

Class Q BYOB Permit (Available only to a Retail Tobacco Store as defined in Section 10 of the Smoke Free Illinois Act, 410 ILCS 82/1 et. seq.): A Class Q BYOB Permit shall authorize the on-premises consumption of a customer's own bottle (BYOB) of unopened beer, wine and/or liquor brought onto the premises of a business operating as a Retail Tobacco Store as defined in Section 10 of the Smoke Free Illinois Act, 410 ILCS 82/1 et. seq. but solely as a complement to the sale, purchase, and/or on-site consumption of tobacco products.

It shall be expressly permissible for a Retail Tobacco Store as defined in Section 10 of the Smoke Free Illinois Act, 410 ILCS 82/1 et. seq. in the City of Crest Hill to allow customers to bring in their own alcoholic beverages and for the Retail Tobacco Store to provide glassware or other vessels to those customers, provided they have a City-issued Class Q BYOB Permit for the same. A Retail Tobacco Store may also provide storage lockers for customers to keep their alcoholic beverages on premises, but each such individual locker shall be keyed or coded individually so that no one other than the customer assigned that locker shall have access to it. The Retail Tobacco Store may maintain a master key or combination for the purposes of cleaning out the lockers in the event of disuse by a customer or other legitimate business reasons.

No opened alcohol may be removed from the premises. When lockers are not available, the business offering the BYOB service must provide and designate a secured area for the storage of unconsumed products or discard any opened alcohol.

CLASSIFICATION

To qualify for a Class Q BYOB Permit, the Retail Tobacco Store must have a current Class B Tobacco Dealer's License issued by the City of Crest Hill. Further, the qualifying business must not be in arrears in any fees owed to the City, and no person owning more than 5% of the business shall have been convicted of a felony or a misdemeanor involving dishonesty, such as fraud or theft.

An applicant seeking a Class Q BYOB Permit shall be required to submit a copy of the lease, deed, or other document demonstrating that the applicant has, or will have, the right to establish the proposed business pursuant to the City of Crest Hill Zoning Ordinance and other applicable Federal, State and/or Local Codes.

The owner of a qualifying business may apply for the Class Q BYOB Permit by completing the application document provided by the City Clerk, which shall include a sworn statement and an agreement to submit to a background check, and payment of the \$1,000 annual fee, which shall be paid in full before the Permit will be issued. The \$1,000 annual fee is in addition to all other Business License or other fees applicable to businesses within the City of Crest Hill.

It shall be unlawful for any Retail Tobacco Store as defined in Section 10 of the Smoke Free Illinois Act, 410 ILCS 82/1 et. seq. to allow any person to consume alcohol on the premises unless it holds a valid current CLASS Q BYOB Permit.

No person under the age of 21 shall be allowed to consume alcohol on the premises of any business holding a Class Q BYOB Permit.

It shall be unlawful for the business owner, manager, and/or employees of the Class Q BYOB Permit to allow public intoxication on the business premises and shall promptly

remove or have removed any customers who are intoxicated, and, if necessary, shall promptly call for police assistance when necessary.

A Retail Tobacco Store as defined in Section 10 of the Smoke Free Illinois Act, 410 ILCS 82/1 et. seq. which has been issued a Class Q BYOB Permit shall not allow customers to consume any alcoholic beverage on the premises without first being served cigars or other tobacco products. It shall be unlawful for a Class Q BYOB Permit holder to allow customers to consume alcohol without also consuming cigars and/or other tobacco products.

It shall be unlawful for any Retail Tobacco Store, including the holder of a Class Q BYOB Permit, to allow gambling of any kind on the premises.

No employee or owner of a Retail Tobacco Store issued a Class Q BYOB Permit shall consume alcohol on the premises or be intoxicated while working at the premises.

It shall be unlawful and a violation of the Class Q BYOB Permit to allow consumption of alcohol outside the Permitted Business.

The hours of CLASS Q BYOB Permit shall be limited to the hours that the Retail Tobacco Store is open to the public. However, the CLASS Q BYOB Permit shall allow on-premises alcohol consumption for private or after-hours events held at the Retail Tobacco Store provided that the on-site consumption of alcohol shall in no event be allowed during the prohibited times as outlined in Section 5.08.180 of the Crest Hill City Code.

The Retail Tobacco Store issued a Class Q BYOB Permit shall be permitted to charge a fee for providing glassware, ice, or opening bottles, which is sometimes known as "corkage fee." However, the owner and employees of the business shall not be permitted to pour any alcoholic beverage. The Class Q BYOB Permit holder shall also be permitted to charge locker fees if lockers are provided for customers.

The Class Q BYOB Permit is not considered a pouring license, and a Retail Tobacco Store which is issued a Class Q BYOB Permit shall not be considered a liquor licensee of the City.

The Class Q BYOB Permit Holder shall also provide to the City a certificate of insurance reflecting General Liability in the amount of \$1,000,000 each occurrence, and Liquor Liability coverage \$250,000 each occurrence. At the time of Permit issuance (and renewal), and at any time the foregoing insurance policies are renewed or changed, the Class Q BYOB Permit Holder shall provide to the City a certificate of insurance naming the City of Crest Hill as an additional insured on the Permittee's General Liability and Liquor Liability Insurance Policies.

The Class Q BYOB Permit Holder shall defend, indemnify and hold harmless the City of Crest Hill, its agents, employees, elected and appointed officials from any and all claims or causes of action arising out of the consumption of alcoholic beverages on the premises. The City shall have the sole ability and right to its choice of defense counsel on any such claim for which the Class Q BYOB Permit Holder is obligated to defend and indemnify the City.

Any violation of this Section shall be considered grounds for revocation of the Class Q BYOB Permit by the Mayor who may, after a hearing held within 14 days of service on the Permit Holder of written notice of the alleged violation, decide to suspend or revoke

the Permit. In the event of revocation, the Permit Holder may appeal to the City Council, whose majority decision shall stand as the final administrative act of the City.

All other terms for application for the Class Q BYOB Permit, permit renewal, revocation, suspension, forfeitures, fines, and penalties shall be pursuant to Chapter 5.08 of the Crest Hill, Illinois Code of Ordinances.