

CITY OF O'FALLON, ILLINOIS
ORDINANCE NO. 4378

ORDINANCE AMENDING TITLE XI
CHAPTER 116, SECTION 116.01 – 116.54
ALCOHOLIC BEVERAGES

WHEREAS, The City of O'Fallon is a home rule unit and may exercise any power and perform any function pertaining to the governing affairs including, but not limiting to, the power to regulate for the protection of its citizens regarding the public health, safety, morals, welfare and license; and

WHEREAS, The City of O'Fallon also has the authority to police the manner of operation of businesses by requiring the submission of an application for Business Registration.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF O'FALLON, ST. CLAIR COUNTY, ILLINOIS AS FOLLOWS:

§ 116.01 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ACT or ***STATE LIQUOR CONTROL ACT OF 1994***. 235 ILCS 5/1-1 et seq.

ALCOHOL. 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. The four varieties of liquor herein defined (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.

BEER. A beverage obtained by 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.

BREW PUB. Every building or other structure kept, used, maintained, advertised and held out to the public to be a place where alcoholic beverages are served and which includes the on-site manufacture, storage and retail sale of beer for consumption on or off the designated premises.

BRING YOUR OWN BOTTLE or ***BYOB***. The practice of allowing patrons of a business inviting public patronage to bring their own alcoholic liquor to be consumed by the patron and his or her guest on the business premises.

CATERER or CATERING. A person, corporation, partnership, limited liability company or other business entity which services alcoholic liquor for consumption as an incidental part of food and beverage service that serves meals off-site of a licensed premises or a restaurant.

CONTROLLED PREMISES. The total area of the premises which the licensee controls or is responsible for and shall include, but not be limited to, licensed premises, parking lots or other areas adjacent to the licensed premises.

EVENT SPONSOR. Any person who presents, sponsors, hosts or promotes a tasting event which includes sample tasting of alcoholic liquor whether or not such person directly offers tasting of alcoholic liquor and its related sale at the tasting event.

NOT-FOR-PROFIT CORPORATION. A corporation organized or registered under the laws of and in good standing with the state pursuant to the State General Not-For-Profit Corporation Act of 1986 (805 ILCS 105/101.01 et seq.) and which entity was organized for the promotion of some common object or purpose, other than the sale and consumption of alcoholic liquors.

PACKAGE SALES. The sale of the same alcoholic liquor which is offered for tasting where such alcoholic liquor is sold in the original container which bears the brewer's and/or manufacturer's label and which is corked, capped or otherwise securely sealed at the place of brewing, manufacture or distilling.

RESTAURANT. As defined in § 157.016 under **RESTAURANT, FAST FOOD, RESTAURANT, GENERAL** or **RESTAURANT, LIMITED**.

SEALED CONTAINER. A new container that is rigid, with a secured lid or cap designed to prevent consumption without removal of the tamper-evident lid or cap. "Sealed container" does NOT include a container with a lid with sipping holes or openings for straws or a container made of plastic, paper, or polystyrene foam.

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

TAMPER-EVIDENT: The lid or cap must be sealed with a tamper-evident cover, such as wax dip or heat shrink wrap. Tamper-evident covers must be designed to make it apparent that the container has been opened or tampered with after the container was sealed by the retail licensee.

TASTING. The supervised presentation of samples of one or more varieties of alcoholic liquor to the public served from the original package. **TASTING** shall be limited to any one individual no more than three offerings in one day of alcoholic liquor in glasses, cups or other containers which are capable of holding no more than one fluid ounce in the case of wine, two fluid ounces in the case of beer and one-quarter ounce in the case of spirits.

TASTING EVENT. Any event sponsored, hosted or promoted within the city primarily for the purpose of offering tasting of alcoholic liquor.

TASTING REPRESENTATIVE. Any person who directly offers tasting of alcoholic liquor to the public and either holds a valid issued retailer's license, special event retailer's license, caterer's retail license or special use permit license issued by the State Liquor Control Commission or works under the direction of, is supervised by or is employed by a person who holds a valid issued retailer's license, special event retailer's license, caterer's retail license or special use permit license liquor license issued by the State Liquor Control Commission.

WINE. Any alcohol beverage obtained by the fermentation of the natural contents of fruits or vegetables containing sugar, including such beverages when fortified by the addition of alcohol or spirits, as herein defined.

(Prior Code, § 116.01) (Ord. 1534, passed 3-30-1992; Ord. 3824, passed 3-17-2014; Ord. 3827, passed 4-21-2014; Ord. 3932, passed 5-16-2016; Ord. 4065, passed 11-5-2018; Ord. 4107, passed 8-5-2019)

LICENSES

§ 116.15 CLASSIFICATIONS OF LICENSES

(A) *Class "A" on-premises license.*

- (1) Licenses shall authorize the holder thereof to sell at retail alcoholic liquor for consumption on the premises specified in such license.
- (2) Sales may occur at all hours chosen by the licensee, except between the hours of 1:00 a.m. and 5:00 a.m., when no sales of alcoholic liquor may be made.
- (3) No person may consume, and no person other than the licensee shall possess or have, any alcoholic liquor upon the licensed premises more than one-half hour after the close of business for the retail sale of alcoholic liquor and before such business reopens as allowed by the preceding, and the premises shall be vacated within one-half hour of the close of such business by all persons other than employees of the licensee then engaged in customary after-hours duties which relate to cleaning and closing such business.

