



LIQUOR LICENSE APPLICATION

Application Fee: \$500.00

For questions or further information, contact:

Office of the Mayor

City of Macomb

P.O. Box 377 Macomb, IL 61455

Phone: 309-833-2558

email: mayor@macomb.com

This is a brief summary of the steps involved in the liquor license application process. Please contact the Mayor's Office (833-2558) or the City Attorney's Office (833-4373) if you have any questions.

1. The applicant should first read the current Macomb Liquor Code to determine whether it (usually a corporation) is eligible to hold a local license and can meet all applicable qualifications. If the applicant believes it has met, or can meet, the licensing qualifications, then it must submit a fully completed and notarized application (with the requested documentation) to the Mayor (who is the local liquor commissioner), along with the non-refundable application fee, which is currently \$500.00. Please be sure that you will either own or lease the property for the duration of the license term.
2. After the Mayor receives the application and supporting documents, the Macomb Police Department performs a criminal background investigation of the applicant (including all corporate officers owning 5% or more of the stock) and its resident manager. The City's Building & Zoning Department staff places a sign on the applicant's property in order to notify the general public of the pendency of the application. The Liquor Commissioner sets a public hearing and sends a written notice to the property owners residing within 250' (at least) of the applicant's property about the pending license application.
3. In Macomb, the City Council decides whether to create a new liquor license, and the Mayor decides whether a newly created license should be issued. Once the necessary background investigation is completed, and the residents have been notified, the Mayor requests that the new license application be placed on the City's meeting agenda - for discussion of the application and for consideration of, and decision on, an ordinance to create a new license.

The application is then discussed at two Council meetings and at one or more committee meetings. At these meetings, the applicant may be asked to clarify the statements in its application, to discuss its business plan, and/or to provide additional personal or business information or documents. At the council meetings, an ordinance to create a new liquor license is presented for first and second readings. A public hearing is held to discuss the propriety of creating the requested license; at this hearing, the neighboring property owners

and the general public share their opinions about the propriety of creating and issuing the new license. The applicant and its proposed resident manager should attend all meetings, especially the first Council and committee meetings. They should be prepared to discuss the proposed business operation, the staffing and training of staff, their plans for crowd and litter control, their plans to obtain BASSET certification, etc.

4. If the City Council subsequently votes to not create the requested license, the applicant may appeal that decision. However, if the Council votes to create it, the Mayor will have 30 days to decide whether it is in the best interest of the community to issue it. If the newly created license is not issued within that time, it lapses.
5. Please note the following:
Class R license holders must derive at least 60% of total revenue from the sale of food and non-alcoholic drinks. Total revenue includes food sales, alcohol sales, general merchandise sales, other service sales and the licensee's share of the net terminal income from video gaming.
6. Please remember the licensing process takes approximately 60-90 days.
7. Please remember to have all signatures notarized.

CLASSES OF LIQUOR LICENSES

Please consult Chapter 4 of the Macomb Municipal Code for the most up-to-date information.

Class and Description	Annual Fee	Available Supplementary Licenses
<p>Class A - Bar/Tavern License/bowling alley</p> <ul style="list-style-type: none"> • The individual or corporation will be engaged in the retail sale of alcoholic liquor for consumption on premises. • Hours of liquor sales: Monday through Saturday: 6:00 a.m. to 12:00 a.m. 	\$1,996.50 plus \$1.00 per occupancy	EH: \$500.00 OP: \$500.00 OL: \$500.00 SS: \$500.00
<p>Class B-Boutique</p> <ul style="list-style-type: none"> • The primary business is to sell alcoholic liquor either on premises by the drink or in the original containers for off premises. Must obtain at least 60% of its gross revenue from off-premises sales. • Hours of liquor sales: Monday through Saturday: 6:00 a.m. to 10:00 p.m. 	\$1,815 plus \$1.00 per occupancy	OC: \$100.00
<p>Class C-Club</p> <ul style="list-style-type: none"> • A Club will be a not-for-profit corporation for a fraternal, civic, veteran athletic or other common objective or a for-profit country club, for which the sale of alcoholic liquor is an ancillary purpose on premises • May sell beer at retail in the original package for consumption off premises. • Hours of liquor sales: Monday through Saturday: 6:00 a.m. to 12:00 a.m. 	\$1,996.50	EH: \$500.00 SS: \$500.00
<p>Class D</p> <ul style="list-style-type: none"> • The primary business is full-service personal care services or retail sale of non-food goods and services. • May sell alcoholic liquor by the drink incidental to the primary business. • Hours of liquor sales: Monday through Thursday 11:00 a.m. to 10:30 p.m. and Friday through Saturday 11:00 a.m. to 12:00 a.m. 	\$500.00	SS: \$500.00
<p>Class H-Hotel/Motel</p> <ul style="list-style-type: none"> • The primary business is offering overnight lodging. • May sell alcoholic liquor by the drink in a dining room, lounge, adjacent outdoor area, or room service. • Hours of liquor sales: Monday through Saturday: 6:00 a.m. to 12:00 a.m. 	\$1,996.50	EH: \$500.00 OL: \$500.00 CS: \$500.00

<p>Class M – Micro/Craft Brewery</p> <ul style="list-style-type: none"> • The individual or corporation will be engaged in the retail sale for consumption on the specified premises of beer, cider, spirits and wine and also authorize the sale of beer brewed or manufactured on the license premises in its original package for consumption off premises. • Hours of liquor sales: Monday through Thursday 11:00 a.m. to 11:00 p.m. and Friday through Saturday 11:00 a.m. to 12:00 a.m. 	<p>\$1,815 plus \$1.00 per occupancy</p>	<p>OW: \$250.00 OL:\$500.00 SS: \$500.00</p>
<p>Class MB – Micro/Craft Brewery Food Service License:</p> <ul style="list-style-type: none"> • The individual or corporation will be engaged in the retail sale for consumption on the specified premises of beer, cider, spirits and wine and also authorize the sale of beer brewed or manufactured on the license premises in its original package for consumption off premises. • The individual may also offer food service when properly licensed. • Hours of liquor sales: Monday through Thursday 11:00 a.m. to 11:00 p.m. and Friday through Saturday 11:00 a.m. to 12:00 a.m. 	<p>\$1,815 plus \$1.00 per occupancy</p>	<p>OW: \$250.00 OL: \$500.00 SS: \$500.00 OC:\$100.00</p>
<p>Class P- Package Store/Convenience Store:</p> <ul style="list-style-type: none"> • The individual or corporation will be engaged in the retail sale of alcoholic liquor for off premises consumption. • A convenience store operator may not sell beer in kegs and may not sell beer/wine in individual containers less than 16 fluid ounces in size. • Hours of liquor sales: Monday through Saturday: 6:00 a.m. to 12:00 a.m. 	<p>\$1,815.00</p>	<p>EH: \$500.00 SS: \$500.00 PS: \$125.00-500.00</p>
<p>Class R-Restaurant</p> <ul style="list-style-type: none"> • The primary business is to sell meals and must obtain at least 60% of its gross revenue from sale of non-alcoholic goods and services. Monthly reporting of alcoholic sales and non-alcoholic sales is required. • Hours of liquor sales: Monday through Saturday: 6:00 a.m. to 12:00 a.m. 	<p>\$1,815.00 plus \$1.00 per occupancy</p>	<p>EH: \$500.00 OL: \$500.00 SS: \$500.00 CS: \$500.00 OC: \$500.00</p>
<p>Class Y – Patron Supplied</p> <ul style="list-style-type: none"> • Authorizes the consumption on the specified premises of beer, wine, and cider only. No sale of any alcoholic beverages is permitted, by licensee or any other person. • The premises must be an art studio. 	<p>\$100.00 plus \$1.00 per occupancy</p>	<p>None</p>

More specific information on each license classification and supplement can be found in Chapter 4 of the Macomb Municipal Code. You may obtain a copy of Chapter 4 at the Mayor’s Office, the City Clerk’s office or online at www.cityofmacomb.com.

LIQUOR APPLICATION CHECK LIST

Please provide the following documents.

- Application Fee \$500.00 (Non-refundable)
- Completed Application for Liquor License (Pages 6-8)
- Verified Statement of Applicant (Pg. 9)
- Applicant's Authorization for Criminal Background & Credit History (Pg. 10)
- Resident Manager Application (if applicable) (Pg. 11)
- Affidavit of Resident Manager (if applicable) (Pg. 12)
- Resident Manager Authorization for Criminal Background & Credit History (Pg. 13)
- Copy of Applicant Driver's License, or state-issued identification
- Copy of Resident Manager Driver's License, or state-issued identification (if applicable)
- Copy of Lease for Premises location, if applicable
- Documentation of Business Formation
 - Certificate of Good Standing from State of Incorporation
 - Articles of Incorporation
 - Partnership Agreement
- Scaled drawing of premises
- DRAM Shop Insurance. Issued policy will be required to receive license.
- Illinois Department of Revenue Certificate of Registration
- Assumed Name Certificate, if applicable
- Proposed Business Plan

You will also be required to obtain a State Liquor license. CONTACT THE OFFICES BELOW FOR FURTHER INFORMATION AND NECESSARY REQUIREMENTS

Chicago Address

100 W. Randolph, Ste. 5-300
Chicago, IL 60601
Phone: 312-814-2206

Springfield Address

101 West Jefferson
Springfield, IL 62706
Phone: 217-782-2136

or visit <http://www.state.il.us/lcc>

Each individual applicant must fill out an application. For example, each member of a partnership must fill out an application.

APPLICANT INFORMATION

1. Full legal name(s) (*including alias, maiden name, nickname, etc.*) of applicant(s) and date and place of birth:
 Name: _____ Date of Birth: _____
 Place of Birth: _____

2. Resident of Macomb, Illinois: Yes No How long: _____

3. Address of applicant(s): _____

4. Phone Number with area code: _____
 Email address of applicant: _____
 Premises Phone Number: _____

5. U.S. Citizen: Yes No
 If no, date and place of naturalization: Date: _____
 Place: _____

6. Have you ever been arrested, charged, received supervision for, conditional discharge, probation or have been convicted of a felony under the laws of the State of Illinois or any of the United States or under Federal Law? (Excluding minor traffic convictions) Yes No
 If yes, where and when: _____

 If yes, charge:/crime: _____

7. Have you ever been convicted of any crime or misdemeanor involving moral turpitude (fraud)?
 Yes No
 If yes, where and when: _____
 If yes, charge/crime: _____

8. Have you ever had a liquor license issued to you under the laws of the State of Illinois or any of its political subdivision? Yes No
 Where and when?

9. Have you ever been denied a liquor license? Yes No

Where, when and why?

10. Have you ever had a liquor license issued to you under the laws of any other state or any of its political subdivision fined, suspended, or revoked? Yes No

If yes, why?

BUSINESS INFORMATION

1. Name of business under which premises will be operated:

2. Address of premises to be used by applicant(s):

3. Owner/Landlord of Premises:

Name

Address

Phone Number

Consent of Landlord Yes No
(to operate business on premises)

4. Business Information:

Type of Business

Business Format

Sole Proprietor Corporation LLC/LLP/LLLP
 Partnership Other:

Length of time in business

Types of Entertainment

Intend to Seek Video Gaming Yes No

Food to be sold/provided Yes No

5. Full names and date of birth for all partners, co-owners, shareholders or other members who own 5% of more of the business.

Name: _____ Date of Birth: _____

6. Class of License Applied for: Class A Class B Class C Class D
 Class H Class M Class MB Class P
 Class R Class SE Class Y

7. Supplementary License Applied for: Class OL Class OC Class SS Class EH
 Class CS Class OW

8. Date Business is to Commence: _____

9. Name of Manager _____
Qualifications of Manager _____

VERIFIED STATEMENT OF APPLICANT(S)

STATE OF ILLINOIS)
)SS.
COUNTY OF McDONOUGH)

I/We, the Undersigned, being first duly sworn on oath, depose and state as follows:

1. I/We am/are the applicant(s) in the foregoing City of Macomb Liquor License Application;
2. I/We do hereby certify that the information provided by me/us in and with such application is true, correct and complete;
3. I/We do hereby certify that I/We am/are the owner(s) in fee simple of the premises sought to be licensed under the foregoing application, or that I/We have a lease for such premises for a term at least equal to the period of the liquor license applied for in said application;
4. I/We agree to testify under oath and to answer all competent, relevant and material questions asked of me/us by the Local Liquor Control Commissioner, or his designated representative, at any hearing conducted by such Commissioner concerning the issuance or renewal of a liquor license or concerning any violation of any statute or ordinance. **I/We understand and agree that my/our failure or refusal to answer any such question shall be sufficient reason to refuse to issue or renew a liquor license, or to suspend or revoke any such license;**
5. I/We acknowledge that I/We have reviewed Chapter 4 of the Macomb Municipal Code and am/are familiar with its provisions and requirements;
6. I/We agree to provide any additional information or documents requested by the Local Liquor Control Commissioner so that he can act upon my/our application;
7. I/We agree that I/We will abide by all laws of the State of Illinois or the United States, or any ordinances of the City of Macomb, in the conduct and operation of my/our business holding a liquor license.

Applicant Signature

Printed Name & Title

Applicant Signature

Printed Name & Title

Applicant Signature

Printed Name & Title

Subscribed and sworn to before me this day of _____ , 20____

Notary Public



**APPLICANT'S AUTHORIZATION FOR CRIMINAL
BACKGROUND & CREDIT HISTORY**

I/We the Undersigned, do hereby authorize the Mayor of the City of Macomb, as Local Liquor Control Commissioner, and the Mayor's authorized agents, including the Macomb Police Department, to conduct a full and complete criminal background investigation on me/us. I/We agree to provide my/our fingerprints to aid in such criminal background investigation upon request. In addition, I/We will answer any questions or provide any information required by the Mayor, or their authorized agents, to complete such criminal background investigation.

I/We do further authorize the Mayor, or their authorized agents, to investigate my/our credit history. I/We agree to answer any questions, provide any information or execute any documents necessary for the Mayor, or their authorized agents, to perform such investigation of my/our credit history.

This form is intended to be an authorization by me/us to any person to release any information requested by the Mayor, or their authorized agents, concerning my criminal background or credit history.

Dated: _____, 20__.

Applicant Signature

Printed Name & Title

Applicant Signature

Printed Name & Title

Applicant Signature

Printed Name & Title

SUBSCRIBED AND SWORN to before me this _____ day of _____, 20__.

Notary Public



**RESIDENT MANAGER
APPLICATION**

*****LIQUOR MANAGER MUST RESIDE IN CITY OF MACOMB, ILLINOIS*****

1. Full Legal Name (including alias, maiden & nickname) _____
2. Address: _____

3. Social Security Number: _____ Date of Birth _____
Driver's License Number: _____ State Issued: _____
4. Are you a citizen of the United States? Yes No
5. Have you ever been convicted of a felony under the laws of the State of Illinois? Yes No
If yes, when and where? _____
If yes, what crime? _____
6. Have you ever been convicted of a felony under the laws of any of the United States, or under federal law? Yes No
If yes, when and where? _____
If yes, what crime? _____
7. Have you ever been convicted of any crime or misdemeanor involving moral turpitude? Yes No
If yes, when, where and what crime? _____
8. Have you ever had a license issued to you under the laws of the State of Illinois or any of its political subdivisions revoked for cause? Yes No
9. Length of residency in Macomb _____

AFFIDAVIT OF RESIDENT MANAGER

STATE OF ILLINOIS)
)SS
COUNTY OF McDONOUGH)

I, the undersigned being first duly sworn upon my oath state and depose as follows:

1. I understand that the foregoing information is set forth so that Applicant might obtain a liquor license.
2. That under the State Laws of the State of Illinois, the answers to the questions on the Resident Manager application are material to the question of whether or not I am entitled to be a Resident Manager under the law.
3. That I understand that making a false affidavit constitutes perjury where a false answer is made knowingly to a material question.
4. That I have personally prepared the answers to the above questions.
5. That I have reread them, and find them to be wholly true, and I wholly understand them.

Resident Manager Signature

Printed Name & Title

Subscribed and sworn to before me this ____ day of _____, 20__.

Notary Public

**RESIDENT MANAGER AUTHORIZATION FOR CRIMINAL
BACKGROUND & CREDIT HISTORY**

I, the Undersigned, do hereby authorize the Mayor of the City of Macomb, as Local Liquor Control Commissioner, and the Mayor's authorized agents, including the Macomb Police Department, to conduct a full and complete criminal background investigation on me. I agree to provide my fingerprints to aid in such criminal background investigation. In addition, I will answer any questions or provide any information required by the Mayor, or their authorized agents, to complete such criminal background investigation.

I do further authorize the Mayor, or their authorized agents, to investigate my credit history. I agree to answer any questions, provide any information or execute any documents necessary for the Mayor, or their authorized agents, to perform such investigation of my credit history.

This form is intended to be an authorization by me to any person to release any information requested by the Mayor, or their authorized agents, concerning my criminal background or credit history.

Dated: _____, 20__.

Resident Manager Signature

Printed Name & Title

SUBSCRIBED AND SWORN to before me this ___ day of _____, 20__.

Notary Public



Exhibit A.

Chapter 4 ALCOHOLIC BEVERAGES

State law reference—Authority for local regulation of liquor, 235 ILCS 5/4-1 et seq.

ARTICLE I. - IN GENERAL

ARTICLE II. - LOCAL LIQUOR CONTROL COMMISSIONER

ARTICLE III. - LICENSING PROCEDURES

ARTICLE IV. - LICENSE CLASSIFICATION, NUMBERS, AND FEES

ARTICLE V. - REGULATIONS OF OPERATIONS

ARTICLE VI. - MISCELLANEOUS PROVISIONS

ARTICLE I. IN GENERAL

Sec. 4-1. Title.

Sec. 4-2. Intent.

Sec. 4-3. Definitions.

Secs. 4-4—4-30. Reserved.

Sec. 4-1. Intent.

