

RETAIL SALE OF ALCOHOL

Local Roles & Responsibilities

Every city, village, or incorporated town may, through ordinance or resolution, regulate the sale at retail of alcoholic liquor within their jurisdiction (235 ILCS 5/4-1).

This may include:

- Determining the number, kind, and classification of licenses.
- Setting the amount of local license fees for those various licenses.
- Prohibiting the presence of persons under the age of 21 within the licensed premises.
- Determining the age of sellers and or servers so long as it is not less than 18 years.

Roles and Responsibilities – Local Liquor Commissioner/Mayor

Illinois requires a license issued by a local liquor commissioner and the Illinois Liquor Control Commission (ILCC) to sell alcohol. According to the ILCC, in an incorporated Illinois city, town, or village, the mayor or president of the board of trustees is the local liquor commissioner with jurisdiction and full licensing authority within the municipality's corporate limits. In unincorporated areas, the president or chairman of the county board is the local liquor commissioner. See the Illinois Liquor Control Act of 1934 (the Act), 235 ILCS 5/4-2.

Local liquor commissioners shall also have the following powers, functions, and duties with respect to local liquor licenses issued for the sale of alcohol at retail (235 ILCS 5/4-4).

1. Grant, Suspend, or Revoke local retail liquor licenses issued by them. Suspensions cannot exceed 30 days. See § 7-5 for procedures.
2. Conduct due diligence on applicants for a local liquor license or renewal of a previously issued local liquor license. This may include examining books and records, hearing testimony, or requiring fingerprints for a background check (235 ILCS 5/4-5, 4-7)
3. Ensure compliance of the local retail licensees by entering or authorizing any law-enforcing officer to enter the licensed premises.
4. Receive complaints regarding violations of the Act that have occurred or are occurring in their jurisdiction and act upon those complaints.
5. Receive local license fees and forward them to the city, village, or town treasurer.
6. Notify the Secretary of State of any convictions or dispositions for individuals charged with violating § 6-20 or similar local ordinances. These violations include but are not limited to possession or consumption of alcohol by a minor, use of another person's ID, or use of a fake ID.
7. Levy fines for violations of the Act or local ordinance in accordance with § 7-5. Each day on which a violation continues shall constitute a separate violation. Fines imposed shall not exceed \$1,000 for the first violation, \$1,500 for the second violation, and \$2,500 for the third or subsequent violation within a 12-month period. Total fines shall not exceed \$15,000 for any licensee during any license period.

Resources

- Consult your legal counsel for your jurisdiction
- [Illinois Liquor Control Commission ilcc.illinois.gov](http://ilcc.illinois.gov)
- [Illinois Municipal League iml.org](http://iml.org)