(B) *Class "B" on-premises extended hours license.*

- (1) Licenses shall authorize the holder thereof to sell at retail alcoholic liquor for consumption on the premises specified in such license.
- (2) Sales may occur at all hours chosen by the licensee, except between the hours of 1:00 a.m. and 5:00 a.m. Monday through Friday, inclusive, and between the hours of 2:00 a.m. and 5:00 a.m. on Saturday and Sunday, when no sales of alcoholic liquor may be made.
- (3) No person may consume, and no person other than the licensee shall possess or have, any alcoholic liquor upon the licensed premises more than one-half hour after close of business for the retail sale of alcoholic liquor and before such business reopens as allowed by the preceding, and the premises shall be vacated within one-half hour of the close of such business by all persons other than employees of the licensee then engaged in customary after-hours duties which relate to cleaning and closing such business.

(C) *Class "C-1" off-premises license.*

- (1) Licenses shall authorize the holder thereof to sell at retail alcoholic liquor in the original retail package of the manufacturer on the premises specified in the license.
 - (2) Sales may occur at all hours chosen by the licensee, except between the hours of 1:00 a.m. and 5:00 a.m., when no sales of alcoholic liquor may be made.
 - (3) No alcoholic liquor sold pursuant to a Class "C-1" license shall be consumed on the premises for which such license is issued.
- (D) *Class "C-2" off-premises extended hours license.*
- (1) Licenses shall authorize the holder thereof to sell at retail alcoholic liquor in the original retail package of the manufacturer on the premises specified in the license.
 - (2) Sales may occur at all hours chosen by the licensee, except between the hours of 1:00 a.m. and 5:00 a.m., Monday through Friday, inclusive, and between the hours of 2:00 a.m. and 5:00 a.m. on Saturday and Sunday, when no sales of alcoholic liquor may be made.
 - (3) No alcoholic liquor sold pursuant to a Class "C-2" license shall be consumed on the premises for which such license is issued.
- (E) *Class "D-1" on-premises with entertainment license.*
- (1) Licenses shall authorize the holder thereof to sell at retail alcoholic liquor for consumption on the premises specified in such license.
 - (2) Sales may occur at all hours chosen by the holder thereof, except between the hours of 2:00 a.m. and 5:00 a.m., when no sales of alcoholic liquor may be made; provided that a live band, or such other live entertainment as the Liquor Commissioner deems comparable, performs at such premises at least five days each week.
 - (3) No person may consume, and no person other than the licensee shall possess or have, any alcoholic liquor upon the licensed premises more than one-half hour after the close of business for the retail sale of alcoholic liquor and before such business reopens as allowed by the preceding, and the premises shall be vacated one-half hour after the close of such business by all persons other than employees of the licensee then engaged in customary after-hours duties relating to cleaning and closing such business.
- (F) *Class "D-2" on-premises with bowling alley license.*
- (1) Licenses shall authorize the holder thereof to sell at retail alcoholic liquor for consumption on the premises specified in the license.
 - (2) Sales may occur at all hours chosen by the holder thereof, except between the hours of 2:00 a.m. and 5:00 a.m., when no sales of alcoholic liquor may be made; provided that the holder of such license operates on such same premises a bowling alley and food is being served at all such hours on such premises.
 - (3) No person may consume, and no person other than the licensee may possess or have, any alcoholic liquor on such premises more than one-half hour after the close of business for the retail sale of alcoholic liquor and before such business reopens as allowed by the preceding.
- (G) *Class "E" on and off-premises license.*
- (1) Licenses shall authorize a holder thereof to make sales at retail of alcoholic liquors for consumption on the premises with a seating capacity for 20 or more patrons and to sell packaged alcoholic liquors for consumption off the premises.

(2) Class "E" licenses shall authorize a holder thereof to sell, at retail, alcoholic beverages for consumption on the premises specified in such license and to sell packaged alcoholic liquors for consumption off the premises specified in such license at all hours chosen by the licensee except between the hours of 1:00 a.m. and 5:00 a.m., Monday through Friday, inclusive, and between the hours of 2:00 a.m. and 5:00 a.m. on Saturday and Sunday, when no sales of alcoholic beverages may be made.

(3) No person may consume, and no person other than the licensee shall possess or have, any alcoholic beverage upon the licensed premises more than one-half hour after the close of business for the retail sale of alcoholic beverage and before such business opens as allowed by the preceding, and the premises shall be vacated within one-half hour of the close of such business by all persons other than employees of the licensee then engaged in customary after-hour duties which relate to cleaning and closing of such business.

(H) *Class "F" brew pub license.*

(1) Licenses shall authorize a holder thereof to manufacture beer ("brew pub") and store the brew pub at a designated premises and to make sales to distributors, importing distributors, as well as the direct sale to non-licensed consumers for consumption off the designated premises in containers not larger than 64 ounces or on the designated premises. A licensee shall not sell, for off-premises consumption, more than 50,000 gallons of beer per year. A Class "F" licensee must have a valid brew pub license from the state.

(2) Class "F" licenses shall authorize a holder thereof to sell, at retail, alcoholic beverages for consumption on the premises specified in such license at all hours chosen by the licensee except between the hours of 1:00 a.m. and 5:00 a.m., Monday through Friday, inclusive, and between the hours of 2:00 a.m. and 5:00 a.m. on Saturday and Sunday, when no sales of alcoholic beverages may be made.

(3) No person may consume, and no person other than the licensee shall possess or have, any alcoholic beverage upon the licensed premises more than one-half hour after the close of business for the retail sale of alcoholic beverage and before such business opens as allowed by the preceding. The premises shall be vacated within one-half hour of the close of such business by all persons other than employees of the licensee then engaged in customary after-hours duties which relate to cleaning and closing of such business.