It is hereby declared to be the intent and purpose of the city council in adopting and administering the provisions of this chapter:

- (1) To declare that the control of the availability of alcoholic liquor to the public in general and to minors in particular promotes the public health, safety and welfare;
- (2) To encourage responsibility in the consumption of alcoholic liquor by sound and careful control and regulation of the sale and distribution thereof; and
- (3) To ensure that the number of retail outlets and the manner in which they are operated is such that they can be adequately policed by local law enforcement agencies so that the abuse of alcohol and the occurrence of alcohol-related crimes and offenses is kept to a minimum.

(Ord. No. 05-27, § 2, 9-12-05)

Sec. 4-2. Definitions.

For purposes of this chapter the following words and phrases shall have the meanings set forth in this section unless the context clearly requires otherwise:

Agent means every officer, associate, member, representative, manager, partner, director, shareholder, employee or other person acting with the knowledge of and on behalf of a licensee.

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 means 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;

provided, however, that the term does not include alcohol used in the manufacture of denatured alcohol produced in accordance with federal law and rules, nor to any liquid or solid containing one-half of one per cent, or less, of alcohol by volume.

Applicant means the person or persons required to sign the application for a liquor license under this chapter.

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.

Bottomless means being without clothing or substantially without clothing or other covering on an area of the body from the waist downward to an area on the body which area would cover the buttocks or genital area of the body.

Bowling alley means every establishment or building, or part of an establishment or building, as the case may be, wherein the game of bowling played with composition balls and ten wooden pins, is played.

Business day means any calendar day except a Saturday, Sunday or legal holiday; provided that, whenever a legal holiday is observed on a Monday, that Monday also shall be deemed a legal holiday.

Caterer or *caterer retailer* means a person who serves alcoholic liquors for consumption, either on-site or off-site, whether the location is licensed or unlicensed, as an incidental part of food service. Prepared meals and alcoholic liquors are sold at a package price agreed upon under contract.

Change of form of ownership means any change by a licensee in the legal form in which it does business.

Change of ownership means any gift, sale, exchange or transfer, whether voluntary or involuntary, of any interest in the amount of 25 percent or more in any business entity holding a license under this chapter.

Church means any building where regular public worship is held or where those functions and facilities normally associated with a church are conducted or available.

Club means a corporation organized under the law of this state, 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 room 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 copies of a list of names and residences of its members, and similarly files within ten days of the election of any additional member their 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 any 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 the members of the club or its guests introduced by members beyond the amount of such salary as may be fixed and voted at any annual meeting by the members or by its board of directors or other governing body out of the general revenue of the club.

Convenience store means any retail establishment, offering for sale any pre-packaged food items, household items, and goods commonly associated with the same, with or without the sale of gasoline, and having a gross floor area of not more than 7,500 square feet.

Craft brewery means an establishment where beer is brewed or manufactured and stored on the licensed premises in quantities not exceeding those prescribed by the Illinois Liquor Control Act of 1934 for a craft brewer's license. The establishment may include a tasting room where beer brewed or manufactured onsite is available for sampling and purchase.

Delivery means any act of giving or transferring, in any manner or by any means, alcoholic liquor from one person to another, whether as principal, proprietor, agent, servant, or employee. In addition, delivery shall include any act by a licensee or by any agent, servant or employee of a licensee, whereby any person to whom any alcoholic liquor is originally given or transferred then subsequently gives or transfers the alcoholic liquor to another person.

Employee party means an assembly of persons at a licensed establishment, composed solely of the employees of that establishment and their spouses/significant others and immediate family members, or, in lieu of an employee's spouse/significant other, one guest, at which assembly the alcoholic liquor that is permitted to be sold during regular hours may be consumed, possessed, or made available, but not sold.

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 25 or more rooms are used for the sleeping accommodations of such guests and having one 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 and dining room equipment and capacity.

Keg means any cask, barrel or other container having a capacity of two or more gallons.

License year means the 12-month period beginning with the date of license issuance.

Licensed premises means the area as described in an application where alcoholic liquor is served, stored or sold and other areas located within the same or an adjoining building or structure which areas are integrally related to the operation of the licensed establishment. Licensed premises shall not include any area located outside any building or structure, and upon or adjoining the licensed premises, unless such exterior area is specifically designated in a license issued for such premises.

Licensee means any person, firm, partnership, corporation or other entity holding a license under the terms of this chapter.

Local liquor control commissioner, liquor control commissioner, liquor commissioner or commissioner means the mayor of the city.

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 convey any alcoholic liquor.

Package sale means any sale at retail, or any offer to sell at retail, any alcoholic liquor in its original package which is not to be consumed, in whole or in part, on the premises where it was sold.

Person means an individual, corporation, partnership, joint venture, limited liability company, decedent's estate, trust estate, unincorporated association, or other entity.

Private party means an assembly of persons at a licensed establishment, composed solely of individuals whose names are provided to the commissioner in advance, with such party to occur in lieu of the licensed establishment being open to the public and at which party alcoholic liquor may be sold to members of such assembly during regular hours. Such party shall be held by a licensee only upon special application to, and approval of, the commissioner.

Public property means any real estate owned, controlled, or managed by the city, the County of McDonough, the Macomb Park District, the Macomb Public Library District, the Macomb Community Unit School District No. 185, or Western Illinois University. Any street, alley, sidewalk, public parking lot, parkway, school grounds, commons, park, square, public playground, or other similar location which is generally open for use by the general public shall be considered public property.

Resident means any person who has resided and maintained a bona fide residence in the State of Illinois for at least one year and in the city, or within a five-mile radius of the city, for a period of at least 90 days before making application.

Restaurant means any public place, without sleeping accommodations, which is kept, used, maintained, advertised, and held out to the public as a place where meals are served, and where meals are actually and regularly served; a restaurant must have an adequate and sanitary kitchen and adequate dining room equipment and capacity, and it must employ a sufficient number and kind of employees to prepare, cook, and serve suitable food for its guests.

Retailer means a person who sells, or offers to sell, alcoholic liquor for use or consumption and not for resale in any form, except as provided by state law.

Sale means any transfer, exchange, or barter in any manner, or by any means whatsoever including the transfer of alcoholic liquors by and through the transfer or negotiation of warehouse receipts or certificates, and includes and means all sales made by any person, whether principal, proprietor, agent, servant or employee. The term includes any transfer of alcoholic liquor from a foreign importer's license to an importing distributor's license even if both licenses are held by the same person.

Sale/sell at retail means sales for use or consumption and not for resale in any form.

Set-up establishment means any person who:

- (1) Does not hold a liquor license issued under this chapter but who sells, gives away, pours, stores, or otherwise dispenses alcoholic liquor and/or glasses, mix, ice, water and soft drinks for the purpose of consumption of alcoholic beverages on the premises; or
- (2) Holds a liquor license under this chapter and, after the hours of permitted operation under this chapter, engages in any of the activities described in subsection (1) above.

Special event retailer means an educational, fraternal, political, civic, religious, or non-profit organization which sells, or offers to sell, beer, spirits or wine, or any combination thereof, only for consumption at the location and on the dates designated by its special event retail license.

Special use permit license means a license for use by a retailer to allow for the transfer of alcoholic beverages from an existing licensed retail premises to a designated site for a specific event.

Spirits means any beverage which contains alcohol obtained by distillation, mixed with water or other substance in solution, including brandy, rum, whiskey, gin, or other spirituous liquors, and such liquors when rectified, blended or otherwise mixed with alcohol or other substances.

Tasting room means a room accessory only to a craft brewery or craft distillery in which beer, wine or spirits brewed or manufactured on the licensed premises is available for sampling and purchase.

Topless means being without clothing or covering of the breast area at or below the areola.

Wine means any alcoholic beverage obtained by fermentation of the natural contents of fruits or vegetables and containing sugar, including any beverages fortified by the addition of alcohol or spirits.

(Ord. No. 05-27, § 2, 9-12-05; Ord. No. 14-52, § 2, 12-1-14; Ord. No. 18-25, § 2, 9-4-18; Ord. No. 21-02, § 2(Exh. A), 1-19-21)

State Law reference— Similar provisions, 235 ILCS 5/1-3.03 et seq.

Secs. 4-3—4-30. Reserved.

ARTICLE II. LOCAL LIQUOR CONTROL COMMISSIONER

State law reference— Local liquor control commissioner, 235 ILCS 5/4-2.

Sec. 4-31. Designation of local liquor control commissioner.

Sec. 4-32. Powers and duties of commissioner.

Sec. 4-33. Local liquor control commissioner to maintain records.

Sec. 4-34. Local liquor control commissioner to issue licenses.

Sec. 4-35. Hearings.

Sec. 4-36. Hearing procedures.

Sec. 4-37. Decision and penalties.

Sec. 4-38. Appeals.

Sec. 4-39. Emergency closing of licensed establishment.

Sec. 4-40. Establishment of a liquor control advisory commission; powers and limitations.

Sec. 4-41. Membership and organization.

Sec. 4-42. Meetings.

Sec. 4-43. Notification of the public and adjacent owners.

Secs. 4-44—4-50. Reserved.

Sec. 4-31. Designation of local liquor control commissioner.

The Mayor shall be the local liquor control commissioner.

(Ord. No. 05-27, § 2, 9-12-05)

Sec. 4-32. Powers and duties of commissioner.

The local liquor control commissioner shall have the powers, functions, and duties delegated to the local commissioner by the state, including the following:

- (1) To receive applications for city liquor licenses, to investigate applicants, to issue new liquor licenses, and to renew liquor licenses;
- (2) To receive complaints from city residents that the provisions of this chapter or state law have been violated, or are being violated, and to investigate and act upon those complaints;
- (3) At any time, to enter, or to authorize any law enforcement officer to enter, any licensed premises to determine whether any provisions of this chapter or of state law have been violated, or are being violated, and, at that time, to examine the licensee's premises;
- (4) To appoint deputies or other persons to assist them in the performance of their duties and responsibilities as local liquor control commissioner;

- (5) To require any licensee, at any reasonable time, to produce the books and records of that licensee's liquor operations for inspection and examination;
- (6) To require any licensee, from time to time and at reasonable times, to file reports or to provide information about the operation of that licensee's establishment to permit proper enforcement of this chapter or of state law;
- (7) To promulgate rules and regulations consistent with local and state laws;
- (8) To convene and conduct hearings upon receipt of a complaint or information that a violation of this chapter has occurred; to conduct hearings concerning the fitness of any person to receive, to continue to hold, or to renew any license issued under this chapter; to administer oaths, to issue subpoenas to compel the attendance of witnesses and the production of relevant documents or other evidence; to receive testimony and to take proof; to make findings of fact and determinations of law; and to enter written orders and decisions;
- (9) To represent the city on any appeal of any action taken under this chapter;
- (10) To prescribe penalties for violations of this chapter and state law and to enforce those penalties. Permissible penalties shall include:
 - a. A written reprimand;
 - b. A fine of up to \$1,000.00 for each violation, but not more than \$10,000.00, against a licensee during a license year;
 - c. A suspension of a license for not more than 30 days for each violation;
 - d. A revocation of a license for cause;
- (11) To keep and maintain books and records concerning the performance of their duties, functions and responsibilities under this chapter;
- (12) To receive license fees, fines and other moneys under this chapter and to promptly deposit those funds with the city treasurer or designated financial officer;
- (13) With the assistance of the city's legal counsel, to initiate legal proceedings on behalf of the city regarding the duties, functions and responsibilities under this chapter;
- (14) To declare the existence of an emergency and, thereafter, to alter the hours of operation of any licensee and to take any other action which may be necessary or proper because of that emergency.
- (15) To notify the Illinois Secretary of State where a club incorporated under the General Not For Profit Corporation Act or a foreign corporation functioning as a club in Illinois under a certificate of authority issued under that Act has violated the Illinois Liquor Control Act of 1934, 235 ILCS 5/1-1 et seq., or this chapter by selling alcoholic liquor at retail, or by offering it for sale at retail, without a license; and
- (16) Emergency powers.
 - a. The commissioner shall have the authority to impose an emergency order containing one or more of the restrictions set forth herein upon the operation of retail liquor license holders in a geographic area described in the order, for a period of up to 48 hours, when the commissioner has a reasonable belief that there may be a threat to the public health, safety and welfare from celebratory activities by members of the public in response to a noteworthy athletic event, or from some other form of anticipated public assembly or civil unrest. Factors justifying a reasonable belief in the need for an emergency order entered under this

subsection may include, among other factors, the City's or other cities' experience with civil unrest under similar circumstances.

- b. The commissioner may include one or more of the following restrictions in any emergency order entered pursuant to this section.
 1. Restrictions upon sales of alcoholic liquor for consumption on the premises of the license holder:
 - A. Limiting the hours and/or days of operation.
 - B. Limiting the size of drinks.
 - C. Restricting the types of containers used to serve beverages.
 - D. Restricting or prohibiting the sales of drinks of undiluted spirits.
 - E. Imposing a requirement upon those holding Class A liquor license that a specified number of employees of the licensee who are 21 years of age or older be assigned the responsibility of checking identification of all patrons entering the licensed premises to ensure that they are of legal age to enter.
 - F. Imposing the requirement upon those holding Class A retail liquor license that entry upon the premises be restricted to those patrons age 21 or older.
 2. Restrictions upon sales of alcoholic liquor for consumption off the premises of the license holder:
 - A. Limiting the hours and/or days of operation.
 - B. Prohibiting the sale of alcoholic liquor in glass and/or metal containers of less than one liter in volume.
 - C. Requiring proof of a valid keg permit prior to the sale of one or more kegs with a cumulative capacity in excess of 16 gallons to an individual person or entity.
 - D. Prohibiting or restricting the sales of kegs.
 - E. Requiring completion of an adult responsibility form prescribed by the liquor commissioner prior to the sale of the following quantities of alcoholic liquor to an individual person or entity:
 - i. One hundred sixty-eight or more 12-ounce containers of beer or malt beverage.
 - ii. Twenty-four or more one-liter containers of distilled spirits or wine.
 - F. Restricting or prohibiting the sales of undiluted spirits.
- c. An emergency order entered pursuant to this section shall be in writing and shall, at a minimum, contain the following information:
 1. The basis for the emergency order.
 2. A description of the geographic area that is affected by the order.
 3. A description of the types of liquor licenses that are covered by the order.
 4. The dates and times during which the order will be in effect.
 5. A description of each of the aforementioned restrictions that are being imposed during the time the order is in effect.

- d. An emergency order entered pursuant to this section shall be filed with the city clerk as soon as is practicable, and shall be served upon each of the retail liquor license holders that will be regulated by said order in one or more of the following ways:
1. By personal delivery upon an agent of the licensee at least 24 hours prior to the time the order goes into effect.
 2. By first class mail, addressed to the licensee at the licensee's premises, deposited in the U.S. mail at least three days, excluding weekends and holidays, before the order goes into effect.
 3. If service by the means set forth in subsection 1. or 2. above is impractical due to the exigencies of the circumstances, then notice shall be provided in a manner reasonably calculated to inform the licensees regulated by said order.
- e. No licensee shall violate the terms of an emergency order issued pursuant to this subsection.

(Ord. No. 05-27, § 2, 9-12-05; Ord. No. 12-12, § 2, 3-5-12)

Sec. 4-33. Local liquor control commissioner to maintain records.

The commissioner shall maintain in their office, or shall cause to be maintained under their direction and supervision, the records relating to their duties, functions, and responsibilities under this chapter, including applications for licenses, records of applicant or licensee investigations, meeting agenda and minutes, records of hearings, and other relevant information.

(Ord. No. 05-27, § 2, 9-12-05)

Sec. 4-34. Local liquor control commissioner to issue licenses.

Upon receipt of a properly completed application and such other supporting documents as the commissioner may require and after a complete and thorough investigation, the commissioner may issue a license under this chapter to any properly qualified applicant pursuant to the terms, conditions and restrictions of this chapter.

(Ord. No. 05-27, § 2, 9-12-05)

Sec. 4-35. Hearings.

The commissioner may convene and conduct a public hearing into any matter relating to this chapter whenever, in their discretion, they find it appropriate to do so. In addition, public hearings shall be held in the following instances:

- (1) Upon receipt of an application for a new license;
- (2) Upon an application for renewal of an existing license, when the commissioner determines that receipt of formal evidence is necessary or if the applicant requests a hearing;
- (2) Upon denial of an application for a new license or upon denial of an application for renewal of an existing license, if the applicant requests a hearing;
- (3) Upon complaint, or upon report, that a licensee has violated a provision of this chapter or of state law.

(Ord. No. 05-27, § 2, 9-12-05)

Sec. 4-36. Hearing procedures.

The commissioner shall observe the following procedures in conducting hearings under this chapter:

- (1) At all times every licensee shall be afforded due process, including the right to personally appear before the commissioner or any hearing officer; the right to demand written specification of any charges against them a reasonable time in advance of any hearing; the right to employ, and to be represented by, counsel during all proceedings; the right to testify on their own behalf or refuse to testify; the right to present witnesses in their behalf and to request that subpoenas be issued to compel the attendance of witnesses; the right to hear the witnesses and evidence against them; and the right to cross-examine witnesses.
- (2) No license shall be revoked or suspended, and no licensee shall be fined, except after a hearing by the local liquor commissioner or by agreement. A three-day written notice must be given to the licensee to provide an opportunity to appear and defend. The hearing shall be open to the public, and the local liquor commissioner shall reduce all evidence to writing and shall maintain an official record of the proceedings.
- (3) The three-day notice and hearing provision may be waived, and the local liquor commissioner may order a licensed premises to close for seven days or less, if the local liquor commissioner has reason to believe that the continued operation of a particular licensed premises will immediately threaten the welfare of the community. Under those circumstances, he may issue a written order to the licensee, stating the reasons for their conclusion and giving the licensee an opportunity to be heard during the closed period. If the licensee also conducts another business on the licensed premises, the order shall not apply to that other business.
- (4) All witnesses that appear and testify at the public hearing shall be sworn.
- (5) Strict rules of evidence shall not apply to any hearing under this chapter. Evidence determined by the commissioner to be irrelevant, immaterial, or unduly repetitious may be excluded. Evidence that is commonly relied upon by reasonably prudent persons in the conduct of their business may be admitted.
- (6) At any public hearing, the liquor control advisory commission members shall attend as silent observers and shall give the local liquor commissioner a written advisory opinion at the conclusion of the hearing.
- (7) The commissioner may reopen any hearing to receive new evidence not discovered or available at the original hearing.
- (8) If an official record of proceedings is required to be prepared and certified by a certified court reporter or a certified shorthand reporter, such as for appeal purposes, the cost of the reporter's attendance at the public hearing and the cost of the transcript shall be paid by the licensee.

