINING ALCOHOLIC LIQUOR."

21-3-17 INSPECTIONS. It shall be unlawful to refuse to grant admittance to the licensed premises at any time upon the verbal request of the Chief of Police, any police officer, or the Local Liquor Control Commissioner for the purpose of making an inspection of such premises or any part thereof. **(235 ILCS 5/4-4)**

21-3-18 BOOKS AND RECORDS. It shall be the duty of every licensee to make books and records available upon reasonable notice for the purpose of investigation and control by the Local Liquor Control Commissioner. Such books and records need not be maintained on the licensed premises but must be maintained in the State of Illinois; however, if access is available electronically, the books and records may be maintained out of state. **(235 ILCS 5/6-10)**

21-3-19 RESTRICTIONS ON LICENSEE. In addition to the restrictions on licensing, the holder of a license is subject to the following restrictions:

(A) [Reserved]

(B) No licensee shall deny or permit his/her agents or employees to deny any person the full and equal enjoyment of the accommodations, advantages, facilities and privileges of the licensed premises subject only to the conditions and limitations established by law and applicable alike to all citizens. **(235 ILCS 5/6-17)**

(C) No licensee shall sell liquor to any persons on credit, or in payment for services rendered but this does not apply to clubs and hotels and liquor purchased for consumption off the premises.

(D) No licensee shall 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. **(235 ILCS 5/6-22)**

(E) No alcoholic liquor shall be sold or delivered in any building belonging to or under the control of the Village of Bethany except as otherwise provided by law. **(235 ILCS 5/6-15)**

(F) An established place of business is a prerequisite to the issuance of a license. Revocation of a license when a licensee ceases to operate the business before the license expires is within the authority of the Local Liquor Control Commissioner on the grounds of nonuse. **(See Goode V. Thomas 31 Ill. App. 3d 674, 1975)**

ARTICLE IV - VIOLATIONS AND PENALTIES

21-4-1 OWNER OF PREMISES PERMITTING VIOLATION. If the owner of the licensed premises or any person from whom the licensee derives the right to possession of such premises, or the agent of such owner or person shall knowingly permit the licensee to use said licensed premises in violation of the terms of this Chapter, said owner, agent or other person shall be deemed guilty of a violation of this Chapter to the same extent as said licensee and be subject to the same punishment. **(235 ILCS 5/10-2)**

21-4-2 ACTS OF AGENT OR EMPLOYEE - LIABILITY; KNOWLEDGE. 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 employer or licensee, and said employer or licensee shall be punishable in the same manner as if said act or omission had been done or omitted by him/her personally. **(235 ILCS 5/10-3)**

21-4-3 PENALTY FOR ACTS OF AGENT OR EMPLOYEE. 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 subject that person or persons to those fines, penalties, and procedures set forth in Section 1-1-21 of the Code.

21-4-4 REVOCATION OF LICENSE AFTER CONVICTION. Whenever any licensee shall be convicted of any violation of this Chapter, the license of said licensee may, in the discretion of the Local Liquor Control Commissioner, be revoked and forfeited and all fees paid thereon shall be forfeited, and it shall thereafter be unlawful and shall constitute a further violation of this Chapter for said licensee to continue to operate under such license. **(235 ILCS 5/10-4)**

21-4-5 REVOCATION OF LICENSE WHEN EMPLOYEE CONVICTED. Whenever any officer, director, manager, or other employee in a position of authority of any licensee under this Chapter shall be convicted of any violation of this Chapter while engaged in the course of his/her employment or while upon the premises described by the license, the license shall be revoked and the fees paid thereon forfeited, both as to the holder of the license and as to the premises, as if said licensee had himself/herself been convicted. **(235 ILCS 5/10-5)**

21-4-6 ABATEMENT OF PLACE USED IN VIOLATION. Every lot, parcel or tract of land, and every building, structure, tent, railroad car, boat, wagon, vehicle, establishment or place whatsoever, together with all furniture, fixtures, ornaments and machinery located thereon, wherein there shall be conducted any unlawful sale of any alcoholic liquor, or whereon or wherein there shall be kept, stored, concealed or allowed any alcoholic liquor intended for illegal sale or to be sold, disposed of or in any other manner used in violation of any of the provisions of this Chapter, is hereby declared to be a public nuisance and shall be abated as provided by applicable law for the abatement of public nuisances. **(235 ILCS 5/10-7)**

21-4-7 USE OF PREMISES FOR ONE YEAR AFTER REVOCATION. When any license has been revoked for any cause, no license shall be granted for the same premises or to the same person for a period of one (1) year thereafter. **(235 ILCS 5/7-13)**

21-4-8 REVOCATION OF LICENSES. The Local Liquor Control Commissioner shall also have the following powers, functions and duties with respect to licenses granted under this Chapter.

(A) In addition to and not limited by the specific penalties set out for violations of specific articles of this Code, the Local Liquor Control Commissioner may suspend for thirty (30) days or revoke for cause all local licenses issued to persons for premises within his/her jurisdiction.

(B) [Reserved].