(4) A Class "F" license shall authorize the licensee to sell its micro-brewed beer for consumption off premises in containers not larger than 64 ounces at all hours chosen by the licensee except between the hours of 1:00 a.m. and 5:00 a.m., Monday through Friday, inclusive, and between the hours of 2:00 a.m. and 5:00 a.m. on Saturday and Sunday, when no sales of alcoholic beverages may be made.

(I) *Class "G-1" not-for-profit license.*

(1) Licenses shall authorize a not-for-profit corporation as holder thereof to sell, at retail, alcoholic liquor for consumption only on the premises where sold.

(2) Alcoholic liquor may be sold at retail for consumption on the premises at all hours chosen by the holder thereof, except between the hours of 1:00 a.m. and 5:00 a.m. when no sales of alcoholic liquor may be made.

(3) No person may consume, and no person other than the licensee shall possess or have, any alcoholic beverage upon the licensed premises more than one-half hour

after the close of business for the retail sale of alcoholic beverage and before such business opens as allowed by the preceding, and the premises shall be vacated within one-half hour of the close of such business by all persons other than employees of the licensee then engaged in customary after-hour duties which relate to cleaning and closing of such business.

(J) *Class "G-2" not-for-profit extended hours license.*

(1) Licenses shall authorize a not-for-profit corporation as holder thereof to sell, at retail, alcoholic liquor for consumption only on the premises where sold.

(2) Alcoholic liquor may be sold at retail for consumption on the premises at all hours chosen by the holder thereof, except between the hours of 2:00 a.m. and 5:00 a.m. when no sales of alcoholic liquor may be made; providing that a live band or such other live entertainment, as the Liquor Commissioner deems comparable, performs at such premises at least five days each week.

(3) No person may consume, and no person other than the licensee shall possess or have, any alcoholic beverage upon the licensed premises more than one-half hour after the close of business for the retail sale of alcoholic beverage and before such business opens as allowed by the preceding, and the premises shall be vacated within one-half hour of the close of such business by all persons other than employees of the licensee then engaged in customary after-hour duties which relate to cleaning and closing of such business.

(K) *Class "H-1" video gaming license.*

(1) Licenses shall be required of each licensee having a video gaming permit issued to the licensee pursuant to Chapter 121 and shall authorize the licensee to sell at retail, alcoholic liquor for consumption, on the premises, specified in the license.

(2) Sales may occur at all hours chosen by the licensee except between the hours of 1:00 a.m. and 5:00 a.m., Monday through Friday, inclusive, and between the hours of 2:00 a.m. and 5:00 a.m. on Saturday and Sunday when no sales of alcoholic liquor may be made; provided that a licensee may have a live band, or such other live entertainment as the Liquor Commissioner deems acceptable.

(3) No person may consume and no person other than the licensee shall possess or have any alcoholic liquor upon the licensed premises, more than one-half hour after close of business for the retail sale of alcoholic liquor and before such business reopens as allowed by the preceding, and the premises shall be vacated within one-half hour of the close of such business by all such persons other than employees of the licensee then engaged in customary after-hour duties which relate to cleaning and closing such business.

(4) The holder of a Class "H-1" license shall not be required to have any other city liquor license.

(L) *Class "I-1" BYOB license.*

(1) Licenses shall authorize BYOB upon the conditions set forth hereafter.

(a) Consumption of the alcoholic liquor must be in conjunction with the purchase of goods and services offered by the business in its normal course of operations.

(b) Consumption of the alcoholic liquor shall be limited to those patrons of the licensee who furnished the alcoholic liquor and their guests.

- (c) Every container of wine brought onto the licensee's premises by a patron may be opened by the personnel of the licensee and it shall be unlawful for any person to leave the premises with a partially consumed container of wine unless it is securely sealed and receipted by the personnel of the licensee prior to removal from the premises and placed in a transparent, one-time use, tamper-proof bag in accordance with the State Liquor Control Act of 1994 (235 ILCS 5/1-1 et seq.).
- (d) It shall be unlawful for any person to leave the licensee's premises with a partially consumed container of alcoholic liquor other than a properly sealed container of wine.
- (e) The licensee may charge a "corkage fee".
- (f) Consumption of alcoholic liquor brought onto the licensee's premises, by a patron of the licensee, shall be at all hours chosen by the licensee, except between the hours of 12:00 a.m. and 5:00 a.m. when consumption of alcoholic liquor is strictly prohibited.
- (g) Video gaming shall be prohibited on the premises that possess a Class "I-1" license.
- (h) Possession and/or consumption of alcoholic liquor by any person under age 21 is prohibited.
- (I) It shall be unlawful for any business, which does not have either a Class "I-1" license or a Class "I-2" license, to allow any person to consume alcoholic liquor on the business premises wherein the alcoholic liquor is furnished by a patron of the business.

(M) *Class "I-2" BYOB restaurant rider license.*

- (1) Licenses shall authorize a restaurant that is the holder of a Class "A" license, "B" license, "E" license, "F" license, "G-1" license, "G-2" license or "H-1" license to permit BYOB upon the conditions set forth hereafter.
 - (a) Consumption of alcoholic liquor shall be in conjunction with the purchase and consumption of a meal.
 - (b) Consumption of the alcoholic liquor shall be limited to those patrons of the licensee who furnished the alcoholic liquor and their guests.
 - (c) Every container of wine brought onto the licensee's premises by a patron may be opened by the personnel of the licensee and it shall be unlawful for any person to leave the premises with a partially consumed container of wine unless it is securely sealed and receipted by the personnel of the licensee prior to removal from the premises and placed in a transparent, one-time use, tamper-proof bag in accordance with the State Liquor Control Act of 1994 (235 ILCS 5/1-1 et seq.).
 - (d) It shall be unlawful for any person to leave the licensee's premises with a partially consumed container of alcoholic liquor other than a properly sealed container of wine.
 - (e) The licensee may charge a "corkage fee".
 - (f) Consumption of alcoholic liquor brought onto the licensee's premises, by a patron of the licensee, shall be only during the hours as allowed by the licensee's existing liquor license issued by the city for the sale of alcoholic liquor.
 - (g) Possession and/or consumption of alcoholic liquor by any person under age 21 is prohibited.
 - (h) It shall be unlawful for any business, which does not have either a Class "I-1"

license or a Class "I-2" license, to allow any person to consume alcoholic liquor on the business premises wherein the alcoholic liquor is furnished by a patron of the business.