(Ord. No. 05-27, § 2, 9-12-05)

Sec. 4-37. Decision and penalties.

- (a) If, after the hearing, the local liquor commissioner determines that the license should be suspended or revoked or that the licensee should be fined, they must prepare and serve a written order within five business days of the hearing date, stating their determination - amount of fine, length of suspension, and/or revocation - and the reasons for their determination.

- (b) In any case in which the commissioner determines that a violation of this chapter, state law, or applicable rules and regulations, has occurred, the commissioner may proscribe any of the following penalties:
- (1) Direct a written reprimand to the licensee and place a copy of such reprimand on file in the licensee's liquor license application file.
 - (2) Impose a fine upon the licensee. Any fine imposed shall not exceed \$1,000.00 for each violation. Each day on which a violation continues shall constitute a separate violation for which a separate fine may be assessed. No licensee shall be fined more than \$10,000.00 in the aggregate during any license year.
 - (3) Suspend the licensee's liquor license for a period of not more than 30 days. In the case of a suspension, the suspension shall begin and end as specified by the commissioner in their written order.
 - (4) Revoke the licensee's liquor license.
- (c) In all cases where the commissioner determines that a penalty is appropriate, the commissioner may consider the following criteria in deciding the nature of the penalty, the amount of any fine or the length of time of any suspension and whether revocation is warranted:
- (1) The nature of the violation;
 - (2) The factual situation and circumstances as presented at the public hearing;
 - (3) Past action by the commissioner in similar situations;
 - (4) Facts or circumstances in aggravation or mitigation regarding the violation; and
 - (5) Prior violations committed by the same licensee during the three license years immediately preceding the year in which the violation occurred.

(Ord. No. 05-27, § 2, 9-12-05)

Sec. 4-38. Appeals.

Any decision of the commissioner which imposes a penalty on a licensee may be appealed by that licensee to the state liquor control commission, provided that written notice of the appeal is filed with the commissioner and the state liquor commission within 20 days after service of the commissioner's written order upon the licensee. In its written notice, the licensee shall request the commissioner to arrange for the preparation of a full written transcript of the public hearing and to submit the written transcript to the state liquor commission. The commissioner may require the licensee to pay, in advance, the cost of preparation of the transcript.

(Ord. No. 05-27, § 2, 9-12-05)

Sec. 4-39. Emergency closing of licensed establishment.

In all cases where, in the opinion of the commissioner, public peace, public health or public safety is likely to be endangered by allowing a licensed establishment to remain open, the commissioner may order the closing of that establishment without giving prior notice and an opportunity for a hearing. In that event, the commissioner shall enter a written order, stating the reason(s) for the closing and the length of the closing; the closing period cannot exceed seven days. During the closing period, the commissioner shall provide the affected licensee an opportunity to be heard.

(Ord. No. 05-27, § 2, 9-12-05)

Sec. 4-40. Establishment of a liquor control advisory commission; powers and limitations.

A liquor control advisory commission is hereby established and given its authority by State law and by ordinance of the city council. The commission shall have the following powers and duties:

- (1) To perform the duties and functions requested by the local liquor commissioner and the city council; and
- (b) To be present at hearings held by the local liquor commissioner, sitting as a silent observer and submitting an advisory opinion to the local liquor commissioner on the decision and penalty.

All decisions and actions of the liquor control advisory commission are advisory only and are not binding upon the local liquor commissioner or the city council.

(Ord. No. 05-27, § 2, 9-12-05)

Sec. 4-41. Membership and organization.

- (a) The liquor control advisory commission shall consist of three members appointed by the mayor, with the advice and consent of a majority of the city council.
- (b) Each commission member shall serve a three-year term. The three-year terms shall be staggered. A member whose term has expired may be reappointed for another three-year term. The initial terms shall be as follows: one member shall serve a one-year term, one shall serve a two-year term, and one shall serve a three-year term.
- (c) Any commission member may be removed from office by the mayor, with the advice and consent of a majority of the city council.
- (d) If any vacancy occurs on the commission, the mayor, with the advice and consent of a majority of the city council, may appoint someone to serve the remainder of that commissioner's term.

(Ord. No. 05-27, § 2, 9-12-05)

Sec. 4-42. Meetings.

- (a) The mayor shall schedule and notice a meeting of the liquor control advisory commission when there is business to address.
- (b) At least one commission member must be present at that meeting. The city attorney and a designated alderman also must attend.
- (c) The mayor shall act as chairman of the liquor control advisory commission.
- (d) A commission meeting shall be open to the public and may be recorded by the city as permitted by law.
- (e) The commission shall keep minutes of its meetings and shall record member absences, motions, votes, and abstentions.
- (f) Every decision or determination of the commission shall be filed in the office of the mayor.

(Ord. No. 05-27, § 2, 9-12-05)

Secs. 4-43—4-50. Reserved.

RTICLE III. LICENSING PROCEDURES

State Law reference— Authority of city to license retail sale of liquor, 235 ILCS 5/4-1.

Sec. 4-51. License required.

Sec. 4-52. Forfeiture.

Sec. 4-53. Consumption, possession, and storage on unlicensed premises.

Sec. 4-54. Application for liquor license.

Sec. 4-55. Persons ineligible for liquor license.

Sec. 4-56. Findings on issuance of license.

Sec. 4-57. Site approval.

Sec. 4-58. Investigation of applicant.

Sec. 4-59. Display of license.

Sec. 4-60. License term.

Sec. 4-61. License renewal.

Sec. 4-62. Insurance.

Sec. 4-63. Separate license required for each location.

Sec. 4-64. Change of business location, business size, or license classification.

Sec. 4-65. Change of form of ownership.

Sec. 4-66. No transfer of license to another entity; special provisions relating to death, insolvency, or bankruptcy of licensee.

Sec. 4-67. Sale of licensed premises.

Sec. 4-68. Continuous operation.

Sec.4-69. Change of resident manager

Sec. 4-70. Reserved

Sec. 4-51. License required.

- (a) No person shall sell at retail, offer for sale at retail, or display for sale within the corporate limits of the city, either personally or through an agent, any alcoholic liquor without first obtaining a license as provided by this chapter, or in violation of the terms of such license.
- (b) No person who purchases or obtains any alcoholic liquor at retail shall resell, or offer for resale, that alcoholic liquor, either directly or indirectly, except pursuant to a license obtained as provided in this chapter.
- (c) In subsections (a) and (b), "sale" or "sell" shall be presumed to include the exchange of money or other consideration for admission to an outdoor area, structure, dwelling unit, or any part of a structure where alcoholic liquor is being served in conjunction with the cost of admission or the event at which the liquor is served, whether or not other goods, services, or entertainment being provided for in the admission charge.

(d) Any person who violates subsection (a) or (b) of this section shall be fined no less than \$500.00 and no more than \$750.00.

(Ord. No. 05-27, § 2, 9-12-05; Ord. No. 14-52, § 3, 12-1-14)

Sec. 4-52. Forfeiture.

- (a) Any money obtained in the unlawful sale of alcohol or sale of items for the purpose of consumption of alcoholic beverages on the premises without a license in violation of this Chapter is hereby declared contraband and subject to forfeiture. Any police officer of the City is hereby authorized to seize any proceeds of the sale of alcohol without a license in violation of this Chapter or any sale of items for the purpose of consumption of alcoholic beverages on the premises without a license in violation of this Chapter and place said money in safekeeping in the City.
- (b) The police officer, upon seizure of money shall notify the person from whom it was is seized of the right to a prompt post-seizure hearing. Any person claiming a right to the money seized shall be given a hearing in front of the chief of police or their designee to determine if probable cause exists for the seizure of the money. Said hearing shall occur within seven (7) days of the request for the hearing and shall be limited to whether probable cause exists to believe that the money was obtained in the unlawful sale of alcohol or sale of items for the purpose of consumption of alcoholic beverages on the premises. Formal rules of evidence shall not apply, and hearsay shall be permitted at the hearing. If the chief of police or their designee determines that probable cause does not exist to believe that the money was obtained as a result of the unlawful sale of alcohol or sale of items for the purpose of consumption of alcoholic beverages on the premises, the city shall return the money to its rightful owner. If the chief of police or their designee finds that there is probable cause to believe the money was the proceeds of the unlawful sale of alcohol or sale of items for the purpose of consumption of alcoholic beverages on the premises, the chief of police or their designee shall order the continued holding of the funds until after a forfeiture hearing.
- (c) Within seventy-two (72) hours of seizure of money pursuant to this section, the city shall send notice by ordinary mail to the person from whom the money was seized and any other persons the city reasonably believes may claim an interest in the money seized. The notice shall include information explaining how to request a forfeiture hearing in writing and that such a request must be made within twenty-one (21) days. If a written request for a forfeiture hearing is received, the city administrator or their designee will preside over a hearing scheduled within twenty-one (21) days of having received the written request for hearing. Said hearing shall be to determine by a preponderance of the evidence whether the money, or any portion thereof, was obtained as a result of the unlawful sale of alcohol or sale of items for the purpose of consumption of alcoholic beverages on the premises. At the hearing, formal rules of evidence shall not apply, and hearsay shall be permitted. Any person claiming an interest in the money shall be given an opportunity to present evidence and be heard. If the city administrator or their designee at the forfeiture hearing determines that the money, or any portion thereof, was the proceeds of an unlawful sale of alcohol or sale of items for the purpose of consumption of alcoholic beverages on the premises as set forth in this Chapter, the city administrator or their designee shall declare the money forfeited to the city and that any claim of any person to the money is extinguished. If the city administrator or their designee determines that the money, or any portion thereof, was not the proceeds of an unlawful sale, the city shall promptly remit the money (or portion thereof) to the rightful owner. After twenty-one (21) days after notice of seizure has been sent, pursuant to this section, and no written request for a forfeiture hearing has been received, the money shall be forfeited, and any claim to the money shall be extinguished.

(Ord. No. 12-62, § 2, 11-19-12; Ord. No. 14-20, § 2, 5-5-14)

Sec. 4-53. Consumption, possession, and storage on unlicensed premises.

- (a) No owner, proprietor, associate, member, or officer, agent or employee thereof, of any establishment inviting or permitting public patronage, or use by club members and guests, shall in the ordinary course of operation permit the consumption or possession of, and no person shall consume or possess alcoholic liquors on the premises, and no person shall permit alcoholic liquor to be brought into or bring into such public place or club except those specifically licensed for possession, consumption or sale of alcoholic liquor on the premises.
- (b) No person shall visit, frequent or patronize any house, building, store or place which such person knows or has reason to believe is established, operated or maintained for the purpose of selling alcoholic liquor without a license as required by this chapter.
- (c) No person shall keep or store alcoholic liquor in any building or premises used in whole or in part for a nonresidential establishment of any type inviting or permitting public patronage or use by club members or guests, unless such establishment is licensed to sell alcoholic liquor.
- (d) This section shall not be construed to prevent possession of alcoholic liquor for personal use by the occupants of apartments or dwelling rooms in the same building in which a liquor establishment is located whether licensed to sell alcoholic liquor or not; provided such apartments or rooms are not directly connected with or accessible from such establishment.
- (e) This section shall not be construed to prevent possession of alcoholic liquor for personal use in a nonresidential establishment inviting public patronage where that personal use is limited to occasional consumption by employees of the establishment only. Nor shall this section be construed to prevent the owner or occupant, but not third parties, from having an open house or employee party once a year where fifty (50) or fewer persons are in attendance upon the premises at any one time and where neither alcoholic liquor nor setups are sold. This subsection shall not apply to premises which are or should be licensed.
- (f) Any person who violates any subsection of this section shall be fined no less than \$500.00 and no more than \$750.00.

(Ord. No. 14-52, § 4, 12-1-14)

Sec. 4-54. Application for liquor license.

- (a) Application for a liquor license shall be made to the commissioner in writing, on the city's application form, and must be signed by an individual applicant, by all partners (if the license will be held by a general or limited partnership), by all joint venturers (if the license will be held by a joint venture), by all members of a limited liability company; or by an authorized officer (if the license will be held by a business or a not-for-profit corporation). Every applicant shall verify the truth and accuracy of the statements made and the information provided. The application may require the following statements and information:
 - (1) The name, age, Social Security number, driver's license number, date of birth and current residence address of each individual required to sign the application under this section.
 - (2) In the case of a business or not-for-profit corporation, the objective for which it was formed, the date and place of incorporation, and the name, age, Social Security number, driver's license number, birth date, and current residence address of every officer, director, shareholder holding five percent or more of the stock, or member.
 - (3) The citizenship of the applicant, their place of birth, and, if a naturalized citizen, the time and place of their naturalization.

- (4) The character of business of the applicant.
 - (5) The length of time that the applicant has been in business of that character.
 - (6) The location and description of the premises or place of business which is to be operated under such license, and a statement that the applicant either owns the premises or leases it for the full term for which the license is requested.
 - (7) The license class(es) applied for by the applicant.
 - (8) The nature of any entertainment proposed to be offered on the premises to be licensed.
 - (9) A statement as to whether food is to be sold on the premises to be licensed.
 - (10) The length of time that the applicant has resided within the city; or, in the case of a general or limited partnership, the length of time that each partner has resided within the city; or, in the case of a limited liability company, the length of time that each member has resided within the city; or, in the case of a business or a not-for-profit corporation, the length of time that a proposed resident manager has resided within McDonough County.
 - (11) A list of all governmental entities to which applicant has submitted an application for a liquor license, the dates on which such applications were submitted, the disposition of such applications, the amount of and reason for any fine imposed upon applicant under any other liquor license held by them and the dates, reason and length of any suspension or revocation of any other liquor license held by the applicant.
 - (12) A list of all convictions of the applicant for all offenses, other than a violation of any traffic law of this or any other state, except that the applicant shall also disclose any traffic conviction involving, in any manner, drugs or alcoholic liquor and shall indicate the nature of the offense and the date of conviction and disposition.
 - (13) A statement that the applicant will testify under oath and answer all competent, relevant, and material questions directed to them at any hearing conducted by the commissioner, or by the commissioner's designated representative, either before or after the issuance of a license to them, and that any failure to so testify shall be sufficient reason to refuse to issue or renew any license or to suspend or revoke any license that has been issued.
 - (14) A statement that the applicant will not violate any of the laws of the State of Illinois or the United States, or any ordinance of the city, in the conduct of their business.
 - (15) Responses to all questions directed to the applicant on any forms provided to the applicant by the city.
- (b) At the same time the applicant submits an application for a license, the applicant also shall submit the following supporting documents:
- (1) If the applicant is a partnership, a copy of the partnership agreement.
 - (2) If the applicant is a limited partnership, a copy of the certificate of limited partnership and the partnership agreement.
 - (3) If the applicant is a limited liability company, a copy of the articles of organization.
 - (4) If the applicant is a corporation, a copy of the certificate and articles of incorporation.
 - (5) If the applicant is a foreign corporation, in addition to the other documents, a copy of its certificate of authority to operate in the State of Illinois.
 - (6) For a corporation, current documentation from the secretary of state showing that the corporation is in good standing and showing any assumed names the corporation has adopted.

- (7) For any leased premises, a copy of the lease and any assignment, sublease, or extension.
- (8) An authorization to perform criminal background and credit checks for all applicants, partners, managers or resident managers, along with a copy of their state-issued driver's license or identification.
- (9) A copy of the applicant's certificate of registration under the Retailers' Occupation Tax Act, 35 ILCS 120/1 et seq.
- (10) A copy of the applicant's federal special tax stamp or registration.
- (11) A statement whether the applicant intends to obtain a state video gaming license.
- (12) Copies of any other documents requested by the commissioner to support or clarify information contained in the application or any document submitted with the application.

(Ord. No. 05-27, § 2, 9-12-05; Ord. No. 15-18, § 2, 6-15-15; Ord. No. 18-14, § 2, 5-21-18; Ord. No. 21-02, § 2, 1-19-21)

Sec. 4-55. Persons ineligible for liquor license.

No license under this chapter shall be issued to:

- (1) A person who is not a resident of the city.
- (2) A person who is not of good character and reputation in the community in which they reside.
- (3) A person who is not a citizen of the United States.
- (4) A person who has been convicted of:
 - a. Committing a felony under any federal or state law;
 - b. Keeping a house of ill fame; or
 - c. Pandering or other crime or misdemeanor opposed to decency and morality.
- (5) A person whose license issued under the Liquor Control Act of 1934, 235 ILCS 5/1-1 et seq., has been revoked for cause.
- (6) A person who, at the time of application for license renewal, would not be eligible for a license upon a first application.
- (7) A co-partnership, if any general partnership thereof, or any limited partnership thereof, owning more than five percent of the aggregate limited partner interest in such co-partnership, would not be eligible to receive a license for any reason other than residence, unless residency is, or becomes, required by local ordinance.
- (8) A limited liability company, unless it is organized under the laws of the State of Illinois, or, if not so organized, unless it is admitted to transact business in this state, or if any member or manager would not be eligible to receive a license for any reason other than residence or citizenship.
- (9) A corporation, if any officer, director, or manager, or any shareholder owning in the aggregate more than five percent of the stock of such corporation would not be eligible to receive a license for any reason other than residence or citizenship.
- (10) A corporation, unless it is incorporated in Illinois, or unless it is a foreign corporation which is qualified under the Business Corporation Act of 1983, 805 ILCS 5/1.01 et seq., to transact business in Illinois.