(C) To enter or to authorize any law enforcing officer to enter at any time upon any premises licensed hereunder to determine whether any of the provisions of this Chapter or any rules or regulations adopted by him/her or by the State Commission have been or are being violated, and at such time to examine said premises of said licensee in connection therewith;

(D) To notify the Secretary of State where a club incorporated under the General Not for Profit Corporation Act of 1986 or a foreign corporation functioning as a club in this State under a certificate of authority issued under that Act has violated this Chapter by selling or offering for sale at retail alcoholic liquors without a retailer's license;

(E) To receive a complaint from any citizen within his/her jurisdiction that any of the provisions of this Chapter, or any rules or regulations adopted pursuant hereto, have been or are being violated and to act upon such complaints in the manner hereinafter provided; and

(F) To levy fines in accordance with Section 21-4-11 of this Chapter. **(235 ILCS 5/4-4)**

21-4-9 COMPLAINT BY RESIDENTS. Any five (5) residents of the Village of Bethany shall have the right to file a complaint with the Local Liquor Control Commissioner, stating that a licensee under this Chapter has been or is violating the provisions of this Chapter or any amendments hereto, or the Liquor Control Act of 1934, or any rules or regulations issued pursuant thereto. Such complaint shall be made in writing and shall be signed and sworn to by the parties complaining.

The complaint shall state the particular provision, rule or regulation believed to have been violated and the facts in detail upon which such belief is based. If the Local Liquor Control Commissioner is satisfied that the complaint substantially charges a violation, and that from the facts alleged, there is reasonable cause for such belief, he/she shall set the matter for hearing, and shall serve notice upon the licensee of the time and place of such hearing and of the particular charges in the complaint. **(235 ILCS 5/7-7)**

21-4-10 REVOCATION OR SUSPENSION OF LOCAL LICENSE – NOTICE AND HEARING. The Local Liquor Control Commissioner may revoke or suspend any license issued by him/her if he/she determines that the licensee has violated any of the provisions of the Illinois Liquor Control Act, any valid ordinance adopted by the Village, or any applicable rule or regulation established by the Local Liquor Control Commissioner or the State Commission which is not inconsistent with law.

(A) **Fine.** In addition to the suspension, the Local Liquor Control Commissioner may levy a fine on the licensee for such violations. The fine imposed shall not exceed One Thousand Dollars ($1,000.00) for a first violation within a 12-month period, $1,500 for a second violation within a 12-month period, and $2,500 for a third or subsequent violation within a 12-month period. Each day on which a violation continues shall constitute a separate violation. Not more than $15,000 in fines under this Section may be imposed against any licensee during the period of his license. Proceeds from such fines shall be paid into the general corporate fund of the Village treasury.

(B) **Revocation and Suspension: Notice.** No such license shall be so revoked or suspended and no licensee shall be fined except after a public hearing by the Local Liquor Control Commissioner with a three (3) day written notice to the licensee affording the licensee an opportunity to appear and defend. All such hearings shall be open to the public and the Local Liquor Control Commissioner shall reduce all evidence to writing and shall maintain an official

record of the proceedings. If the Local Liquor Control Commissioner has reason to believe that any continued operation of a particular licensed premises will immediately threaten the welfare of the community he/she may, upon the issuance of a written order stating the reason for such conclusion and without notice or hearing order the licensed premises closed for not more than seven (7) days, giving the licensee an opportunity to be heard during that period, except that if such licensee shall also be engaged in the conduct of another business or businesses on the licensed premises such order shall not be applicable to such other business or businesses.

(C) **Hearing.** The Local Liquor Control Commissioner shall, within five (5) days after such hearing, if he/she determines after such hearing that the license should be revoked or suspended, state the reason or reasons for such determination in a written order, and either the amount of the fine, the period of suspension, or that the license has been revoked, and shall serve a copy of such order within the five (5) days upon the licensee. **(235 ILCS 5/7-5)**

21-4-11 APPEALS FROM ORDER OF LOCAL LIQUOR CONTROL COMMISSIONER. Any order or action of a Local Liquor Control Commissioner levying a fine or refusing to levy a fine on a licensee, granting or refusing to grant a license, revoking or suspending or refusing to revoke or suspend a license or refusing for more than thirty (30) days to grant a hearing upon a complaint to revoke or suspend a license may within twenty (20) days after notice of such order or action by appealed by any resident of the Village or any person interested, to the State Commissioner.

In any case where a licensee appeals to the State Commission from an order or action of the Local Liquor Control Commissioner having the effect of suspending or revoking a license, denying a renewal application, or refusing to grant a license, the licensee shall resume the operation of the licensed business pending the decision of the State Commission and the expiration of the time allowed for an application for rehearing. If an application for rehearing is filed, the licensee shall continue the operation of the licensed business until the denial of the application or, if the rehearing is granted, until the decision on rehearing. **(235 ILCS 5/7-9)**

21-4-12 SUBSEQUENT VIOLATIONS IN A YEAR. In any case in which a licensee appeals to the State Commission a suspension or revocation by a Local Liquor Control Commissioner that is the second or subsequent such suspension or revocation placed on that licensee within the preceding twelve (12) month period, the licensee shall consider the suspension or revocation to be in effect until a reversal of the Local Liquor Control Commissioner's action has been issued by the State Commission and shall cease all activity otherwise authorized by the license. The State Commission shall expedite, to the greatest extent possible, its consideration of any appeal that is an appeal of a second or subsequent suspension or revocation within the past twelve (12) month period. **(235 ILCS 5/7-9)**

21-4-13 APPEAL LIMITATIONS FOR SUBSEQUENT VIOLATION. Any appeal of the decision and findings of the Local Liquor Control Commissioner in Section 21-4-13 shall be limited to a review of the official record of the proceedings of said Local Liquor Control Commissioner. The official record shall be a "certified official record" of the proceedings taken and prepared by a certified court reporter or certified shorthand reporter. A copy of this record shall be filed by the Local Liquor Control Commissioner within five (5) days after notice of the filing of such appeal is received by the Village from State Commission, if the appellant licensee pays for the cost of the transcript. **(235 ILCS 5/7-9)**