(N) *Class "J" tasting event license.* Licenses shall authorize a tasting event upon the conditions set forth hereafter.

(1) License shall authorize the holder thereof to conduct alcoholic liquor tasting and sale of packaged alcoholic liquor through a tasting representative in conjunction with a sponsored, hosted or promoted tasting event on days chosen by the licensee (subject to the restriction hereafter) and at all hours chosen by the licensee between the hours of 9:00 a.m. and 11:00 p.m. only.

(2) Any person who applies for a "J" license must be a holder of a valid state issued retailer's license, special event retailer's license, caterer's retail license or special use permit license at the time such Class "J" license application is made and at all times during the period of time for which the city license is issued.

(3) A Class "J" license issued for a tasting event shall be valid only for and limited to the specific date(s) and hour(s) when the tasting event will occur. The tasting event shall not exceed five daily events in a 12-month period of time.

(4) Nothing in this division (N) shall be deemed to relieve any license applicant from the requirement of obtaining a special event permit issued by the city for those events which require such a permit as provided by the city code of ordinances and/or policies governing the application for and issuance of special event permits.

(5) The license holder shall:

(a) Prohibit consumption of any alcoholic liquor other than by tasting within the tasting event;

(b) Refrain from offering or providing a sample of alcoholic liquor to anyone under the age of 21 years;

(c) Ensure all samples of alcoholic liquor be immediately consumed on the premises of the tasting event; and

(d) Prohibit consumption of any packaged liquor sold within the tasting event.

(6) Nothing in division (N)(5)(d) above shall be construed as:

(a) Prohibiting an event sponsor from charging a cover charge to enter the event or from selling tickets for the privilege of participating in the tasting event;

(b) Prohibiting an event sponsor from charging any person who purchases any alcoholic liquor product as a package sale; or

(c) Requiring any event sponsor who offers tasting at a tasting event to also offer package sales of the offered alcoholic liquor at the tasting event.

(O) *Class "K" catering license.* Licenses shall authorize a catering license upon the conditions set forth hereafter.

(1) A **CATERER** means a person who serves alcoholic beverages for consumption, either on-site or off-site, whether the location is licensed or unlicensed, as an incidental part of food service, holds a valid caterer retailer license issued by the State Liquor Commission and holds a valid County Health Department retail food establishment permit.

(2) A caterer shall allow the holder to serve alcoholic liquors as an incidental part of a food service that serves prepared meals either on-site or off-site. A Class "K" license shall be issued to the applicant who can demonstrate that they are operating a

bona fide catering business. The Class "K" license holder must hold a valid liquor license to be eligible.

(3) Authorizes the licensee to sell to the public alcoholic liquor in original packages only, for consumption at a private party at a location within city limits when the food for said party is prepared by the licensee.

(4) All food and beverage sales made by the licensee shall be made at the registered office of licensee, which shall be deemed the licensed premises. Such sales shall be subject to the applicable municipal taxes.

(5) Proof of dram shop insurance (liquor liability) for off-site operations must be provided with the application.

(6) When the holder of a caterer license is serving alcohol off-site, such service and consumption shall occur only during the meal, unless the event is a prearranged private function for a specific social or business occasion, by invitation only, not advertised or open to the public, where the guests in attendance are served in a room or rooms designated and used exclusively for the private function.

(7) A holder of a caterer license is authorized to serve all alcoholic liquors at an off-site location.

(P) *Class "L" one-day extended premises license.*

(1) Class "L" license (one day extended premises) shall authorize a license holder in good standing of a Class "A", "B", "D-1", "D-2", "F", "G-1", "G-2" or "H-1" liquor license to sell alcohol for consumption upon the controlled premises, covered by the primary liquor license on a date certain.

(2)

(a) Prior to the issuance of a Class "L" license, the applicant(s) must first obtain approval for a special event permit.

(b) The approved special event permit must include boundaries of the controlled premises.

(3) The approval of such license may be dependent upon the applicant complying with requirements identified by the city for the erection of tents, fences or other barricades; provision of sufficient waste receptacles and outdoor restroom facilities; requirements for utilizing non-glass beverage containers; providing additional security; requirements for the removal of barricades; temporary signage; and litter within a specified time following the completion of the event for which the license has been issued, and past performance in conducting such temporary extended premises events.

(Prior Code, § 116.15) (Ord. 1534, passed 3-30-1992; Ord. 3824, passed 3-17-2014; Ord. 3825, passed 3-17-2014; Ord. 3827, passed 4-21-2014; Ord. 3860, passed 2-17-2015; Ord. 3932, passed 5-16-2016; Ord. 4065, passed 11-5-2018; Ord. 4107, passed 8-5-2019) Penalty, see § 10.99

Cross-reference:

For special events, see Chapter 118

§ 116.17 APPLICATION FOR LICENSE.