- (11) 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 and specifically unless such manager or agent is a resident of McDonough County and is a citizen of the United States.
- (12) A person who has been convicted of a violation of any federal or state law concerning the manufacture, possession or sale of alcoholic liquor, or who has forfeited bond for failure to appear in court to answer charges for any such violation.
- (13) A person who does not beneficially own the premises for which a license is sought, or who does not have a lease for the full period for which the license is to be issued.
- (14) Any law enforcing public official, including a member of a local liquor control commission, a mayor, an alderman, a member of a city council or commission, a county board president, or a county board member, with the following exceptions pursuant to 235 ILCS 6-2(a)(14):
 - a. A law enforcing public official may have a direct interest in the manufacture, sale, or distribution of alcoholic liquor relating to premises that are not located within the city if the issuance of the license is approved by the state liquor control commission; and
 - b. Effective on and after January 1, 2006, an alderman, a member of a city council or commission, or a county board member may have a direct interest in the manufacture, sale, or distribution of alcoholic liquor as long as he or she is not a law enforcing public official, a mayor, or a county board president. However, the elected official with the direct interest in the manufacture, sale, or distribution of alcoholic liquor cannot participate in any meetings, hearings, or decisions on matters impacting the manufacture, sale, or distribution of alcoholic liquor.
- (15) A person who is not a beneficial owner of the business to be operated by the licensee.
- (16) A person who has been convicted of a gambling offense as proscribed by any of subsections (a)(3) through (a) (11) of 720 ILCS 5/28-1, a part of the Criminal Code of 2012, 720 ILCS 5/1-1 et seq., or as proscribed by 720 ILCS 5/28-1.1 or 720 ILCS 5/28-3 part of the Criminal Code of 2012, 720 ILCS 5/1-1 et seq., or as proscribed by a statute replaced by any of those statutory provisions.
- (17) 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, 230 ILCS 15/1 et seq., or the Illinois Pull Tabs and Jar Games Act, 230 ILCS 20/1 et seq.
- (18) A person who intends to sell alcoholic liquors for use or consumption on their 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(a):

(Ord. No. 05-27, § 2, 9-12-05; Ord. No. 21-02, § 2(Exh. A), 1-19-21)

Sec. 4-56. Findings on issuance of license.

No license shall be issued under this chapter until the commissioner has determined that no reason exists to refuse to issue such license. This section shall apply to the initial issuance of any license and to every renewal, change of business location or physical size, change of classification, or reissue of any license. In all such cases, the commissioner shall consider the following factors in deciding whether or not to issue such license:

- (1) The class of license applied for, the availability of a license in that class, and the appropriateness of issuing a license in that class.
- (2) The eligibility of the applicant to receive a license;

- (3) The financial responsibility of the applicant;
- (4) The potential impact that the establishment will have on city services;
- (5) The character, nature and location of the proposed establishment and the probable impact of a liquor establishment at that location upon the surrounding neighborhood and the city as a whole. In considering the impact, the commissioner shall take into account several factors, including the following:
 - a. Proximity to residential neighborhoods;
 - b. Proximity to schools, churches and synagogues;
 - c. Potential impact on traffic safety;
 - d. Potential adverse impacts on surrounding property values;
 - e. Adequacy of street lighting in the vicinity and of exterior lighting of the proposed location;
 - f. Availability of on-street and off-street parking in the area; and
 - g. Availability of sidewalks in the area if significant pedestrian traffic is anticipated.
- (6) The general design, layout and contents of the proposed establishment.
- (7) Whether the applicant proposes to furnish live entertainment and, if so, the nature of the entertainment.
- (8) The compliance of the proposed location with all applicable federal and state laws and city ordinances, including the city's building, health, safety, property maintenance, and zoning ordinances.
- (9) The proposed operation of the establishment, including staffing levels, the ability and commitment to abide by laws and regulations, and the ability to effectively monitor activities both within and without the establishment.
- (10) The past performance of the applicant, if applicable, under any license previously issued under this chapter.
- (11) Whether issuance of the license would be in the best interests of the city.

(Ord. No. 05-27, § 2, 9-12-05)

Sec. 4-57. Site approval.

- (a) No new license shall be issued, and no change of physical location or business size shall be granted, until the proposed location has been investigated and approved by the mayor and a majority of the city council. No location may be approved for licensing, and no license shall be issued, for any premises:
 - (1) That are within 100 feet of any church, school (other than an institution of higher learning), hospital, home for the aged, indigent or military service veteran (or the veteran's spouse or children), or military or naval station.
 - (2) Where the majority of the customers are minors or where the principal business consists of selling or providing school books, school supplies, food, lunches, or drinks to minors.
- (b) The requirements of subsection (a)(1) shall not apply to a hotel, club, restaurant, food shop, or any other place where the sale of alcoholic liquor is not the principal business. They also do not apply to the renewal of a license for the retail sale of alcoholic liquor on premises within 100 feet of any church or

school where the church or school was established after the issuance of the original license at that location.

(Ord. No. 05-27, § 2, 9-12-05)

State law reference— Similar provision, 235 ILCS 5/6-11.

Sec. 4-58. Investigation of applicant and resident manager.

- (a) An applicant for a new liquor license shall be required to undergo a complete investigation of their background, including a thorough examination of the applicant's criminal history by appropriate law enforcement officials and which may include an examination of the applicant's financial circumstances and credit history. A complete investigation need not be done when an applicant seeks to renew its city liquor license unless the applicant's circumstances have changed since the date of its last application.
- (b) The applicant shall complete all forms submitted by the commissioner and shall cooperate in every respect with the commissioner in the investigation.
- (c) The commissioner shall have the right to require fingerprints of any applicant for a new license or for a license renewal. Upon request, each applicant shall submit their fingerprints to the department of state police in the form and manner prescribed by the department of state police. These fingerprints shall be checked against the fingerprint records contained in the criminal history record databases of the department of state police and the Federal Bureau of Investigation. The department of state police shall charge a fee for conducting the criminal history records check, which shall be deposited in the state police services fund, and shall not exceed the actual cost of the records check. The department of state police shall furnish records of conviction to the commissioner pursuant to positive identification. For purposes of obtaining fingerprints under this section, the commissioner shall collect a fee and forward the fee to the appropriate policing body, who shall submit the fingerprints and the fee to the Illinois Department of State Police.
- (d) Any initial or subsequent resident manager shall be required to undergo a complete investigation of their background as set forth in Paragraph (a) herein.

(Ord. No. 05-27, § 2, 9-12-05; Ord. No. 21-02, § 2(Exh. A), 1-19-21)

Sec. 4-59. Display of license.

Every license issued under this chapter shall be prominently displayed upon the licensed premises by the licensee.

(Ord. No. 05-27, § 2, 9-12-05)

Sec. 4-60. License term.

A local license will not be issued by the local liquor commissioner until the licensee has met the required qualifications, has provided the required information and documents, has paid the required local, state, and federal fees, and the license has been created by council. After it is issued, the local license will be valid until the expiration date of the licensee's state liquor license, unless action is taken before then to suspend or revoke it.

(Ord. No. 05-27, § 2, 9-12-05)

Section 4-61. License renewal.

A licensee may apply to renew its license by submitting a renewal application, with the required license fee, to the local liquor commissioner at least twenty-one (21) days before the license expiration date. If any of the required documents expire and are renewed during the new license year, copies of the renewed documents should be sent upon receipt to the local liquor commissioner.

(Ord. No. 05-27, § 2, 9-12-05)

Sec. 4-62. Insurance.

Every applicant for a license shall furnish to the commissioner with their application, evidence of insurance coverage against dram shop liability as provided by 235 ILCS 5/6-21, a part of the Liquor Control Act of 1934, 235 ILCS 5/1-1 et seq., covering the licensee and the owner of the premises for the entire term of the license. Evidence of continued coverage shall be provided each year thereafter as a condition of renewal of any license.

(Ord. No. 05-27, § 2, 9-12-05)

Sec. 4-63. Separate license required for each location.

A separate license under this chapter must be issued for each location desired by an applicant. No more than one license may be issued for any one licensed premises.

(Ord. No. 05-27, § 2, 9-12-05)

Sec. 4-64. Change of business location, business size, or license classification.

Any licensee who wishes to move the location of the licensed business, to expand the licensed business, or to change the classification of its liquor license shall submit an application to the commissioner requesting the change not less than 90 days before the change is requested to occur.

(Ord. No. 05-27, § 2, 9-12-05)

Sec. 4-65. Change of form of ownership.

Whenever a licensee changes the manner in which it conducts its business at the licensed premises, the licensee shall inform the commissioner of the change. The licensee's new business entity shall be required to meet the requirements of this chapter in order to be eligible to continue to hold the license previously issued to licensee.

(Ord. No. 05-27, § 2, 9-12-05)

Sec. 4-66. No transfer of license to another entity; special provisions relating to death, insolvency, or bankruptcy of licensee.

- (a) Every license issued under this chapter shall be a purely personal privilege and shall not constitute property, nor shall the license be subject to attachment, garnishment or execution. No license issued under this chapter shall be alienable or transferable, either voluntarily or involuntarily, or subject to being encumbered or hypothecated.
- (b) No license issued under this chapter shall be subject to transfer by testate or intestate succession, but shall cease upon the death of the licensee; however, upon the death of any licensee, the executor or administrator of such deceased licensee's estate may continue to operate the licensee's business on the licensed premises under court order and may exercise the privileges of the licensee under that license until its expiration date or for a period of six months after the date of the licensee's death, whichever occurs first.
- (c) In the event of the bankruptcy or insolvency of any licensee, any trustee or receiver appointed by an appropriate court for the estate of such licensee may continue to operate the business of the licensee on the licensed premises until expiration of such license or for a period of six months from the date of the licensee's bankruptcy or insolvency, whichever occurs first.

(Ord. No. 05-27, § 2, 9-12-05)

Sec. 4-67. Sale of licensed premises.

Whenever a licensee has entered into a contract to sell a business to which a liquor license has been issued, the licensee shall immediately notify the commissioner. When the business sale is closed, the license lapses. If the new owner of the business desires a liquor license, the owner must make application to the commissioner for whatever class of license is desired and must comply with all application requirements.

(Ord. No. 05-27, § 2, 9-12-05)

Sec. 4-68. Continuous operation.

Every licensee shall be required to continuously operate their business on a normal and regular basis throughout the license year. If, at any time during the license year, a licensee's business is not in operation for a continuous period of 60 days, then the licensee's failure to operate the business shall be a prima facie violation of this section. A licensee may establish a bona fide reason for not operating their business, such as by showing that the business is closed for vacation, for remodeling, because of serious illness of the business owner, or for some other reasonable purpose. The commissioner may suspend any licensee's license temporarily for violation of this section and until proper business operations are resumed. In the event that operations are not properly and timely resumed, the commissioner may revoke the license.

(Ord. No. 05-27, § 2, 9-12-05)

Sec. 4-69. Change of resident manager

Every licensee shall be required to notify the liquor commissioner of any change in resident manager at least 14 days prior to such change, unless due to circumstances beyond the control of the licensee. The new resident manager shall be required to undergo a complete investigation of their background pursuant to section 4-56(a) and (d).

(Ord. No. 21-02, § 3(Exh. B), 1-19-21)

Secs. 4-70. Reserved.

ARTICLE IV. LICENSE CLASSIFICATION, NUMBERS, AND FEES

Sec. 4-71. License classifications and general provisions.

Sec. 4-72. Class A license.

Sec. 4-73. Class B license.

Sec. 4-74. Class C license.

Sec. 4-75. Class D license.

Sec. 4-76. Class H license.

Sec. 4-77. Class M license.

Sec. 4-78. Class MB license.

Sec. 4-79. Class P license.

Sec. 4-80. Class R license.

Sec. 4-81. Class SE license.

Sec. 4-82. Class Y license.

Sec. 4-83. Supplementary Licenses

Sec. 4-84. Special privileges available to licensees.

Sec. 4-85. Creation of licenses.

Sec. 4-86. Calculation of license fees.

Sec. 4-87. Application fee.

Sec. 4-88. Regulations applicable to licensees with state video gaming licenses.

Secs. 4-89—4-90. Reserved.

Sec. 4-71. - License classifications and general provisions.

A license issued under this chapter shall be one of the primary license classes specified in this article, and may include any one or more of the applicable supplementary licenses—. All liquor sold for consumption on a licensed premises shall be consumed within the enclosed permanent structure unless written authority is obtained from the liquor commissioner for consumption in an adjacent outdoor area. No liquor may be sold from a drive-up window.

(Ord. No. 05-27, § 2, 9-12-05; Ord. No. 06-56, § 3, 11-20-06; Ord. No. 18-25, § 3, 9-4-18; Ord. No. 19-03, § 2, 2-4-19)

Sec. 4-72. - Class A license.

A class A license may be issued by the commissioner if the following requirements are met:

- (1) The individual or corporation will be engaged, or is engaged, in the retail sale of alcoholic liquor, and the individual or corporation will be selling, or is selling, alcoholic liquor by the drink, in pitchers, or in other open containers for consumption on the licensed premises.

- (2) If the individual or corporation is operating, or will be operating, a bowling alley, it may seek a supplementary Class SS.
- (3) No person under age 20 is allowed to enter and remain upon the licensed premises unless he or she is accompanied by his or her parent or legal guardian, except that, in the case of a bowling alley, a person under age 20 may enter and remain on the premises but is not allowed in the area where alcoholic liquor is served or sold unless he or she is accompanied by a parent or legal guardian.
- (4) No employee under age 20 is allowed to draw, pour, or mix any alcoholic beverages, to tend bar and no employee under age 18 is allowed to serve or sell any alcoholic beverages for consumption on the licensed premises.
- (5) License holder shall comply with Section 4-99 concerning BASSET training certification.
- (6) Hours of operation:
 - a. Monday through Saturday: 6:00 a.m. to 12:00 a.m. (midnight);
 - b. New Year's Day (unless it falls on a Sunday): Closing time will be extended one hour beyond the license holder's normal closing time.
 - c. New Year's Eve Day: If the holiday falls on a Sunday, the hours of operation shall be 11:00 a.m. to 1:00 a.m. A Sunday sales license will not be required: The license holder must notify the liquor commissioner that the establishment intends to be open on the holiday in writing at least two weeks prior to the holiday. The commissioner will notify the police department about the change in hours of operation.
 - d. Super Bowl Sunday: The hours of operation shall be 12:00 p.m. to 11:00 p.m. A Sunday sales license will not be required. The license holder must notify the liquor commissioner that the establishment intends to be open on the holiday in writing at least three days prior to the event. The commissioner will notify the police department about the change in hours of operation.
- (7) Annual License fees: \$1,996.50, plus current occupancy number (for example, if occupancy is 500, fee would be \$1,996.50 + \$500.00, or \$2,496.50)
- (8) Available Supplementary Licenses
 - a. Class EH (extended hours)
 - b. Class OP (package sales);
 - c. Class OL (outdoor location); and
 - d. Class SS (Sunday sales) (available to bowling alleys only).

(Ord. No. 05-27, § 2, 9-12-05; Ord. No. 06-46, § 2, 10-16-06; Ord. No. 07-04, § 2, 1-29-07; Ord. No. 11-15, § 2, 4-18-11; Ord. No. 17-24, § 2, 10-16-17; Ord. No. 19-30, § 2, 9-16-19)

Sec. 4-73. - Class B license.

A class B license may be issued by the commissioner if the following requirements are met:

- (1) The individual or corporation is or will be engaged in the retail sale of alcoholic liquor for off premises consumption as their primary purpose; but may make retail sales of alcoholic liquor for on premises consumption by the drink or pitcher or in other original containers.

- (2) The individual or corporation, at all times, must obtain at least 51 percent of their gross revenue from off-premises sales.
- (3) Permanent seating, being seating at either tables or seating available during all business hours, shall be restricted to a maximum of 50.
- (4) The license holder may not sell beer in kegs for off-premises use.
- (5) No employee under age 20 is allowed to draw, pour, mix any alcoholic beverages, to tend bar, or to sell any beer, wine or spirits for off-premises consumption, and no employee under age 18 is allowed to serve or sell any alcoholic beverages for consumption on the licensed premises.
- (6) License holder shall comply with Section 4-99 concerning BASSET training certification.
- (7) Hours of operation:
 - a. Monday through Saturday: 6:00 a.m. to 10:00 p.m.
 - b. New Year's Eve Day: If the holiday falls on a Sunday, the hours of operation shall be 11:00 a.m. to 1:00 a.m. A Sunday sales license will not be required. The license holder must notify the liquor commissioner that the establishment intends to be open on the holiday in writing at least two weeks prior to the holiday. The commissioner will notify the police department about the change in hours of operation.
 - c. New Year's Day (unless it falls on a Sunday): Closing time will be extended one hour beyond the license holder's normal closing time.
- (8) No person under age 20 is allowed to enter and remain upon the licensed premises unless he or she is accompanied by his or her parent or legal guardian, or an adult acting in loco parentis, in place of parent or legal guardian.
- (9) Annual License fees: \$1,815.00, plus current occupancy number (for example, if occupancy is 100, the fee would be \$1,815.00 + \$100.00, or \$1,915.00).
- (10) Available supplementary licenses
 - a. Class OC (outdoor café); and
 - b. Class EH (extended hours).

(Ord. No. 06-56, § 2, 11-20-06; Ord. No. 11-15, § 7, 4-18-11; Ord. No. 14-53, § 3, 12-1-14; Ord. No. 17-24, § 2, 10-16-17; Ord. No. 19-30, § 5, 9-16-19)

Sec. 4-74. - Class C license.

A class C license may be issued by the commissioner if the following requirements are met:

- (1) The club will be, or is, a not-for-profit corporation organized for a fraternal, civic, veteran, athletic or other common objective or a for-profit country club, for which the sale of alcoholic liquor to members and guests is an ancillary purpose;
- (2) The club will be, or is, selling alcoholic liquor by the drink or in open original containers for consumption on the licensed premises only and, from Monday through Saturday, may sell beer at retail in the original package for consumption off premises.
- (3) The club may be open only to members and their guests on Sundays if a supplementary (class SS) license is obtained, but no package sales may occur during that time.

