

**CITY OF COLLINSVILLE, ILLINOIS**

**ORDINANCE NO. 18-77**

**AN ORDINANCE ADOPTING A LIQUOR CODE PROVIDING FOR THE  
REGULATION OF ALCOHOLIC LIQUORS  
IN THE CITY OF COLLINSVILLE, ILLINOIS**

---

**ADOPTED BY THE**

**CITY COUNCIL**

**OF THE**

**CITY OF COLLINSVILLE, ILLINOIS**

**THIS 13<sup>th</sup> DAY OF AUGUST, 2018**

---

Published in pamphlet form by authority of the City Council of the City of  
Collinsville, Madison County, Illinois, this 14<sup>TH</sup> day of August, 2018.

**ORDINANCE NO. 18-77**

**AN ORDINANCE ADOPTING A LIQUOR CODE PROVIDING  
FOR THE REGULATION OF ALCOHOLIC LIQUORS  
IN THE CITY OF COLLINSVILLE, ILLINOIS**

---

**WHEREAS**, the City Council of the City of Collinsville (hereinafter “the City”) recognizes the need to provide for the safety, health and welfare of Collinsville’s citizens and visitors by regulating alcoholic liquors.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and the City Council of the City of Collinsville, in the County of Madison, and State of Illinois as follows:

**Section 1.** Upon the effectiveness of this Ordinance and with no lapse between, Chapter 5.80 (Alcoholic Liquors) of Title 5 (Business Licenses and Registration) of the Collinsville Municipal Code is hereby repealed and adopted in its place is Chapter 5.80 entitled “Liquor Code”, to be read in its entirety as follows:

**“Chapter 5.80  
LIQUOR CODE**

<b>Sec. 5.08.010</b>	<b>Definitions</b>
<b>Sec. 5.08.020</b>	<b>Hours of Sale</b>
<b>Sec. 5.08.030</b>	<b>Closing Hours on Holidays</b>
<b>Sec. 5.08.040</b>	<b>Employment of Persons Under the Age of Twenty-One</b>
<b>Sec. 5.08.050</b>	<b>Food Sanitation Permit</b>
<b>Sec. 5.08.060</b>	<b>Sales to Persons of Nonage, Intoxicated Persons, Etc.</b>
<b>Sec. 5.08.070</b>	<b>Possession, Purchase, Dispensing or Consumption of Liquor by Person of Nonage; Proof, Misrepresentation of Age; Furnishing False Identification</b>
<b>Sec. 5.08.075</b>	<b>BASSET Compliance</b>
<b>Sec. 5.08.080</b>	<b>Peddling</b>
<b>Sec. 5.08.090</b>	<b>Retail Sales in Buildings Containing Adult Uses</b>