(A) Applications for a retail liquor license shall be made to the city, in writing, on a form to be furnished to the applicant by the city. The application may be made by an individual or by a duly authorized agent of any other person, including a corporation, partnership, joint venture,

association or club. If made by a person other than an individual, the application must be verified by oath or affidavit.

(B) Every application shall contain the following information and statements:

(1) The name, age and address of the applicant in the case of an individual and, in the case of a partnership, of the persons entitled to share in the profits thereof and, in the case of a corporation, whether for-profit or not-for-profit, the date of incorporation, the names and addresses of the officers and directors and, if a majority in interest of the stock of such corporation is owned by one individual or his or her nominee, or individuals who are related by blood or marriage or another corporation whose stock is so held, the name and address of each such individual(s);

(2) The citizenship of the applicant, his or her place of birth and, if a naturalized citizen, the time and place of naturalization, if an individual, or of the manager of the retail liquor business of the applicant, if the applicant is not an individual;

(3) A statement whether or not the applicant has ever been convicted of a felony, if the applicant is an individual, or whether the manager of the retail liquor business of the applicant has ever been so convicted, if the applicant is not an individual;

(4) The location of the proposed place of business and the name of the person who beneficially owns the premises on which such proposed place of business is or will be located;

(5) If the applicant is not the beneficial owner of the premises, but has a lease of the premises, the remaining term of the lease held by the applicant; and

(6) Whether or not the applicant, if an individual, or the manager of the retail liquor business of the applicant, if the applicant is not an individual, has ever been convicted of a crime opposed to decency or morality, and whether or not he or she has ever had a liquor license revoked by the state, or any other political subdivision.

(Prior Code, § 116.17) (Ord. 1534, passed 3-30-1992)

§ 116.18 FEE.

(A) License fees for the sale of alcoholic liquor at retail shall be payable in advance at the time of making application.

(B) In the event the license applied for is denied, the fee paid with the application shall be returned to the applicant. If the license is granted, the fee shall be deposited in the general corporate fund of the city or in any such other fund as shall have been designated or shall hereafter be designated by the City Council, by a proper action and no part thereof shall be refunded under any circumstances.

(C) License fees shall be as follows, effective May 1, 2015.

(1) Original application or renewal of a Class "A" or "C-1" license shall be \$500 per annum.

(2) Original application or renewal of a Class "B" or "C-2" license shall be \$600 per annum.

(3) Original application or renewal of a Class "D-1" or "D-2" license shall be \$700 per annum.

(4) Original application or renewal of a Class "E" license shall be \$1,100 per annum.

(5) Original application or renewal of a Class "F" license shall be \$900 per annum.

(6) Original application or renewal of a Class "G-1" license shall be \$400 per annum.

- (7) Original application or renewal of a Class "G-2" license shall be \$500 per annum.
 - (8) Original application or renewal of a Class "H-1" license for a for-profit entity shall be \$700 per annum.
 - (9) Original application or renewal of a Class "H-1" license for a not-for-profit entity shall be \$400 per annum.
 - (10) Original application or renewal of a Class "I-1" license shall be \$100 per annum.
 - (11) Original application or renewal of a Class "I-2" license shall be \$25 per annum.
 - (12) Original application or renewal of a Class "J" license shall be \$100 per annum.
 - (13) Original application or renewal of a Class "K" license shall be \$100 per annum.
 - (14) Original application or renewal of a Class "L" license shall be \$10 per occurrence.
- (D) In the event the licensee so desires, the annual fee set forth in division (C) above may be paid in equal quarterly installments, payable in advance of the quarter to which such payment relates; provided that the licensee shall also pay a \$10 fee with each such advance quarterly payment.
- (Prior Code, § 116.18) (Ord. 1534, passed 3-30-1992; Ord. 3828, passed 4-21-2014; Ord. 3862, passed 3-16-2015; Ord. 3932, passed 5-16-2016; Ord. 4065, passed 11-5-2018; Ord. 4107, passed 8-5-2019)

§ 116.19 BOND.

Every applicant for a license or a renewal thereof shall execute a penal bond, in a form reasonably satisfactory to the city, which shall be secured by a licensed bonding company, payable to the city, and conditioned upon the faithful observance of the provisions of this chapter and the laws of the state and the United States. Such bond shall be in the amount of \$500 and shall, upon the approval of the City Clerk as to its form, be tendered with the application for the license. An applicant may furnish in lieu of the bond a certificate of dram shop insurance coverage in the categories and in minimum amounts equal to the limitations on judgments provided in § 6-21 of the Liquor Control Act of 1934 (235 ILCS 5/6-21). Any such certificate of insurance in lieu of bond shall provide that the expiration of such insurance policy shall not be earlier than the expiration date of the license sought.

(Prior Code, § 116.19) (Ord. 1534, passed 3-30-1992)

§ 116.20 FINGERPRINT CARD AND FEE.

All applications for a retail liquor license must be accompanied by a fingerprint card of each applicant, if an individual, or the manager of the retail liquor business of the applicant, if not an individual, taken by the Police Department, and a \$38 State Police processing fee made payable to the city.

(Prior Code, § 116.20) (Ord. 1534, passed 3-30-1992)

§ 116.21 STATE REQUIREMENTS FOR LICENSING.

No retail liquor license shall be issued by the city unless the requirements of §§ 6-2, 6-11, 6-12, 6-13 and 6-25 of the Liquor Control Act of 1934 (235 ILCS 5/6-2, 5/6-11, 5/6-12, 5/6-13 and 5/6-25) are met.

(Prior Code, § 116.21) (Ord. 1534, passed 3-30-1992)

§ 116.22 ISSUANCE OF LICENSE.

