

Item #8A:
Village President Underwood
Village Social Hosting Regulations

5.20.192 - Social host responsibility.

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

(Ord. No. 2009-77, § 3, 12-7-2009; Ord. 94-7 § 1 (part), 1994; Ord. 93-77 § 2 (part), 1993)

5.20.193 - Responsibility of the owner or occupant of premises.

It is unlawful for any owner or occupant of any premises located within the Village to permit any person under the age of twenty-one other than the owner's or occupant's own child or ward to remain on such premises while the underage person is in possession of alcoholic liquor or while the underage person is consuming alcoholic liquors in violation of Section 5.20.190 ().

(Ord. 94-7 § 1 (part), 1994; Ord. 93-77 § 2 (part), 1993)

5.20.194 - Penalty.

Any person found guilty of violating Section 5.20.192 () or 5.20.193 () shall be fined in the mandatory amount of not less than one thousand dollars for the first violation and the mandatory amount of not less than two thousand dollars for each subsequent violation.

(Ord. 96-57 § 4, 1996; Ord. 94-7 § 1 (part), 1994; Ord. 93-77 § 2 (part), 1993)

5.20.195 - Imposing civil liability.

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

- A. Who by selling, giving or delivering alcoholic liquor in violation of Section 5.20.190 (), 5.20.192 (), 5.20.193 (), 5.20.200 () or 5.20.201 causes, or contributes to, the intoxication of such underage person;
- B. Who by permitting consumption of alcoholic liquor in violation of Section 5.20.190 (), 5.20.192 (), 5.20.193 (), 5.20.200 () or 5.20.201 causes, or contributes to, the intoxication of such underage person; or
- C. Who causes such injury and had become intoxicated by consuming alcoholic liquor in violation of Section 5.20.190 (), 5.20.192 (), 5.20.193 (), 5.20.200 () or 5.20.201.

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

(Ord. 94-7 § 1 (part), 1994: Ord. 93-77 § 2 (part), 1993)

5.20.200 - Selling to unfit persons.

No licensee shall sell, give or deliver alcoholic liquor to any intoxicated person or to any person known by the licensee to be an habitual drunkard, spendthrift or insane, feeble-minded or a distracted person.

(Ord. 94-7 § 1 (part), 1994: Ord. 77-35 § 22, 1977)

5.20.203 - False identification not a defense.

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

(Ord. 95-103 § 2, 1995)

5.20.260 - Violation—Penalties.

- A. Penalty. Unless another penalty is set forth in this Chapter, any person violating any provision of this Chapter shall be subject to the penalty provisions set forth in Chapter 1.08 (). Any fines set forth in this Chapter shall be assessed regardless of whether the violator is convicted or placed on supervision by the court. If the court is of the opinion that the ends of justice would be better served by requiring community service of the violator or a combination of a fine and community service, the fine may be mitigated at a rate of one hour of community service for every ten dollars of the mandatory fine. If the offense is related to alcohol or substance abuse and the offender is under twenty-one years of age, the court may, in lieu of any mandatory fines, assign the offender to a chemical abuse counseling program that is licensed by the Illinois Department of Alcohol and Substance Abuse which includes a certified evaluation program and not less than four hours of counseling. Fines assessed by the court against any offender may be in addition to any penalty assessed against a licensee in any administrative proceeding.

B. Licensee Penalties.

1. For any violation of any Village ordinance or any state law, the Local Liquor Control Commissioner may impose any one or any combination of the following penalties:
 - a. Revocation or suspension of the license;
 - b. Require that the licensee and any or all of its employees obtain certification from a state-certified Beverage Alcohol Sellers and Servers Educational and Training (BASSET) program;
 - c. The payment of a fine of up to five thousand dollars for each offense.
2. In the imposition of any penalty, the Local Liquor Control Commissioner may take into account any voluntary action taken by the licensee.

(Ord. 2002-53 § 4, 2002; Ord. 96-57 § 7, 1996; Ord. 94-7 § 1 (part), 1994; Ord. 88-79 § 6, 1988; Ord. 78-14 § 4, 1978)