- (4) No employee under age 20 is allowed to draw, pour, or mix any alcoholic beverages, to tend bar, or to sell any beer for off-premises consumption, and no employee under age 18 is allowed to serve or sell any alcoholic beverages for consumption on the licensed premises.
- (5) License holder shall comply with Section 4-99 concerning BASSET training certification.
- (6) Hours of liquor sales:
 - a. Monday through Saturday: 6:00 a.m. to 12:00 a.m. (midnight);
 - b. New Year's Day (unless it falls on a Sunday): Closing time will be extended one hour beyond the license holder's normal closing time.
 - c. New Year's Eve Day: If the holiday falls on a Sunday, the hours of operation shall be 11:00 a.m. to 1:00 a.m. A Sunday sales license will not be required. The license holder must notify the liquor commissioner that the establishment intends to be open on the holiday in writing at least two weeks prior to the holiday. The commissioner will notify the police department about the change in hours of operation.
 - d. Super Bowl Sunday: The hours of operation shall be 12:00 p.m. to 11:00 p.m. A Sunday sales license will not be required. The license holder must notify the liquor commissioner that the establishment intends to be open on the holiday in writing at least three days prior to the event. The commissioner will notify the police department about the change in hours of operation.
- (7) Annual License fees:\$1,996.50.
- (8) Available supplementary licenses
 - a. Class EH (extended hours); and
 - b. Class SS (Sunday sales).

(Ord. No. 05-27, § 2, 9-12-05; Ord. No. 06-46, § 4, 10-16-06; Ord. No. 07-04, § 4, 1-29-07; Ord. No. 11-15, § 4, 4-18-11; Ord. No. 17-24, § 2, 10-16-17)

Sec. 4-75 . - Class D License

- (1) A class D liquor license shall authorize and allow the retail sale and serving of alcoholic beverages, including beer, wine and liquor, for consumption on the licensed premises, and only as an incidental part of a business with a primary function either as (i) a full-service personal care services establishment, or (ii) a retail establishment for the sale of non-food goods and services (other than motor vehicle sales or massage), subject to the following conditions:
 - a. Sales By The Glass: Such license shall authorize the retail sale by the glass of wine, beer and liquor.
 - b. Consumption On Premises Only: The sale by the glass of wine, beer and liquor shall be for consumption on the premises only.
 - c. Seating: Seating for customers within the premises shall not exceed ten (10) seats.
 - d. Use Limited: The serving of wine, beer and liquor for consumption on the premises shall be merely incidental to the primary business function of the licensee and the licensed premises shall not be advertised or held out to be a drinking establishment. No more than three (3) servings shall be permitted per customer per day.

- e. Hours: Unless otherwise indicated on the liquor license, the sale of alcoholic liquor for consumption is permitted only between the hours of eleven o'clock (11:00) A.M. and ten thirty o'clock (10:30) P.M. Monday through Thursday and eleven o'clock (11:00) A.M. and 12:00 a.m. (midnight) Friday and Saturday. In no case shall the sale or consumption of alcoholic liquor take place outside of the normal business hours of the business.
- f. Consumption Limited: All patrons and customers of a licensed business that is licensed for on premises consumption shall leave the premises not later than thirty (30) minutes following the closing hours recited herein.
- g. No employee under age 20 is allowed to draw, pour, or mix any alcoholic beverages or to tend bar, and no employee under age 18 is allowed to serve or sell any alcoholic beverages for consumption on the licensed premises.
- h. No person under age 18 is allowed to enter and remain in the bar/lounge or liquor sales area unless he or she accompanied by his or her parent or legal guardian.
- i. License holder shall comply with Section 4-99 concerning BASSET training certification.

(2) Annual License fees: \$500.00

(3) Available Supplementary Licenses: Class SS (Sunday sales)

Sec. 4-76. - Class H license.

A class H license may be issued by the commissioner if the following requirements are met:

- (1) The primary business of the individual or corporation will be, or is, offering overnight or other lodging, with or without meals, to guests, as a hotel, motel or other short-term lodging facility.
- (2) Once the class H license is issued, the license holder may sell alcoholic liquor by the drink or in the original container in a dining room, lounge, adjacent outdoor area, or through room service arrangements for consumption on the licensed premises only.
- (3) No employee under age 20 is allowed to draw, pour, or mix any alcoholic beverages or to tend bar, and no employee under age 18 is allowed to serve or sell any alcoholic beverages for consumption on the licensed premises.
- (4) No person under age 20 is allowed to enter and remain in the bar/lounge or liquor sales area, unless he or she is accompanied by his or her parent or legal guardian.
- (5) License holder shall comply with Section 4-99 concerning BASSET training certification.
- (6) Hours of liquor sales:
 - a. Monday through Saturday: 6:00 a.m. to 12:00 a.m. (midnight);
 - b. New Year's Day (unless it falls on a Sunday): Closing time will be extended one hour beyond the license holder's normal closing time.
 - c. New Year's Eve Day: If the holiday falls on a Sunday, the hours of operation shall be 11:00 a.m. to 1:00 a.m. A Sunday sales license will not be required. The license holder must notify the liquor commissioner that the establishment intends to be open on the holiday in writing at least two weeks prior to the holiday. The commissioner will notify the police department about the change in hours of operation.
 - d. Super Bowl Sunday: The hours of operation shall be 12:00 p.m. to 11:00 p.m. a Sunday sales license will not be required. The license holder must notify the liquor commissioner that the establishment intends to be open on the holiday in writing at least three days prior

to the event. The commissioner will notify the police department about the change in hours of operation.

(7) Annual License fees: \$1,996.50

(8) Available Supplementary Licenses

- a. Class EH (extended hours);
- b. Class SS (Sunday sales);
- c. Class OL (outdoor location); and
- d. Class CS (catering service).

(Ord. No. 05-27, § 2, 9-12-05; Ord. No. 06-46, § 5, 10-16-06; Ord. No. 07-04, § 5, 1-29-07; Ord. No. 11-15, § 5, 4-18-11; Ord. No. 17-24, § 2, 10-16-17; Ord. No. 19-30, § 3, 9-16-19)

Sec. 4-77. - Class M license.

A class M license may be issued by the commissioner if the following requirements are met:

- (1) Class M micro/craft brewery license shall authorize the retail sale for consumption on the specified premises of beer, including both beer brewed onsite and when the Illinois State Liquor License allows, those that are not, and cider, wine and spirits, as defined in the Liquor Control Act of 1934 (235 ILCS 5/1 et seq.), as amended; and also authorize the sale of beer brewed or manufactured on the licensed premises in its original package for consumption off premises; and may include a full kitchen provided such facility is properly licensed as a food service establishment.
- (2) The licensee shall maintain in good standing a State of Illinois Craft Brew License as required and authorized under the Liquor Control Act of 1934 (235 ILCS 5/1 et seq.), as amended.
- (3) During authorized hours of business. Class M licensees may offer for onsite consumption samples of beer brewed or manufactured on the licensed premises by the licensee and permitted to be sold pursuant to this classification.
- (4) Licensees shall not provide more than three free samples; no single serving of beer shall exceed two ounces. Said tasting shall be for the purpose of disseminating product information and education with consumption of beer being an incidental part of the presentation. Sampling shall be under the supervision of the license holder or duly authorized agent and be conducted in a manner which will confine the consumption on the licensed premises solely for the purpose of providing samples in connection with anticipated sales.
- (5) No employee under age 20 is allowed to draw, pour, or mix any alcoholic beverages, to tend bar, or to sell any beer or wine for off-premises consumption, and no employee under age 18 is allowed to serve or sell any alcoholic beverages for consumption on the licensed premises.
- (6) Beer for onsite consumption shall be dispensed only in containers provided by the licensee.
- (7) No person under age 20 is allowed to enter and remain upon the licensed premises unless he or she is accompanied by his or her parent or legal guardian, or an adult acting in loco parentis, in place of parent or legal guardian.
- (8) License holder shall comply with Section 4-99 concerning BASSET training certification.
- (9) Hours of operation:
 - a. Monday through Thursday 11:00 a.m. to 11:00 p.m.

- b. Friday and Saturday 11:00 a.m. to 12:00 a.m.
 - c. New Year's Eve Day: The hours of operation shall be 11:00 a.m. to 1:00 a.m. A Sunday sales license will not be required. The license holder must notify the liquor commissioner that the establishment intends to be open on the holiday in writing at least two weeks prior to the holiday. The commissioner will notify the police department about the change in hours of operation.
 - d. Super Bowl Sunday: The hours of operation shall be 12:00 p.m. to 11:00 p.m. A Sunday sales license will not be required. The license holder must notify the liquor commissioner that the establishment intends to be open on the holiday in writing at least three days prior to the event. The commissioner will notify the police department about the change in hours of operation.
- (10) Annual License fees: \$1,815.00, plus current occupancy number = annual fee (for example, if occupancy is 500, fee would be \$1,815.00 + \$500.00, or \$2,315.00);
- (11) Available Supplementary Licenses
- a. Class OW (onsite wine consumption);
 - b. Class OL (outdoor location); and
 - c. Class SS (Sunday sales).

(Ord. No. 18-25, § 4, 9-4-18)

Sec. 4-78. - Class MB license.

A class MB license may be issued by the commissioner if the following requirements are met:

- (1) Class MB micro/craft brewery foodservice license shall authorize the retail sale for consumption on the specified premises of beer, including both beer brewed onsite and when the Illinois State Liquor License allows, those that are not, and cider, wine and spirits, as defined in the Liquor Control Act of 1934 (235 ILCS 5/ et seq.), as amended; and also authorize the sale of beer brewed or manufactured on the licensed premises in its original package for consumption off premises.
- (2) Class MB licensees shall be properly licensed as a food service establishment with the proper authority and shall offer food service.
- (3) The licensee shall maintain in good standing a State of Illinois Craft Brew License as required and authorized under the Liquor Control Act of 1934 (235 ILCS 5/1 et seq.), as amended.
- (4) During authorized hours of business, class MB licensees may offer for onsite consumption samples of beer brewed or manufactured on the licensed premises by the licensee and permitted to be sold pursuant to this classification.
- (5) Licensees shall not provide more than three free samples; no single serving of beer shall exceed two ounces. Said tasting shall be for the purpose of disseminating product information and education with consumption of beer being an incidental part of the presentation. Sampling shall be under the supervision of the license holder or duly authorized agent and be conducted in a manner which will confine the consumption on the licensed premises solely for the purpose of providing samples in connection with anticipated sales.

- (6) No employee under age 20 is allowed to draw, pour, or mix any alcoholic beverages, to tend bar, or to sell any beer or wine for off-premises consumption, and no employee under age 18 is allowed to serve or sell any alcoholic beverages for consumption on the licensed premises.
- (7) Beer for onsite consumption shall be dispensed only in containers provided by the licensee.
- (8) License holder shall comply with Section 4-99 concerning BASSET training certification.
- (9) Hours of operation:
 - a. Monday through Thursday, 11:00 a.m. to 11:00 p.m.
 - b. Friday and Saturday, 11:00 a.m. to 12:00 a.m.
 - c. New Year's Eve Day: The hours of operation shall be 11:00 a.m. to 1:00 a.m. A Sunday sales license will not be required. The license holder must notify the liquor commissioner that the establishment intends to be open on the holiday in writing at least two weeks prior to the holiday. The commissioner will notify the police department about the change in hours of operation.
 - d. New Year's Day (unless it falls on Sunday): Closing time will be extended one hour beyond the license holder's normal closing time.
 - e. Super Bowl Sunday: The hours of operation shall be 12:00 p.m. to 11:00 p.m. A Sunday sales license will not be required. The license holder must notify the liquor commissioner that the establishment intends to be open on the holiday in writing at least three days prior to the event. The commissioner will notify the police department about the change in hours of operation.
- (10) Annual license fees: \$1,815.00, plus current occupancy number = annual fee (for example, if occupancy is 500, fee would be \$1,815.00 + \$500.00, or \$2,315.00);.
- (11) Available Supplementary Licenses
 - a. Class OW (onsite wine consumption);
 - b. Class OL (outdoor location);
 - c. Class SS (Sunday sales); and
 - d. Class OC (outdoor café).

(Ord. No. 18-25, § 5, 9-4-18)

Sec. 4-79. - Class P license.

A class P license may be issued by the commissioner if the following requirements are met:

- (1) The individual or corporation is, or will be, operating a convenience store (with or without gasoline sales), and is engaged, or will be engaged, in the retail sale of beer and wine in their original package for consumption off the licensed premises only; or the individual or corporation is engaged, or will be engaged, in the retail sale of alcoholic liquor in its original package for consumption off the licensed premises only.
- (2) A convenience store operator may not sell beer in kegs and may not sell beer and wine in individual containers that are less than 16 fluid ounces in size.
- (3) If the individual or corporation is selling, or will be selling, other retail commodities (groceries, toiletries, or medicines) as their primary sales commodity, beer and wine displays may remain in

areas where the public is allowed; however, other Class P license holders which are open, during those times in which alcohol may not be sold, shall house the alcoholic liquor in an area that is restricted from public access during the non-sale hours.

- (4) No employee under age 20 is allowed to sell alcoholic beverages for consumption off premises or for consumption on premises as part of an authorized product sampling. An employee 18 years of age or older may be allowed to sell alcoholic beverages for consumption off premises if the license holder has a computerized check out system with electronic identification confirmation that has been approved by the liquor commissioner and is available for the employee to utilize with the sale. If the system is not available for use by the employee then no employee under age 20 shall be allowed to sell alcoholic beverages.
- (5) License holder shall comply with Section 4-99 concerning BASSET training certification.
- (6) Hours of liquor sales:
 - a. Monday through Saturday: 6:00 a.m. to 12:00 a.m. (midnight).
 - b. New Year's Day (unless it falls on a Sunday): Closing time will be extended one hour beyond the license holder's normal closing time.
 - c. New Year's Eve Day: If the holiday falls on a Sunday, the hours of operation shall be 11:00 a.m. to 1:00 a.m. A Sunday sales license will not be required. The license holder must notify the liquor commissioner that the establishment intends to be open on the holiday in writing at least two weeks prior to the holiday. The commissioner will notify the police department about the change in hours of operation.
 - d. Super Bowl Sunday: The hours of operation shall be 12:00 p.m. to 11:00 p.m. A Sunday sales license will not be required. The license holder must notify the liquor commissioner that the establishment intends to be open on the holiday in writing at least three days prior to the event. The commissioner will notify the police department about the change in hours of operation.
- (7) Annual license fees: \$1,815.00.
- (8) Available Supplementary Licenses
 - a. Class EH (extended hours);
 - b. Class PS (product sampling); and
 - c. Class SS (Sunday sales).

(Ord. No. 05-27, § 2, 9-12-05; Ord. No. 06-46, § 3, 10-16-06; Ord. No. 07-04, § 3, 1-29-07; Ord. No. 11-15, § 3, 4-18-11; Ord. No. 17-24, § 2, 10-16-17; Ord. No. 19-06, § 2, 3-18-19; Ord. No. 19-21, § 3, 7-1-19)

Sec. 4-80. - Class R license.

A class R license may be issued by the commissioner if the following requirements are met:

- (1) The primary business of the individual or corporation will be, or is, to sell and/or serve meals to guests.
- (2) The individual or corporation also may operate a bar or lounge within, or adjoining, the restaurant.

- (3) The individual or corporation, will at all times, derive at least 60 percent of total revenue from the sale of food and non-alcoholic drinks. Total revenue includes food sales, alcohol sales, general merchandise sales, other services sales and the licensee's share of the net terminal income from video gaming.
- (4) Once the class R license is issued, the license holder may sell alcoholic liquor by the drink, pitcher or in open original containers for consumption on the licensed premises.
 - a. A license holder may permit a patron to remove one unsealed and partially consumed bottle of wine for off-premises consumption provided that the patron has purchased a meal and consumed a portion of the bottle of wine with the meal on the restaurant premises.
 - b. A partially consumed bottle of wine that is to be removed from the premises shall be securely sealed by the license holder prior to removal from the premises and placed in a transparent one-time use tamper-proof bag. No employee under the age of 20 shall be permitted to seal the bottle.
 - c. The license holder shall provide a dated receipt for the bottle of wine to the patron.
- (5) No person under age 20 is allowed to enter and remain in the bar/lounge or liquor sales area, unless he or she is accompanied by his or her parent or legal guardian.
- (6) No employee under age 20 is allowed to draw, pour, or mix any alcoholic beverages or to tend bar, and no employee under age 18 is allowed to serve or sell any alcoholic beverages for consumption on the licensed premises.
- (7) License holder shall comply with Section 4-99 concerning BASSET training certification.
- (8) Hours of liquor sales:
 - a. Monday through Saturday: 6:00 a.m. to 12:00 a.m. (midnight);
 - b. New Year's Day (unless it falls on a Sunday): Closing time will be extended one hour beyond the license holder's normal closing time.
 - c. New Year's Eve Day: If the holiday falls on a Sunday, the hours of operation shall be 11:00 a.m. to 1:00 a.m. A Sunday sales license will not be required. The license holder must notify the liquor commissioner that the establishment intends to be open on the holiday in writing at least two weeks prior to the holiday. The commissioner will notify the police department about the change in hours of operation.
 - d. Super Bowl Sunday: The hours of operation shall be 12:00 p.m. to 11:00 p.m. A Sunday sales license will not be required. The license holder must notify the liquor commissioner that the establishment intends to be open on the holiday in writing at least three (3) days prior to the event. The commissioner will notify the police department about the change in hours of operation.
- (9) Annual license fees: \$1,815.00, plus current occupancy number (for example, if occupancy is 200, fee would be \$1,815.00 + \$200.00, or \$2,015.00).
- (10) Available Supplementary Licenses
 - a. Class EH (extended hours);
 - b. Class SS (Sunday sales);
 - c. Class OL (outdoor location);

- d. Class CS (catering service); and
- e. Class OC (outdoor café).