Upon the application being prepared and executed by the applicant, the City Clerk shall submit the application to the Mayor for approval. The Mayor may withhold action on the application for 60 days to conduct an investigation of the application file. If, upon such examination, it is found that the applicant qualifies pursuant to this chapter, the Mayor shall approve the application. If it is found that the applicant is not qualified pursuant to this chapter, the Mayor shall deny the application. The City Clerk shall not issue a license unless the application has been approved by the Mayor.

(Prior Code, § 116.22) (Ord. 1534, passed 3-30-1992)

§ 116.23 NATURE, DURATION AND TRANSFERABILITY OF LICENSE.

A license issued under this chapter shall be purely a personal privilege, good for one year, unless sooner revoked as in this chapter authorized and provided, and shall not constitute property nor shall it be subject to attachment, garnishment or execution, nor shall it be alienable or transferable, voluntarily or involuntarily, or subject to being encumbered or hypothecated. Such license shall not descend by the laws of testate or intestate devolution, but it shall cease upon the death of the licensee; provided that executors and administrators of any estate of the deceased licensee, and the trustees of any insolvent or bankrupt licensee, when such estate consists in part of alcoholic liquor, may continue the business of the sale of alcoholic liquor under the order of the court having jurisdiction of such estate and may exercise the privileges of such deceased, insolvent or bankrupt licensee, after the death of such decedent, or such insolvency or bankruptcy, until the expiration of such license, but not longer than six months after the death, bankruptcy or insolvency of such licensee.

(Prior Code, § 116.23) (Ord. 1534, passed 3-30-1992)

§ 116.24 RENEWAL OF LICENSE; NATURE OF RENEWAL PRIVILEGE.

Any licensee may renew his or her license; provided that the licensee would be qualified to receive a license if he or she were to make application for an original license on the date of such renewal. The renewal privilege herein provided shall not be construed as a vested right which shall, nor shall it, in any manner, prevent the City Council from decreasing the number of licenses to be issued within the jurisdiction of the city, nor increasing the number of such licenses. A renewal application shall be made at least 15 days before the expiration of any current license.

(Prior Code, § 116.24) (Ord. 1534, passed 3-30-1992)

§ 116.25 SUSPENSION OR REVOCATION OF LICENSE; FINES.

(A) (1) The Mayor shall be the Local Liquor Control Commissioner and may suspend for not more than 30 days or revoke any license issued pursuant to this chapter, or impose a fine in an amount not to exceed that authorized by § 7-5 of the Illinois Liquor Control Act (235 ILCS 5/7-5), as amended from time to time, if the Mayor, as Liquor Commissioner, determines the licensee has violated the provisions of this chapter or of the Illinois Liquor Control Act (235 ILCS 5/1-3 et seq.) or any valid code of the city, or any applicable rule or regulation established

by the Liquor Control Commission of the State Commission which is not inconsistent with law. In addition to the suspension, the Local Liquor Control Commissioner may levy a fine on the licensee for such violations. The fine imposed shall not exceed \$1,000 for each violation; each day on which a violation continues shall constitute a separate violation. Not more than \$10,000 in fines under this section may be imposed against any licensee during the period of this license. Proceeds from such fines shall be paid into the General Corporate Fund of the City Treasury.

(2) No such suspension, revocation or fine shall be effective until a public hearing has been conducted by the Local Liquor Control Commission for which hearing the licensee has been given three days' prior notice which affords the licensee an opportunity to appear and defend; provided, however, that, if the Local Liquor Control Commissioner has reason to believe that the continued operation by the licensee under his or her license will immediately threaten the welfare of the community, the Local Liquor Control Commissioner may, upon the issuance of a written order stating the reason for such conclusion and without notice or hearing, suspend such license and order the licensee to cease the retail sale of alcoholic liquor for a period of not more than seven days; provided the licensee is afforded an opportunity to be heard during that period at a hearing conducted by the Local Liquor Control Commission. If a person whose license is suspended or revoked pursuant to this division (A)(2) is also engaged in the operation of another business or businesses on the premises for which such license had been issued, such revocation or suspension shall not be applicable to such other business or businesses.

(B) The Local Liquor Control Commissioner shall, within five days following any hearing conducted pursuant to division (A) above, make a written determination that the license should be revoked or suspended or a fine imposed, or that such revocation, suspension or fine should be denied; and if the Local Liquor Control Commissioner determines, after such hearing, that the license should be revoked or suspended or a fine should be imposed, such written determination shall also state the reason or reasons for such determination. A copy of such written determination shall be served upon the licensee within five days of the date of which such written determination is made by delivering such copy to or posting such copy at the premises described in the license.

(C) Upon the entry of an order suspending or revoking a license or imposing a fine pursuant to division (B) above, the licensee shall have all rights to appeal such order as are allowed by state law.

(D) Any five residents of the city shall have the right to file a complaint with the Mayor, stating that any licensee under this chapter has been or is violating the provisions of this chapter, or any amendments hereto, or any of the statutes of the state enacted with reference to the control of liquor. Such complaint shall be in writing and shall be signed and sworn by the parties complaining. The complaint shall state the particular provisions, rule or regulation believed to have been violated and the facts in detail upon which such belief is based. If the Mayor is satisfied that the complaint substantially charges a violation and that from the facts alleged there is reasonable cause for such belief, he or she shall set the matter for hearing to suspend or revoke such license, as the Mayor determines appropriate, in accordance with divisions (A) through (C) above, and shall serve notice upon the licensee of the time and place of such hearing and of the particular charges in the complaint.

(Prior Code, § 116.25) (Ord. 1534, passed 3-30-1992)

Statutory reference:

State requirements and municipal authorization, see 235 ILCS 5/7-5

§ 116.26 LOCATION OF SALES UNDER LICENSE.