(Ord. No. 05-27, § 2, 9-12-05; Ord. No. 06-46, § 6, 10-16-06; Ord. No. 07-04, § 6, 1-29-07; Ord. No. 07-06, § 2, 2-20-07; Ord. No. 11-15, § 6, 4-18-11; Ord. No. 14-53, § 3, 12-1-14; Ord. No. 15-18, § 3, 6-15-15; Ord. No. 17-24, § 2, 10-16-17; Ord. No. 19-30, § 4, 9-16-19)

Sec. 4-81. - Class SE license.

A Class SE license may be issued by the commissioner if the following requirements are met:

- (1) Only persons who qualify as a special event retailer will be eligible.
- (2) The license holder may sell beer and wine by the drink or in open original containers for consumption on the licensed premises only.
- (3) Application must be made for a specific community, civic, educational, fraternal, political, or religious event.
- (4) As part of the application, each applicant must provide plans for litter control, crowd control, security, parking, restroom facilities and any other information or documentation required by the local liquor commissioner.
- (5) The individual or group sponsoring the event must comply with all state laws concerning special event licenses, including obtaining dram shop insurance and purchasing liquor from licensed distributors.
- (6) The proposed licensed location may be a temporary structure, tent, or outdoor location if entrance to, and exit from, the liquor sales area is controlled by the applicant to assure compliance with the requirements of this chapter and any applicable state laws.
- (7) No person under age 20 years will be allowed to enter or to remain upon the licensed premises, unless accompanied by his or her parent or legal guardian.
- (8) No person under age 21 is allowed to draw, pour, or mix any alcoholic beverages or to tend bar, and no person under age 21 is allowed to serve or sell any alcoholic beverages for consumption on the specially licensed premises.
- (9) The special event license may be issued for a period of no more than three days.
- (10) The special event license shall be issued by the local liquor commissioner, upon creation of the license by the city council.

(Ord. No. 05-27, § 2, 9-12-05)

Sec. 4-82. - Class Y license.

A class Y license may be issued by the commissioner if the following requirements are met:

- (1) Class Y Patron Supplied Alcohol license shall authorize the consumption on the specified premises of beer, wine, and cider only. The consumption of spirits, mixed drinks, or any alcoholic drink other than beer, wine or cider is prohibited.
- (2) The Class Y license is for consumption onsite only and no sale of any alcoholic beverages is permitted by licensee or any other person.
- (3) The Class Y premises must be an art studio, meaning a premises for the purpose of creating arts and crafts and/or arts and crafts classes offered by the licensed art studio or arts and crafts school,

with arts and crafts being objects that are both useful and beautiful, such as pottery or baskets. The class size or group size during any single session shall not exceed 35 persons on premises at one time for the purpose of creating arts or crafts or attending classes for arts and crafts as offered by the licensee.

- (4) Patrons may not remove open alcohol from the premises. It is unlawful for any person to carry, transport or possess liquor in an unsealed and open condition, except as permitted for wine bottles from licensees under the Liquor Control Act of 1934, 235 ILCS 5/1 et seq. Alcohol, when legally eligible to be removed from the premises pursuant to the Liquor Control Act of 1934, 235 ILCS 5/1 et seq., may only be done so by the patron who brought it.
- (5) Patron must be 21 years of age or older to bring wine, beer or cider onto premises. Only patrons 21 years of age or older in the party with the patron who supplied wine, beer or cider shall be permitted to consume wine, beer or cider that has been provided by that patron. The licensee shall be given a list of the persons in a patron's party prior to the event they are attending.
- (6) Licensee may provide glassware and ice to patrons and may uncork a bottle of wine or open a cider or beer, pour it and control its consumption as if it were purchased in the establishment complying with all State and local laws.
- (7) No employee under age 18 is allowed to pour or serve any alcoholic beverages for consumption on the licensed premises.
- (8) License holder shall comply with Section 4-99 concerning BASSET training certification.
- (9) Hours of operation:
 - a. Monday through Thursday 11:00 a.m. to 11:00 p.m.
 - b. Friday and Saturday 11:00 a.m. to 12:00 a.m.
 - c. New Year's Eve Day: If the holiday falls on a Sunday, the hours of operation shall be 11:00 a.m. to 1:00 a.m. A Sunday sales license will not be required. The license holder must notify the liquor commissioner that the establishment intends to be open on the holiday in writing at least two weeks prior to the holiday. The commissioner will notify the police department about the change in hours of operation.
 - d. Super Bowl Sunday: The hours of operation shall be 12:00 p.m. to 11:00 p.m. A Sunday sales license will not be required. The license holder must notify the liquor commissioner that the establishment intends to be open on the holiday in writing at least three days prior to the event. The commissioner will notify the police department about the change in hours of operation.

(10) Annual license fee: \$100.00

(Ord. No. 19-03, § 3, 2-4-19; Ord. No. 19-21, § 2, 7-1-19)

Sec. 4-83. – Supplementary Licenses

- (1) *Class OC license.*
 - a. Class OC outdoor cafe license shall permit the retail sale of alcoholic liquor by any person holding a Class R or Class B license within the area designated as historic district whose business fronts upon a sidewalk designated in an outdoor cafe permit adjacent to the licensed premises during the hours of 11:00 a.m. to 10:00 p.m., Monday through Saturday, and 12:00 noon to 9:00 p.m. on Sunday, provided that a valid outdoor cafe

permit has been issued, pursuant to sections 14-131—14-140. The license shall also permit the sale of alcoholic liquor by any person holding a Class R or Class B license in an outdoor dining area adjacent to the licensed premises.

- b. The outdoor café designated area must be clearly delineated so there is no question as to the licensed premises and the area within which alcoholic liquor may be sold. The area shall include a visual demarcation of the area as approved by community development coordinator, considering premises location, safety of patrons and pedestrians, neighborhood appearance and any other relevant factor, and must meet other City Code requirements. If the outdoor café designated area abuts a state highway, the area shall be bounded by a fence or other barricade approved by the community development coordinator at least four feet high.
- c. The outdoor café designated area may have outdoor entrance and exit points if the area will be supervised or monitored by the licensee or its agent.
- d. During the times when alcoholic liquor may be served under the Class OC license, the licensee shall:
 - (1) Not allow or permit any customer, employee or other person to remove alcoholic liquor from the area designated in the outdoor cafe permit or the service premises of the licensee.
 - (2) Comply with all requirements set forth in sections 14-131—14-140.
- e. The outdoor cafe area shall be subject to all provisions of this chapter as though the outdoor cafe area was part of the licensee's service premises during the times permitted by this section for alcoholic liquor sales.
- f. Prior to the issuance of a Class OC outdoor cafe license the licensee shall provide proof of dram shop insurance. The policy shall name the City of Macomb as an additional insured, and will indemnify and hold it harmless from any action, proceeding or claim of liability asserted against it as a result of the operation of an outdoor cafe. Failure by the licensee to maintain the insurance required by this section shall result in the revocation of the license.
- g. No smoking is allowed in any portion of an outdoor location, with smoking being defined pursuant to the Smoke Free Illinois Act definition (410 ILCS 82/10).
- h. There shall be an additional fee for this license equal to the sum of \$100.00 plus ½ the additional occupancy for the outdoor café location. For example, if occupancy in the outdoor café location is 100 additional persons, the fee would be \$100.00 + \$50.00, or \$150.00. The additional occupancy add-on shall apply to new renewals occurring after May 1, 2022.

(2) Class OL Supplementary License

- a. The outdoor location must be next to the permanent structure on the licensed premises.
- b. The perimeter of the outdoor location must be secured by a permanent fence or a wall which is at least 6 feet high and must meet other city code requirements.
- c. The outdoor location must be accessed only from the permanent structure and not from any street, sidewalk, or adjoining property, and must have emergency exits as required by city ordinances.

- d. No loud music may be played in, or broadcast to, the outdoor location, to such a degree that it will disturb the occupants of neighboring structures, and no music shall be played in, or broadcast to, the outdoor location after 10:00 p.m.
 - e. No bar may be located or operated in the outdoor location, except upon notification and approval of the local liquor commissioner and city council.
 - f. No smoking is allowed in any portion of an outdoor location, with smoking being defined pursuant to the Smoke Free Illinois Act definition (410 ILCS 82/10).
 - g. There shall be an additional fee for this license equal to the sum of \$500.00 plus ½ the additional occupancy for the outdoor location. For example, if occupancy in the outdoor location is 100 additional persons, the fee would be \$500.00 + \$50.00, or \$550.00. The additional occupancy add-on shall apply to new renewals occurring after May 1, 2022.
- (3) *Class EH Supplementary License.* The license holder may extend the midnight closing time on Monday through Saturday to 1:00 a.m., and may further extend it to 2:00 a.m. on Fridays and Saturdays only. Class R license holders may operate its bar or lounge for two hours after the kitchen closes, but in no event beyond 1:00 a.m. or 2:00 a.m. as provided herein. The additional fee for this license is \$500.00 per year.
- (4) *Class OP Supplementary License.* The license holder may sell beer and wine in their original packages for consumption off premises. The additional fee for this license is \$500.00 per year.
- (5) *Class PS Supplementary License.*
- a. A Class P license holder other than a convenience store may offer product sampling or tasting up to 52 times in a license year, upon written notification (e-mail notice acceptable) of the local liquor commissioner at least ten days before the planned event of the date and time of the planned event, subject to the following conditions:
 - (1) The license holder must be familiar with all state laws on the sampling quantity and size and must confirm in writing its agreement to follow those laws;
 - (2) A tasting event must be held during the license holder's normal operating hours and for no longer than a four hour period during each scheduled day; and
 - (3) The license holder must pay, at the time the license is initially issued and/or subsequently renewed, an annual fee based on the number of requested product samplings.
 - b. The additional fee for this license is as follows:
 - (1) For 1—12 sampling or tastings per license year = \$1,250.00;
 - (2) For 13—25 sampling or tastings per license year = \$250.00; and
 - (3) For 26—52 sampling or tastings per license year = \$500.00
- (6) *Class CS Supplementary License.* The license holder may offer catering service, subject to the following conditions:
- a. Alcoholic liquor may be served only at an event that includes food; and
 - b. Alcoholic liquor may be served only as part of a food and alcohol package.
 - c. The additional fee for this license is \$500.00 per year.
- (7) *Class SS Supplementary License.* The license holder may have liquor sales on Sunday as follows:

- a. Class A. For a bowling alley only, on premises sales from 11:00 a.m. until 12:00 a.m. ;
 - b. Class M. From 11:00 a.m. until 9:00 p.m.
 - c. Class MB. From 11:00 a.m. until 12:00 a.m.
 - d. Class P. From 12:00 p.m. until 9:00 a.m. (no sales of kegs permitted).
 - e. Class C. From 11:00 a.m. until 12:00 p.m. (no packaged sales).
 - f. Class H. From 11:00 a.m. until 12:00 a.m.
 - g. Class R. From 11:00 a.m. until 12:00 a.m.
 - h. Class B. From 12:00 p.m. until 9:00 p.m.
 - i. The additional fee for this license is \$500.00 per year.
- (8) *Class OW Supplementary License.* The license holder may provide onsite consumption of wine, as defined by the Liquor Control Act of 1934 (235 ILCS 5/1 et seq.), as amended, subject to the following conditions:
- a. no more than one bottle of wine per patron over the age of 21 shall be permitted to be uncorked;
 - b. only patrons seated at tables or booths with the patron who supplied the wine shall be permitted to consume wine that has been provided by the patron;
 - c. the licensee may provide glassware and ice to patrons and may uncork a bottle of wine, pour it and control its consumption for a corkage fee;
 - d. all employees who perform corkage duties shall be BASSETT trained and shall serve the wine as if it was purchased in the establishment complying with all state and local laws;
 - e. it shall be unlawful for any person to carry, transport or possess liquor in an unsealed and open condition, except as permitted for wine bottles from licensees under the Liquor Control Act of 1934, 235 ILCS 5/1 et seq.
 - f. The additional fee for this license is \$250.00.

(Ord. No. 14-53, § 2, 12-1-14; Ord. No. 19-30, § 6, 9-16-19)

Sec. 4-84. - Special privileges available to licensees.

The privileges available to licensees are listed under each license classification.

(Ord. No. 05-27, § 2, 9-12-05)

Sec. 4-85. - Creation of licenses.

- (1) The number of licenses in each primary license class is determined by the city council, and a license is created by council action only. Council shall convene a public hearing for consideration of any application with notice to be provided as follows:
 - a. *Mailing.* Notice shall be provided a minimum of fifteen (15) calendar days and no more than thirty (30) calendar days in advance of the public hearing to all owners of land within two hundred fifty (250) feet of the periphery of the land subject to the application whose names and addresses are known by reference to the most recently published ad valorem tax

records of the county assessor, except that when land is improved with a condominium, notice shall be given to the condominium association. Notice shall be presumed to have been given when mailed in accordance with these provisions.

- b. *Legal notice.* Legal notice shall be given by advertisement in a local newspaper of general circulation at least fifteen (15) and not more than thirty (30) days prior to the public hearing.
 - c. *Posting.* Notice shall also be given by posting a sign in the front yard of said property stating that a liquor license application for the property is under consideration. If there is no front yard, the sign shall be posted near the front entrance of the premises. The sign shall remain until action is taken by the City Council on the application.
- (2) If a license created by the council is not issued by the local liquor commissioner to the applicant within 30 days, it expires and ceases to exist.
 - (3) Once a license is issued, the licensee must report any substantive changes in its business operation (such as change in business ownership, change in business location, change in size of licensed premises through physical expansion of the building or the addition of an outdoor location) to the local liquor commissioner and the city council at least 90 days before the changes are expected to occur so that any necessary adjustments to the license and license fees may be made.
 - (4) Liquor licenses expire automatically, and no longer exist, when a business ceases to exist, when a business is sold, or when a license is revoked by the local liquor commissioner.

(Ord. No. 05-27, § 2, 9-12-05; Ord. No. 05-30, § 3, 11-7-05; Ord. No. 15-18, § 4, 6-15-15; Ord. No. 18-14, § 3, 5-21-18)

Sec. 4-86. - Calculation of license fees.

The license fee is for a twelve-month period beginning the date of issuance and expiring on that same date the following year.

The license fees are listed under each license classification.

(Ord. No. 05-27, § 2, 9-12-05; Ord. No. 14-52, § 5, 12-1-14)

Sec. 4-87. - Application fee.

A non-refundable application fee of \$500.00 must be paid when an application for a new license is submitted to the commissioner.

(Ord. No. 05-27, § 2, 9-12-05)

Sec. 4-88. - Regulations applicable to licensees with state video gaming licenses.

Video gaming shall be a secondary use of any establishment obtaining a license under this chapter. All licensees with a state video gaming License shall be subject to the all state, federal and local regulations, and by the act of acceptance of a license to sell alcoholic liquors at retail under this chapter, agrees to comply with all federal, state and local laws and regulations, including posting of any required signage.

(Ord. No. 15-18, § 5, 6-15-15; Ord. No. 18-14, § 4, 5-21-18)

Secs. 4-89—4-90. - Reserved.

ARTICLE V. OPERATION AND PREMISES REGULATIONS

Sec. 4-91. Hours of operation.

Sec. 4-92. Qualifications of employees.

Sec. 4-93. Occupancy.

Sec. 4-94. Entry age of non-liquor staff and contractors.

Sec. 4-95. Purchase, acceptance, possession or consumption of alcoholic liquor by minors.

Sec. 4-96. Sale and delivery of alcoholic liquor to minors and certain other persons.

Sec. 4-97. Proof of age; misrepresentation of age.

Sec. 4-98. Failure to carry ID.

Sec. 4-99. Assisting minor in misrepresentation of age or identity.

Sec. 4-100. Licensee and staff training.

Sec. 4-101. Regulations on licensees and licensed premises.

Sec. 4-102. Warning signs required.

Sec. 4-103. Employee parties.

Sec. 4-104. Private parties.

Sec. 4-105. Liability of owner of premises and licensee in certain instances.

Sec. 4-106. Teen events.

Sec. 4-107. Entertainment restrictions.

Sec. 4-108. Happy hours.

Secs. 4-109—4-110. Reserved.

Sec. 4-91. Hours of operation.

- (a) It shall be unlawful to sell, to offer for sale or delivery at retail, or to give away in or upon any licensed premise, any alcoholic liquor except during the hours allowed under each license class.
- (b) It shall be unlawful to remain open for business, to admit the public, to permit the public to remain within, or to permit the consumption of alcoholic liquor by any person in or upon the licensed premises more than 30 minutes after the closing time established under this chapter unless permitted under Section 4-102 or 4-103.
- (c) No person except the licensee and their agents shall enter the licensed premises between the allowed closing time and 6:00 a.m. unless permitted under Section 4-102 or 4-103.

(Ord. No. 05-27, § 2, 9-12-05)

Sec. 4-92. Qualifications of employees.

The qualifications of employees are addressed under each license category.

(Ord. No. 05-27, § 2, 9-12-05)

Sec. 4-93. Occupancy.

- (a) All premises licensed under this chapter to allow the on-site consumption of alcoholic liquor shall be inspected by the fire chief or their designated representative, to determine and fix the maximum permitted occupancy of such premises. The licensee shall contact the fire chief and arrange for an annual inspection and determination of occupancy, which shall be completed before the effective date of any new or renewed license.
- (b) Occupancy limits shall be determined by designating each separate room or other area as an open area or as seating area. The occupancy limit of open areas shall be determined by dividing the aggregate total number of square feet of all such open areas by a factor of seven. The occupancy limit of seating areas shall be determined by dividing the aggregate total number of square feet of all such areas by a factor of 15.
- (c) Notwithstanding the provisions of subsection (b), whenever the fire chief determines that any licensed premises does not meet the standards of the city's building, fire safety, property maintenance, or other applicable health or safety codes, the fire chief may direct that the applicable occupancy limitation factors be fixed at ten for open areas and at 16 for seating areas.
- (d) The maximum occupancy as determined by the fire chief shall be prominently displayed at or near the front entrance and above any bar area located upon the premises.
- (e) It shall be unlawful for any licensee, or for any agent of any licensee, to allow the occupancy limit of any licensed establishment to be exceeded. At any time that the commissioner or any law enforcement officer reasonably believes that the occupancy limit of any licensed premises has been exceeded, the fire department shall be notified. The fire chief, or their designated representative, may determine the occupancy on those premises at that time by any reasonable means, including requiring the temporary and orderly evacuation of the premises in order to obtain a count of the persons present.
- (f) The penalty imposed on a licensee for unlawful occupancy shall be a fine of no less than \$250.00 and no more than \$750.00.

(Ord. No. 05-27, § 2, 9-12-05)

Sec. 4-94. Entry age of non-liquor staff and contractors.

- (a) The age restrictions for lawful entry during operating hours that are imposed under this chapter shall not apply to a licensee's employees hired to perform services other than the mixing, serving, or selling of alcoholic liquor or to independent contractors hired to perform services upon the licensed premises, provided that the employed persons are at least 16 years old.
- (b) The penalty imposed on a person for unlawful entry, and on a licensee for allowing unlawful entry shall be a fine of no less than \$250.00 and no more than \$750.00.

(Ord. No. 05-27, § 2, 9-12-05; Ord. No. 05-30, § 2, 11-7-05)

Sec. 4-95. Purchase, acceptance, possession or consumption of alcoholic liquor by minors.

- (a) Any person to whom the sale, gift or delivery of any alcoholic liquor is prohibited because of age shall not purchase or accept a gift of such alcoholic liquor.
- (b) Any person to whom the sale, gift or delivery of any alcoholic liquor is prohibited because of age shall not have such alcoholic liquor in their possession.
- (c) Any person to whom the sale, gift or delivery of any alcoholic liquor is prohibited because of age shall not consume such alcoholic liquor.
- (d) Notwithstanding the other provisions of this section, it shall not be a violation of this chapter for any person under 21 years of age to possess and dispense, or to consume, any alcoholic liquor under any of the following conditions:
 - (1) In the performance of a religious ceremony or service;
 - (2) When under the direct supervision and control of a parent or parents or other person in loco parentis and in the privacy of a home.
- (e) The penalty for a violation of this section shall be a fine of no less than \$250.00 and no more than \$750.00.

(Ord. No. 05-27, § 2, 9-12-05)

Sec. 4-96. Sale and delivery of alcoholic liquor to minors and certain other persons.

- (a) No licensee or any agent of that licensee shall sell, give, or deliver, or permit the sale, gift, or delivery of alcoholic liquor to any person under 21 years of age, or to any intoxicated person, or to any person known by them to be under legal disability or in need of mental treatment.
- (b) No person, after purchasing or otherwise obtaining alcoholic liquor, shall sell, give, or deliver that alcoholic liquor to another person under 21 years of age, except in the performance of a religious ceremony or service.
- (c) The fact that a person under 21 years of age is found in possession of alcoholic liquor on the licensed premises of any licensee under this chapter shall be prima facie evidence that the licensee or an agent of the licensee permitted the sale, gift, or delivery of the alcoholic liquor to that person.
- (d) The penalty for a violation of the section shall be a fine of no less than \$300.00 and no more than \$750.00.

(Ord. No. 05-27, § 2, 9-12-05; Ord. No. 12-51, § 3, 9-17-12)

Sec. 4-97. Proof of age; misrepresentation of age.

- (a) Any licensee or agent of that licensee may refuse to sell or serve alcoholic liquor to any person who is unable to produce adequate written evidence of identity and of the fact that they are over 21 years of age.
- (b) At any time that a licensee or agent of that licensee believes, or has reason to believe, that a sale or delivery of alcoholic liquor is prohibited to any person because of that person's age, they shall, before making the sale or delivery, demand presentation of two permanent forms of positive identification; one of those forms of identification shall contain a photograph of the prospective recipient and proof of age and the other form of identification shall show the same name.

(c) It shall be an affirmative defense to any charge or violation brought against a licensee and/or the licensee's agent that the licensee or agent did the following:

- (1) Demanded presentation of identification from the prospective recipient;
- (2) Received the written evidence of identification stated in paragraph (b); and
- (3) Reasonably relied upon that written evidence of identification.

However, it shall not operate as a defense to a charge or violation if the licensee or the licensee's agent was shown, and had accepted, a false or fraudulent identification which he knew, or reasonably believed, to be false or fraudulent.

(d) It shall be unlawful for any person under 21 years of age to have in their possession any altered, false or fraudulent written, printed or photostatic evidence of age or identity or any written, printed or photostatic evidence of age or identity of another person who is 20 years of age or older.

(e) The penalty for a violation of the section shall be no less than \$300.00 and no more than \$750.00.

(Ord. No. 05-27, § 2, 9-12-05; Ord. No. 12-51, § 4, 9-17-12; Ord. No. 16-05, § 2, 2-16-16)

Sec. 4-98. Failure to carry ID.

(a) Any person entering or remaining in a Class A licensed establishment, shall have in their possession while remaining in such establishments, an identification card or some other form of positive identification with such person's picture imprinted on it showing their correct date of birth and issued by some public officer in the performance of their official duties. However, no person 20 years of age or older charged with violating this section shall be fined or convicted if they produce to the city attorney, prior to the filing of the complaint in circuit court, satisfactory evidence of their age and identity.

(b) The penalty for violation of this section shall be a fine of not less than \$100.00 nor more than \$750.00 for each offense.

(Ord. No. 12-61, § 2, 11-19-12)

Sec. 4-99. Assisting minor in misrepresentation of age or identity.

(a) It shall be unlawful for any person to give, sell or furnish to any person under 21 years of age any altered, false or fraudulent written, printed or photostatic evidence of age and identity.

(b) It shall be unlawful for any person to give, sell or furnish to any person under 21 years of age any written, printed or photostatic evidence of age and identity of any other person for the purpose of misrepresenting the age and identity of the person under 21 years of age.

(c) Every licensee and every employee or agent of such licensee who, as a part of their duties or employment with the licensee, tends bar, sells, serves, or dispenses any alcoholic liquor, or checks identifications of patrons shall receive appropriate training, including training in properly identifying persons, identifying and handling intoxicated persons, and recognizing false or fraudulent identification; the training shall be done at the start of employment and as needed during the employment period.

(d) The penalty for a violation of this section shall be a fine of no less than \$250.00 and no more than \$750.00.

(Ord. No. 05-27, § 2, 9-12-05)

Sec. 4-100. Licensee and staff training.

Every licensee and its resident manager and/or shift manager(s) must undergo training, and receive certification, under a state-approved BASSET course. The training shall include methods to identify and handle intoxicated persons, to identify false or fraudulent identification, and related topics. Those who are required to be certified must undergo re-certification as is mandated by the Illinois Liquor Commission or upon expiration of their certificates.

Every new applicant who is granted a liquor license must provide copies of the required certificates within 90 days of license issuance. Every applicant for license renewal must provide copies of current certification before its license may be renewed for the next license year.

(Ord. No. 05-27, § 2, 9-12-05; Ord. No. 14-52, § 6, 12-1-14)

Sec. 4-101. Regulations on licensees and licensed premises.

- (a) It shall be unlawful for any licensee or their agent to solicit any other person to purchase the solicitor a drink or drinks on any licensed premises.
- (b) It shall be unlawful for any licensee or their agent to serve, give, deliver or participate in placing any alcoholic liquor in any motor vehicle except in the original package and with the seal unbroken.
- (c) It shall be unlawful for any licensee or their agent to sell any alcoholic liquor in return for any payment not authorized by state law.
- (d) It shall be unlawful for any licensee or their agent to deny any person the full and equal enjoyment of the accommodations, advantages, facilities and privileges of any licensed premises subject only to the conditions and limitations established by law and applicable alike to all citizens.
- (e) It shall be unlawful for any licensee or their agent or anyone on the licensee's behalf to announce the presence of law enforcement officers in or on the licensed premises, unless requested to do so by a law enforcement officer.
- (f) It shall be unlawful for any licensee or their agent or anyone acting on the licensee's behalf to use any radio, police scanner or other electronic device for the purpose of intercepting police radio transmissions and thereafter warning any person on the licensed premises or notifying any other licensee or their agent of any inspection, check or other action by the police on any licensed premises.
- (g) A licensee and the licensee's agents shall promptly report to the police department any crime or other illegal activity occurring on or about the licensed premises of which any of them have knowledge. No licensee nor any agent of that licensee shall fail or refuse to aid and cooperate with the police department in the investigation of any crime or illegal activity or withhold any information.
- (h) Every licensee shall maintain on each licensed premises at least one telephone in proper working order and readily accessible to the bartender or other responsible person in charge of the licensed premises for purposes of reporting to the police department incidents that occur on or about the licensed premises.
- (i) Every licensed premises shall be kept and maintained in a clean and sanitary condition at all times and shall comply with all federal, state and local laws governing health and safety.
- (j) It shall be unlawful for any licensee to permit or allow anyone to play any game of cards, dice or checks for money or other thing of value or to permit or allow the use of any other article, instrument or thing whatsoever which may be used for the purpose of playing or betting upon or winning or losing money or any other thing of value, or to bet upon any games others may be playing, upon any licensed premises, except as permitted by state law.

(Ord. No. 05-27, § 2, 9-12-05)

Sec. 4-102. Warning signs required.

Premises licensed under this chapter must have warning signs posted thereon as follows:

- (1) Every class A licensee other than a bowling alley and every class SE licensee shall post the following sign in a conspicuous place at each entrance to any room or area where alcoholic liquor is being sold, served or consumed on the premises:

"YOU MUST BE AT LEAST 20 YEARS OLD TO ENTER THESE PREMISES UNLESS ACCOMPANIED BY A PARENT OR LEGAL GUARDIAN.

ORDINANCES OF THE CITY OF MACOMB PROHIBIT PERSONS UNDER AGE 20 FROM ENTERING OR REMAINING UPON THESE PREMISES UNLESS ACCOMPANIED BY A PARENT OR GUARDIAN AND PROHIBIT PERSONS UNDER AGE 21 FROM PURCHASING, ACCEPTING, POSSESSING, OR CONSUMING ALCOHOLIC LIQUOR OR FROM MISREPRESENTING THEIR AGE.

SUBSTANTIAL FINES UP TO \$750.00 CAN BE IMPOSED UPON CONVICTION OF VIOLATING THESE ORDINANCES."

- (2) Every class P licensee shall post the following sign in a conspicuous place in the area where alcoholic liquor is being sold:

"ORDINANCES OF THE CITY OF MACOMB PROHIBIT PERSONS UNDER AGE 21 FROM PURCHASING, ACCEPTING, POSSESSING, OR CONSUMING ALCOHOLIC LIQUOR OR FROM MISREPRESENTING THEIR AGE.

SUBSTANTIAL FINES UP TO \$750.00 CAN BE IMPOSED UPON CONVICTION OF VIOLATING THESE ORDINANCES."

- (3) Every class A bowling alley, every class C licensee, every Class D licensee, every class H licensee, and every class R licensee shall post the following sign in a conspicuous place at each entrance to any room or area where alcoholic liquor is being sold and/or served on the premises:

"YOU MUST BE AT LEAST 20 YEARS OLD TO ENTER THE BAR/LOUNGE OR LIQUOR SALES AREA UNLESS ACCOMPANIED BY A PARENT OR LEGAL GUARDIAN.

ORDINANCES OF THE CITY OF MACOMB PROHIBIT PERSONS UNDER AGE 20 FROM ENTERING OR REMAINING IN THE BAR/LOUNGE OR LIQUOR SALES AREA UNLESS ACCOMPANIED BY A PARENT OR GUARDIAN AND PROHIBIT PERSONS UNDER AGE 21 FROM PURCHASING, ACCEPTING, POSSESSING OR CONSUMING ALCOHOLIC LIQUOR OR FROM MISREPRESENTING THEIR AGE.

SUBSTANTIAL FINES UP TO \$750.00 CAN BE IMPOSED UPON CONVICTION OF VIOLATING THESE ORDINANCES."

- (4) Every licensee shall display a warning sign in a conspicuous location as follows:

"GOVERNMENT WARNING: ACCORDING TO THE SURGEON GENERAL, WOMEN SHOULD NOT DRINK ALCOHOLIC BEVERAGES DURING PREGNANCY BECAUSE OF THE RISK OF BIRTH DEFECTS."

(Ord. No. 05-27, § 2, 9-12-05)

Sec. 4-103. Employee parties.

It shall be unlawful for a licensee to hold an employee party, unless the following terms and conditions are met:

- (1) If a licensee wants to hold an employee party, the licensee must submit a written request to the local liquor commissioner at least fourteen (14) days before the date on which the employee party is proposed to be held, stating the date and time and the expected number of those attending the party. An employee's spouse or domestic partner also may attend, if the licensee requests.
- (2) An employee party must be held between 12:00 p.m. (noon) and 12:00 a.m. (midnight) and must not last longer than four hours.
- (3) If the local liquor commissioner approves the request for an employee party, the licensee shall comply with all other applicable provisions of this chapter and state law.

(Ord. No. 05-27, § 2, 9-12-05)

Sec. 4-104. Private parties.

A licensee holding a class A license may apply to the commissioner to hold a private party upon the licensed premises. An application to hold a private party shall be submitted to the commissioner at least ten (10) business days before the date on which the private party is proposed to be held. The commissioner shall review the applications and approve or deny it consistent with the provisions of this chapter.

(Ord. No. 05-27, § 2, 9-12-05)

Sec. 4-105. Liability of owner of premises and licensee in certain instances.

- (a) If the owner of any licensed premises, or any person from whom the licensee derives the right to possession of the premises, or the agent of that owner or person, shall knowingly permit the licensee to use the licensed premises in violation of this chapter, that person shall be deemed guilty of a violation of this chapter to the same extent as the licensee and shall be subject to the same penalties provided for in this chapter.
- (b) Every act or omission of whatever nature constituting a violation of any provisions of this chapter by any agent of any licensee, shall be deemed to be the act of such licensee. The licensee shall be punishable to the same extent and to the same manner as if the act or omission had been done or omitted by the licensee personally.

(Ord. No. 05-27, § 2, 9-12-05)

Sec. 4-106. Teen events.

A licensee holding a class A license may hold an all-teen event if the licensee complies with the provisions of this section. The licensee must apply to the commissioner on the city's application form at least ten (10) business days before the date on which the event is proposed to be held. The commissioner may approve or deny the request. No all-teen event shall be approved on any licensed premises unless the following conditions are met:

- (1) All taps and containers of alcoholic liquor shall be removed from the area where the teen event is to be held;

- (2) No person under 21 years of age shall be permitted on any part of the licensed premises where alcoholic liquor is being kept or stored during the event and all event participants must remain in the area specified for the event;
- (3) No person under 18 years of age shall be permitted to participate in any approved teen event;
- (4) The licensee shall provide adequate supervision of the event by persons 21 years of age or older; and
- (5) The licensee shall comply with all applicable health, safety and fire prevention requirements.

(Ord. No. 05-27, § 2, 9-12-05)

Sec. 4-107. Entertainment restrictions.

- (a) No licensee shall engage in, or permit anyone else to engage in, any of the following acts on its licensed premises:
 - (1) Performing any topless and/or bottomless act, demonstration, dance or exhibition;
 - (2) Performing any act of sexual intercourse, masturbation, sodomy, bestiality, oral copulation, flagellation, or any other sexual act which is prohibited by law;
 - (3) Actual or simulated touching, fondling, or caressing of the breast, buttocks, anus, vulva or genitals;
 - (4) Displaying films or photographs depicting acts prohibited by subsections (1), (2) or (3) above.
- (b) No person shall engage in any of the acts prohibited in subsection (a) above on any licensed premises.
- (c) No licensee or their agent shall permit any person to remain on the licensed premises who violates any of the provisions of this section.

(Ord. No. 05-27, § 2, 9-12-05)

Sec. 4-108. Mandatory schedule of prices.

All retail licensees shall maintain a schedule of the prices charged for all drinks of alcoholic liquor to be served or consumed on the licensed premises or in any room or part thereof as set forth in Section 6-27.5 of the Liquor Control Act of 1934, 235 ILCS et seq.

Sec. 4-109. Happy hours.

Licensees are permitted happy hours in accordance with the Liquor Control Act of 1934, specifically sections 6-28 and 6-28.5 of said Act.

(Ord. No. 05-27, § 2, 9-12-05)

Secs. 4-110—4-110. Reserved.

ARTICLE VI. MISCELLANEOUS PROVISIONS

Sec. 4-111. Adoption of state law by reference.

Sec. 4-112. Set-up establishments prohibited.

- Sec. 4-113. Adult responsibility.
- Sec. 4-114. Keg registration and bulk alcohol sale restrictions.
- Sec. 4-115. Restrictions on the general public.
- Sec. 4-116. Nuisance declared.
- Sec. 4-117. Restricted areas of municipal property.
- Sec. 4-118. Mass gatherings.

Sec. 4-111. Adoption of state law by reference.

Each and every part, provision and section of the Liquor Control Act of 1934 (235 ILCS 5/1-1 et seq.), as amended, and regulations promulgated thereunder which relate in any manner to the sale at retail of alcoholic liquor, is hereby adopted by reference and made a part of this chapter, to the same extent and with the same legal effect as if fully set forth herein except as otherwise specifically changed or amended in this chapter. Any violation of such applicable and accepted provisions of said Act shall be deemed a violation of this chapter and be subject to the penalties provided herein.

(Ord. No. 05-27, § 2, 9-12-05)

Sec. 4-112. Set-up establishments prohibited.

- (a) It is unlawful for any person to operate a set-up establishment in the city.
- (b) The penalty for a violation of this section shall be a fine of no less than \$500.00 and no more than \$750.00.