A license issued pursuant to this chapter shall permit the sale of alcoholic liquor only within the premises described in such license. Such location may be changed only upon a written amendment to such license issued by the Mayor.

(Prior Code, § 116.26) (Ord. 1534, passed 3-30-1992) Penalty, see § 10.99

§ 116.27 DISPLAY OF LICENSE.

Every holder of a license issued under this chapter shall cause the license to be framed and displayed in plain view in a conspicuous place on the premises licensed.

(Prior Code, § 116.27) (Ord. 1534, passed 3-30-1992) Penalty, see § 10.99

§ 116.28 SPECIAL LICENSE FOR SALES IN CITY PARK.

A special license may be obtained for the sale of alcoholic liquors for a limited duration in a city park. Application therefor must be submitted to the Mayor with a statement describing the event for which such special license is sought and the number of nights or days for which the applicant desires the license to be valid. The application for a special event liquor license shall be \$10 per license to ensure all special event licenses are uniform. The granting of any license shall be in the absolute discretion of the Mayor, based upon the effect the Mayor determines the issuance of such license would have on the public safety and morals.

(Prior Code, § 116.28) (Ord. 1534, passed 3-30-1992; Ord. 4107, passed 8-5-2019)

§ 116.29 CLUB LICENSES.

(A) Any organization in the city which is a club, as defined in the Dram Shop Act (235 ILCS 5/1-3.24), may, without charge by the city of any license fee, obtain a license to sell alcoholic liquors to its own members at the building or premises actually used as the club's quarters, upon filing with the Mayor of the city its written application therefor signed by its then current president or corresponding officer and its secretary or similar officer together with two copies of a list of names and residences of all of its members. Any license issued pursuant to this section shall be valid for one year from the date of its issuance, but may be renewed by the filing of a renewal application signed by its then current president and secretary, or corresponding officers, and attaching two copies of a list of names and residences of its then members. Any license or renewal license issued upon compliance herewith shall state upon its face that sales thereunder of alcoholic liquors are to be made only to members of the licensee club and that a violation thereof will result in the imposition of a penalty or in the revocation or suspension of the license, or both. The license shall be in the form approved by the Mayor, and shall be signed by the Mayor and attested by the Clerk. The license shall, at all times, be displayed by the licensee in a conspicuous place in the room where liquors are to be sold.

(B) The Mayor shall have and is hereby given the same right of revocation and/or suspension of any license issued pursuant to division (A) above as he or she now has, or hereafter may have, in the matter of other licenses for the sale of alcoholic liquors issued pursuant to this chapter.

(Prior Code, § 116.29) (Ord. 1534, passed 3-30-1992)

§ 116.30 RECORDS OF CITY CLERK; CLERK'S DUTIES.

The Mayor shall convey to the City Clerk, within 24 hours of the issuance, suspension or revocation of a license issued pursuant to this chapter, the name and business address of each

licensee whose license is so issued, revoked or suspended pursuant to this chapter, along with the dates for which such issued license is valid or any such suspension applies, and the City Clerk shall keep or cause to be kept a complete record of all such licenses issued, revoked or suspended and shall furnish to the City Treasurer and the Chief of Police a copy thereof. Upon the issuance of any new license, or the renewal, suspension or revocation of any active license, the City Clerk shall give written notice of such action to both the City Treasurer and the Chief of Police within 48 hours of each such action.

(Prior Code, § 116.30) (Ord. 1534, passed 3-30-1992)

REGULATIONS AND PROHIBITIONS

§ 116.45 DUTIES OF LICENSEE.

It shall be the sole responsibility of the licensee to ensure compliance with all state laws and city chapters by all persons occupying the premises for which a license is issued pursuant hereto, and failure of the licensee to ensure such compliance shall constitute a violation of this chapter.

(Prior Code, § 116.45) (Ord. 1534, passed 3-30-1992) Penalty, see § 10.99

§ 116.46 SUNDAY AND ELECTION DAY HOURS.

All places which are licensed to sell alcoholic liquors at retail within the city may sell alcoholic liquor during the hours allowed by § 116.15 on all Sundays and election days.

(Prior Code, § 116.46) (Ord. 1534, passed 3-30-1992)

§ 116.47 ILLICIT DANCING AND ATTIRE.

A person licensed under this chapter shall not suffer or allow any:

(A) Nude, topless or T-bar dancing; and/or

(B) Nude, topless or T-bar attire to be worn by employees or patrons in or upon any premises licensed by him or her under this chapter for the sale of liquor at retail.

(Prior Code, § 116.47) (Ord. 1534, passed 3-30-1992) Penalty, see § 10.99

§ 116.48 GAMBLING DEVICES.

It is unlawful to keep, place, maintain or operate any gambling device or instrument, other than a video gaming terminal as provided in Chapter 121, in or upon any premises licensed as a place where alcoholic liquor may be sold at retail or given away.

(Prior Code, § 116.48) (Ord. 1534, passed 3-30-1992; Ord. 3902, passed 10-5-2015) Penalty, see § 10.99

§ 116.49 DISORDERLY CONDUCT.

A person licensed under this chapter shall not suffer any disorder, drunkenness, quarreling, fighting, unlawful games or riotous or disorderly conduct in or upon any premises licensed by him or her for the sale of liquor at retail.

(Prior Code, § 116.49) (Ord. 1534, passed 3-30-1992) Penalty, see § 10.99

§ 116.50 SANITARY REQUIREMENTS.

A person licensed under this chapter shall keep the premises licensed by him or her for the sale of liquor at retail in a wholesome and sanitary condition and all sidewalks, streets, alleys, gutters and drains adjacent thereto free from all rubbish or other like matter, materials or waste.

(Prior Code, § 116.50) (Ord. 1534, passed 3-30-1992) Penalty, see § 10.99

§ 116.51 PROHIBITED SALES AND TRANSFERS; IDENTIFICATION REQUIREMENTS.

(A) *Prohibited sales and transfers.* No licensee, nor any officer, associate, member, representative, agent or employee of such licensee, shall sell, give or deliver alcoholic liquor to any person under the age of 21 years, or to any intoxicated person or to any person known by him or her to be under a legal disability or in need of mental treatment. No person, after purchasing or otherwise obtaining alcoholic liquor, shall sell, give or deliver such alcoholic liquor to another person under the age of 21 years, except in the performance of a legitimate religious ceremony or service.

(B) *Identification requirements.* If a licensee or his or her agents or employees believe or have reason to believe that the sale or delivery of any alcoholic liquor is prohibited under this chapter because of the age of the prospective recipient, he, she or it shall, before making such sale or delivery, demand presentation of some form of positive identification which contains proof of the recipient's age and is issued by a public official in the performance of his or her official duties. If the prospective recipient cannot produce such identification, or what the licensee reasonably believes to be such identification, the licensee shall not sell or give alcoholic liquor to such person.

(Prior Code, § 116.51) (Ord. 1534, passed 3-30-1992) Penalty, see § 10.99

Statutory reference:

Similar provisions, see 235 ILCS 5/6-16

§ 116.52 IDENTIFICATION CARD PROHIBITIONS.

No person shall transfer, alter or deface an identification card issued by a public official for the purpose of altering, changing or misleading another person as to the age or identity of the person described thereon; use the identification card of another person; carry or use a false or forged identification card; or obtain an identification card by means of false information.

(Prior Code, § 116.52) (Ord. 1534, passed 3-30-1992) Penalty, see § 10.99

Statutory reference:

Identification card, see 235 ILCS 5/6-20

§ 116.53 UNDERAGE DRINKING.

(A) *General prohibition.* No person who is under the age of 21 shall purchase or accept a gift of alcoholic liquor, or have alcoholic liquor in his or her possession or consume alcoholic liquor, except as specifically permitted in division (B) below.

(B) *Exception.* The possession, dispensing or consumption by a person under 21 years of age of alcoholic liquor in the performance of a legitimate religious service or ceremony or under the direct supervision and approval of a parent or a person standing in loco parentis of such underage person in the privacy of a private residence shall not be prohibited by this chapter.

(Prior Code, § 116.53) (Ord. 1534, passed 3-30-1992) Penalty, see § 10.99

§ 116.54 OFF-PREMISES SALES OF COCKTAILS, MIXED DRINKS, AND SINGLE SERVINGS OF WINE.

(A) *Authorization.* Notwithstanding any other provision of this Chapter, a holder of a City retail liquor license that authorizes the sale of alcoholic liquor for on-premises consumption and

that is otherwise eligible under the Illinois Liquor Control Act may sell cocktails, mixed drinks, and single servings of wine for off-premises consumption, including carryout and curbside pickup, in accordance with 235 ILCS 5/6-28.8, as amended.

(B) *Authorized Licensees.* The authorization provided in this Section shall apply only to those City liquor licensees whose license authorizes the retail sale of alcoholic liquor for on-premises consumption or combined on-premises and off-premises consumption and who are otherwise eligible under the Illinois Liquor Control Act. Nothing in this Section shall be construed to expand the privileges of any liquor license beyond those otherwise authorized by this Chapter.

(C) *Container and Labeling Requirements.* All cocktails, mixed drinks, and single servings of wine sold pursuant to this Section shall be contained, sealed, labeled, and otherwise prepared in accordance with 235 ILCS 5/6-28.8, as amended, and all applicable rules and regulations of the Illinois Liquor Control Commission.

(D) *Age Verification and Delivery Requirements.* Any carryout or delivery conducted pursuant to this Section shall comply with all applicable age-verification, employee training, employee age, transportation, and delivery requirements established by 235 ILCS 5/6-28.8, as amended, and applicable rules and regulations of the Illinois Liquor Control Commission.

(E) *Third-Party Delivery.* Nothing in this Section shall authorize delivery of cocktails, mixed drinks, or single servings of wine by a third-party delivery service when such delivery is prohibited by State law.

(F) *No Separate License Required.* A qualifying holder of a City retail liquor license shall not be required to obtain a separate City liquor license solely to conduct the carryout or delivery sales authorized by this Section.

(G) *Compliance with State Law.* All sales authorized under this Section shall comply with 235 ILCS 5/6-28.8, as amended, and any successor provision governing the carryout or delivery of cocktails, mixed drinks, or single servings of wine. In the event of a conflict between this Section and applicable State law, State law shall control.

Upon its passage and approval, this Ordinance shall be in full force and effect ten (10) days after its publication in pamphlet form as required by law.

Passed by the City Council this 5th day of Oct 2026.

ATTEST:

(seal)



 Jerry Mouser, City Clerk

Approved by the Mayor this 5th day
 of Oct 2026.


 Eric Van Hook, Mayor

ROLL CALL:	Rosenberg	Muyleart	Lotz	Stoffel	Fohne	Carney	Roach	SUB TOTALS
Aye	X	X	X	X	X	X	X	7
Nay								0
Absent								0

ROLL CALL:	Newcomb	Hudson	Blackburn	Vorce	Campbell	Parchman	Ford	SUB TOTALS	SUM OF TOTALS
Aye	X	X	X	X	X	X	X	7	14
Nay								0	0
Absent								0	0