(Ord. No. 05-27, § 2, 9-12-05; Ord. No. 14-21, § 2, 5-5-14)

Sec. 4-113. Adult responsibility.

- (a) No person 21 years of age or older who owns, possesses, operates, supervises or controls any premises within the city shall knowingly permit any person under twenty-one (21) years of age to possess or consume any alcoholic liquor on such premises.
- (b) It shall be an affirmative defense to any action under this section that the person twenty-one (21) years of age or older asked for, was shown and reasonably relied upon a driver's license or other written evidence of age and identity as described in section 4-97 of this chapter.
- (c) It shall not be a violation of this section:
 - (1) For a parent or legal guardian to permit possession or consumption of alcoholic liquor by their child in their own home; or
 - (2) To allow a person under twenty-one (21) years of age to possess, dispense or consume alcoholic liquor as part of a religious ceremony or service.
- (d) The penalty for a violation of this section shall be a fine of no less than \$250.00 and no more than \$750.00.

(Ord. No. 05-27, § 2, 9-12-05)

Sec. 4-114. Keg registration and bulk alcohol sale restrictions.

- (a) Every licensee under this chapter who sells any keg of alcoholic liquor at retail shall record the name and address of the person purchasing such keg and the other information required by this section and shall affix upon the keg a permit, tag or sticker furnished by the city.
- (b) Every person who purchases any keg of alcoholic liquor at retail outside the city and transports that keg to any location within the city for consumption shall register their name and address and the other information required by this section with the city police department. The police department shall provide and affix upon any keg so registered a permit, tag or sticker evidencing such registration.
- (c) Every licensee who sells any alcoholic liquor by the keg at retail shall keep, maintain and provide on request of the local liquor commissioner its records concerning the retail sale of such kegs and the persons purchasing such kegs.
- (d) The local liquor commissioner shall provide every licensee who sells any alcoholic liquor by the keg at retail with forms for the registration of such sales and permits, tags or stickers to affix to such kegs.
- (e) The local liquor commissioner shall specify the information to be kept and provided by licensees concerning retail keg sales, which shall include the following:
 - (1) The name and permanent address of the purchaser, verified by valid, state-issued identification;
 - (2) The type of identification presented by the purchaser and the identification number;
 - (3) A statement, signed by the purchaser, that the purchaser is twenty-one (21) years old or older, that they will not allow persons under age twenty-one (21) to consume the alcoholic liquor being purchased, that they will not obliterate or remove the keg registration tag affixed to the keg and will not allow others to do so, and, under penalty of perjury, certifying that the statements contained on this form are true;
 - (4) The address or location where the keg will be consumed, and the date(s) it will be consumed, and the name of the property owner;
 - (5) The signature of the purchaser; and
 - (6) The date of the sale and name of salesperson.
- (f) It shall be a violation of this section:
 - (1) For a retail seller, its employee or agent, to fail to obtain a fully completed keg registration form from the purchaser.
 - (2) For a purchaser to provide false or misleading information.
 - (3) For a purchaser to fail to register a keg purchased outside the city.
 - (4) For any person, except a local licensee in the regular course of its business, to possess a keg within the city unless that keg has been registered and displays the permit, tag, or sticker required by this section.
 - (5) For any person, except a local licensee in the regular course of its business, to withdraw alcoholic liquor from any keg which does not have a city permit, tag or sticker is affixed to it such keg.
 - (6) For any person to remove, alter, tamper with, or destroy any permit, tag, or sticker affixed to any keg within the city.

The penalty for each violation of this section shall be a fine of no less than \$250.00 and no more than \$750.00, in addition to any other penalties imposed under the liquor code.

(Ord. No. 05-27, § 2, 9-12-05)

Sec. 4-115. Restrictions on the general public.

- (a) It shall be unlawful for any person or group without valid city and state liquor licenses to peddle alcoholic liquor to the general public anywhere in the city.
- (b) No person shall transport, carry, possess or have any alcoholic liquor in, upon, or about any motor vehicle except in the original container and with the seal unbroken, unless such alcoholic liquor is not in the passenger area of the motor vehicle.
- (c) It shall be unlawful for any person to transport, carry or possess any alcoholic liquor other than in the original container and with the seal unbroken on any public property, or any other place that is accessible to the general public.
- (d) It shall be unlawful for any person to consume any alcoholic liquor on any public property or on any other place that is accessible to the general public, except during an event for which the sponsoring organization has obtained city and state liquor licenses.
- (e) The penalty for a violation of this section shall be a fine of no less than \$250.00 and no more than \$750.00.

(Ord. No. 05-27, § 2, 9-12-05)

Sec. 4-116. Nuisance declared.

- (a) Any premises, licensed or unlicensed, used to conduct the sale of alcoholic liquor in violation of this chapter or state law is hereby declared to be a public nuisance.
- (b) Any nuisance under this section may be abated by a proper action in any court of competent jurisdiction.

(Ord. No. 05-27, § 2, 9-12-05)

Sec. 4-117. Restricted areas of municipal property.

- (a) No liquor shall be sold, served or allowed to be consumed on property owned or leased by the City except at the following locations and under the following conditions:
 - (1) At the 120 E. Calhoun St. currently the home of MACVB when a special use permit or a special event permit has been obtained or a catering license holder wishes to cater an event at the location. The liquor commissioner shall have the sole discretion in determining whether or not a proposed event meets the foregoing qualifications.
 - (2) At all municipal parks when a state special use permit or a special event permit has been obtained and provided such event is either a city-sponsored event or such event directly benefits a City program or activity. The liquor commissioner shall have the sole discretion in determining whether or not a proposed event meets the foregoing qualifications.
 - (3) At 232 East Jackson Street, currently the home of City Hall, when a state special use permit or a special event permit has been obtained and provided such event is either a city-sponsored event or such event directly benefits a City program or activity. The liquor commissioner shall have the sole discretion in determining whether or not a proposed event meets the foregoing qualifications.
 - (4) At Spring Lake Park Campground, in individual camp sites, rental cabins or rental house, NOT on the lake, in common areas or in boats. Spring Lake management or caretaker shall have persons

registering for campsite/cabin/house rental provide a copy of their identification providing age, photograph and address, and management or caretaker shall distribute to person/s registering a written copy of alcohol responsibilities and admonishments along with camp site/cabin/house rules, regulations and expectations.

(Ord. No. 06-33, § 2, 8-21-06; Ord. No. 18-13, § 2, 5-7-18)

Sec. 4-118. Mass gatherings.

(a) *Definitions.* The following words and terms, whenever used in this section, shall be interpreted as herein provided:

Fence means any barrier or partition with principal dimensions of height and length clearly defining the perimeters of a mass gathering and designed to control ingress and egress. A fence shall include but not be limited to existing buildings, walls, hedges, and structures.

Mass gathering means any outdoor or open air gathering of 150 or more persons at which alcoholic liquor is consumed, provided such alcoholic liquor is not sold at the gathering by a person or persons holding a liquor license issued by the City.

Security guard means any person clearly identified as security personnel, provided such person does not consume alcoholic liquor while on duty at the mass gathering.

Sponsor means to allow, permit, conduct, hold, maintain, encourage, organize, or promote a mass gathering.

(b) *Unlawful gatherings.* It shall be unlawful for any person to sponsor a mass gathering unless a permit has been obtained from the City of Macomb for the sponsoring of such mass gathering.

(c) *Application for permit.* Written application for a permit to sponsor a mass gathering shall be made to the City Clerk or their designee. The application may be submitted at any time, but at least fourteen (14) days prior to the date upon which the mass gathering is to be held. Such application shall be on forms provided by the city and shall have attached thereto plans, documents, and other material required by this article. The application shall be forwarded to the appropriate City personnel, including the police department personnel for an investigation with reference to all applicable city codes and laws. The permit application shall contain the following information:

- (1) The name, address, and telephone number of the person or persons requesting the permit;
- (2) The name and address of all persons acting as sponsors of the mass gathering;
- (3) The name, address, and telephone number of the person acting as chairperson or otherwise responsible for the conduct of the mass gathering;
- (4) The purpose of the mass gathering and the estimated number of attendees;
- (5) The date or dates the mass gathering is to be conducted and the hour or hours the mass gathering will commence and terminate;
- (6) The number, type (flush type or portable chemical), and location of toilet facilities to be provided for use during the mass gathering;
- (7) The name and address of any concessionaires or vendors doing business at the mass gathering;
- (8) Whether any live or recorded music will be provided;
- (9) Whether alcoholic beverages will be available or consumed at the mass gatherings;

- (10) A statement as to the number and type of refuse collection containers that will be available at the mass gathering;
 - (11) A statement explaining the availability of adequate lawful parking within the immediate area of the mass gatherings;
 - (12) A statement explaining arrangements made for the presence of any security guard(s);
 - (13) A site plan indicating the location of fencing and points of ingress to and egress from the mass gathering;
 - (14) A statement explaining applicant's legal interest in the mass gathering site and submission of evidence by deed, lease, or other document verifying such interest.
- (d) *Conditions precedent to granting of permit.* No permit shall be issued under this article unless the following conditions are met:
- (1) Toilet facilities: The applicant shall provide a minimum of one toilet facility for each 75 attendees. Toilet facilities shall be located within the mass gathering perimeters or within 100 feet thereof, and be identified as open for use by attendees.
 - (2) Waste management: Refuse collection containers shall be placed within the perimeters of the mass gathering and at the point or points of egress from the mass gathering. Containers shall be durable and non-absorbent. Heavy-weight paper or plastic sacks designed specifically for storage or refuse may be used. The total capacity of the containers shall be a minimum of 30 gallons for each 50 attendees.
 - (3) Clean-up: The applicant shall post a clean-up deposit or bond in the amount of \$100.00 per 75 attendees to secure compliance with the clean-up provisions of this section.
 - (4) Traffic and parking control: The applicant shall have made provision for adequate lawful parking within the immediate area of the mass gathering site so that traffic will not be disrupted and that emergency vehicles shall have access to the site.
 - (5) Security and public safety: The applicant shall provide at least one clearly identified security guard for every 50 attendees or fraction thereof approved in the permit. Such security guard(s) shall be in attendance from one half-hour before and until one half-hour after the time of the mass gathering, as approved for any given day.
 - (6) Mass gathering site: The mass gathering site shall be fenced in such a manner so that attendees are familiar with the lawful perimeters of the site, and also to assist the sponsor in restricting the mass gathering to those persons invited to attend.
 - (7) Interest in mass gathering site: The applicant shall demonstrate a legal interest in the mass gathering site by means of a deed, lease agreement, or other document stating such interest.
 - (8) No beverages served in glass bottles will be permitted.
 - (9) Mass gathering scheduled time will be subject to the discretion of the chief of police, with consideration to be given to the location of the proposed site, and absolutely no mass gathering occurring before 11:00 a.m. or to continue past 1:00 a.m.
 - (10) Insurance coverage: The applicant must have proof of general liability insurance coverage in an amount no less than \$300,000.00, with the City to be named as additional insured if the event were to occur on the City property.
- (e) *Issuance or denial of permit; appeal.*
- (1) *Issuance.* The chief of police or their designee shall issue a permit within fourteen (14) days following receipt of the application for a permit if, based upon an evaluation of the information

provided or information obtained by an investigation made by the city, it is determined that the proposed mass gathering complies with the requirements of this article, all other city ordinances, and applicable state law. The permit issued by the chief of police or their designee shall detail the following:

- a. Dates and hour of operation of the mass gathering as determined by the chief of police or their designee pursuant to considerations of the location of the proposed site;
- b. Number of attendees permitted at the mass gathering;
- c. Number and location of toilet facilities required in connection with the mass gathering;
- d. Size and location of refuse collection containers required in connection with the mass gathering;
- e. Notice that the permittee shall be responsible for clean-up;
- f. Number and location of parking spaces or parking areas required in connection with the mass gathering;
- g. Number of security guard(s) required in connection with the mass gathering;
- h. Location and type of fencing required in connection with the mass gathering;
- i. A list of all other permits, licenses, or registrations required by the city in order to hold a lawful gathering;
- j. Notice that issuance of a mass gathering permit does not constitute waiver of requirements imposed under other city ordinances or state law.

(2) *Denial.* The chief of police or their designee shall deny a permit within 14 days following receipt of the application for a permit if any information supplied by the applicant is false or intentionally misleading, if issuance of a permit violates or will cause a violation of the terms of this applicant's lease arrangements for use of the mass gathering site, or if the proposed mass gathering violates any of the conditions of this article, any other city ordinance, or any applicable state law, or if the mass gathering is likely to cause significant traffic, noise, litter, health, or disturbances of the peace, or if a mass gathering previously sponsored by the applicant (including any members of the applicant association) has caused significant problems regarding noise, traffic, litter, health, unlawful possession or consumption of alcohol by minors, or disturbances of the peace or that significant problems regarding noise, traffic, litter, health, unlawful possession or consumption of alcohol by minors, or disturbances of the peace have occurred at this location within the past two years. The chief may also deny a mass gathering permit if a permit has been granted in the past year for any location within 1,500 feet of the proposed location and the chief finds that the issuance of a mass gathering permit would unduly disrupt the quiet of the area of the proposed mass gathering. The chief may also deny a permit if one or more such permits have been issued within 48 hours of the time being requested and the chief reasonable believes that there are insufficient police resources available to monitor the mass gathering. Such denial shall be in writing and enumerate the specific reason or reasons for the denial. Notice of the denial shall be given to the applicant by personal service of by U.S. mail, first class postage prepaid.

(3) *Appeals.* The denial of a permit by the chief of police or their designee pursuant to the provisions of this article may be appealed to the city administrator by the applicant. Such appeal shall be in writing, filed with the city administrator within five (5) days of the mailing or personal service of the decision of the chief of police or their designee and must specify objections to the decision of the chief of police or their designee. The city administrator or their designee shall within seven (7) days act upon the appeal by conducting a hearing and making a decision on such appeal. The city administrator or their designee shall notify the applicant personally of the time and place of

said hearing. If the city administrator or their designee determines that a permit should be issued, then they shall issue a permit. If the city administrator or their designee determines that a permit should not be issued, then they shall inform the applicant of their decision in writing specifying their reasons therefore. All decisions of the city administrator or their designee shall be final and reviewable only in the courts in accordance with applicable law.

(f) *Post-gathering procedures.*

- (1) *Clean-up.* The applicant shall be responsible for placing all refuse in appropriate containers, making it ready for removal within 12 hours following the conclusion of the mass gathering.
 - (2) *Post-gathering inspection.* Within 12 hours following the conclusion of the mass gathering, the chief of police shall cause an inspection to be made at the mass gathering site to determine compliance with this section.
 - (3) *Deposit, refund, or bond termination.* If the permittee has complied with this section the chief of police shall authorize return of the clean-up deposit or termination of the clean-up bond. The clean-up deposit shall be returned within five days from such authorization.
 - (4) *Failure to comply.* If, upon inspection, the chief of police determines that the permittee has failed to comply with clean-up provisions, the chief of police may cause trash and debris at the site to be placed in appropriate containers, making it ready for removal. The permittee shall be responsible for the cost of such cleanup. The city may order forfeiture of the clean-up deposit or bond and apply all or a portion of the same towards the clean-up cost incurred by the city.
 - (5) *Clean-up deposit or bond forfeiture.* The city administrator or their designee shall, prior to ordering forfeiture of any clean-up deposit or bond, give notice to the permittee. Such notice shall be by regular mail. Permittee may, within five (5) days of the mailing of said notice, file a written request with the city administrator or their designee for an administrative hearing. Failure to request a hearing shall result in forfeiture of the clean-up deposit or bond.
 - (6) *Hearing.* Upon request for an administrative hearing, the city administrator or their designee shall schedule a time at which the permittee may present evidence indicating by a preponderance of the evidence that the permittee complied with the terms of the clean-up provisions. Reasonable notice of said hearing shall be provided to permittee.
 - (7) *Decision.* If the city administrator or their designee determines that the permittee has met their burden of proof, then they shall order the clean-up deposit or bond returned to the permittee. If the city administrator or their designee determines that the permittee has not met the burden of proof, then they shall order the clean-up deposit or bond forfeited to the city. All decisions of the city administrator or their designee shall be final and reviewable only in the courts in accordance with applicable law.
- (g) *Necessity for other permits.* Obtaining a permit under this article shall not excuse any person from compliance with any other applicable statute, ordinance, or regulation, or the necessity of obtaining any other permit or license required by law.
- (h) *Permit not transferable.* No permit issued under the provisions of this section shall be transferable.
- (i) *Permittee present at all times.* The permittee shall be present at the mass gathering site during the entire period, from one half-hour prior to the scheduled mass gathering time to one hour after the close of the mass gathering, as approved for any given day.
- (j) *Failure to comply with permit.* It shall be unlawful for any person granted a permit pursuant to the terms of this article to violate any of the terms or conditions enumerated in such permit.
- (k) *Refusal to obey order to disperse.* Any person who refuses to obey a lawful order of a police officer to orderly disperse from a mass gathering site shall be in violation of this section.

- (l) *No permit—Effect.* No person shall knowingly participate in or attend a mass gathering unless a written permit has been obtained from the city administrator, chief of police, or their designee. Upon verbal notice from a police officer of the City that no permit has been issued for the mass gathering, any person who refuses or fails to orderly disperse shall be in violation of this section.
- (m) *Admission.* The permittee shall not admit any person to a mass gathering if such admission results in a greater number of persons present than allowed by the permit.
- (n) *Proximity to schools, churches, hospitals, etc.* No mass gathering shall be held in a location which is closer than 100 feet from any school when in session, church or synagogue when services are being held, hospital or nursing home, unless such gathering is sponsored by the affected school(s), church(es), synagogues(s), hospitals), or nursing homes(s).
- (o) *Penalty.* Any person violating this section shall be fined not less than \$500.00 nor more than \$750.00 for each offense.

(Ord. No. 12-11, § 2, 3-5-12)