<b>Sec. 5.08.100</b>	<b>Prohibited Conduct</b>
<b>Sec. 5.08.110</b>	<b>Carrying of Alcoholic Liquor in Unsealed or Opened Container from Premises</b>
<b>Sec. 5.08.120</b>	<b>Sales to Spectators</b>
<b>Sec. 5.08.130</b>	<b>Restrictions on Use of Certain Premises</b>
<b>Sec. 5.08.131</b>	<b>Prohibition of Bottle Clubs and BYOB</b>
<b>Sec. 5.08.135</b>	<b>Retail Sales Near Churches, Schools, Hospitals, etc.</b>
<b>Sec. 5.08.140</b>	<b>General Condition of Premises</b>
<b>Sec. 5.08.150</b>	<b>Civil Rights in Licensed Premises</b>
<b>Sec. 5.08.160</b>	<b>Solicitation of Patrons by Employees</b>
<b>Sec. 5.08.170</b>	<b>Persons Loitering in Licensed Premises</b>
<b>Sec. 5.08.180</b>	<b>Failure to Pay Taxes, Fees, etc.; Required Returns</b>
<b>Sec. 5.08.190</b>	<b>Reporting of Incidents to Police; Telephone Required on Premises</b>
<b>Sec. 5.08.200</b>	<b>Illegal Activities on Premises</b>
<b>Sec. 5.08.205</b>	<b>Emergency Temporary Suspension of License</b>
<b>Sec. 5.08.210</b>	<b>Local Liquor Commissioner Designated; Powers and Duties Specified</b>
<b>Sec. 5.08.220</b>	<b>Record of Hearings</b>
<b>Sec. 5.08.230</b>	<b>Appeals</b>
<b>Sec. 5.08.240</b>	<b>Hearings on Violations; Complaint by Citizen's Council</b>
<b>Sec. 5.08.250</b>	<b>Liquor and Business Licenses Required</b>
<b>Sec. 5.08.251</b>	<b>Serving of Alcohol for the Benefit of a Non-Licensee</b>
<b>Sec. 5.08.252</b>	<b>Serving of Alcohol on Suspended or Revoked License</b>
<b>Sec. 5.08.254</b>	<b>Consumption of Alcohol of Property of Suspended or Revoked License</b>
<b>Sec. 5.08.260</b>	<b>Classes</b>
<b>Sec. 5.08.265</b>	<b>Mobile Bartender Standards</b>
<b>Sec. 5.08.270</b>	<b>Supplemental Licenses and Fees</b>
<b>Sec. 5.08.275</b>	<b>City Liquor License</b>
<b>Sec. 5.08.280</b>	<b>Contents of Application</b>
<b>Sec. 5.08.290</b>	<b>Financial Disclosure of Applicant</b>
<b>Sec. 5.08.300</b>	<b>Submission and Disposition of Applications</b>
<b>Sec. 5.08.310</b>	<b>Furnishing False or Misleading Information or Withholding Information on Application; Failure to Cooperate in Investigation</b>
<b>Sec. 5.08.320</b>	<b>Bond; Exemption; Insurance</b>
<b>Sec. 5.08.330</b>	<b>Change of Location Described in License and Application</b>
<b>Sec. 5.08.340</b>	<b>Term; Pro-ration of Fee</b>

<b>Sec. 5.08.350</b>	<b>Disposition of Fees</b>
<b>Sec. 5.08.360</b>	<b>General Restrictions Upon Issuance</b>
<b>Sec. 5.08.370</b>	<b>Requisites for Manager</b>
<b>Sec. 5.08.380</b>	<b>Change in Stockholders and of Partners, Officers or Directors</b>
<b>Sec. 5.08.390</b>	<b>Renewal</b>
<b>Sec. 5.08.400</b>	<b>Privileges Granted Under</b>
<b>Sec. 5.08.410</b>	<b>Display and Warning to Minors</b>
<b>Sec. 5.08.420</b>	<b>Duplicate; Fee</b>
<b>Sec. 5.08.430</b>	<b>Record of Licenses, Approved Locations; Officers to Receive Copies; Numbering of Licenses; Notice of Issuance or Revocation</b>
<b>Sec. 5.08.440</b>	<b>Suitability of Site</b>
<b>Sec. 5.08.450</b>	<b>Application for Site Approval</b>
<b>Sec. 5.08.460</b>	<b>Approval of Planned Events</b>
<b>Sec. 5.08.470</b>	<b>Approval or Disapproval by City Council</b>
<b>Sec. 5.08.480</b>	<b>Issuance of License</b>
<b>Sec. 5.08.490</b>	<b>Duration of Site Approval; Extensions</b>
<b>Sec. 5.08.500</b>	<b>Prohibited in Residential Zoning District</b>
<b>Sec. 5.08.510</b>	<b>Recovery of Attorney's Fees and Costs on Violations.</b>
<b>Sec. 5.08.520</b>	<b>Suspension, Revocation, and Fines</b>
<b>Sec. 5.08.530</b>	<b>Penalties for Violations in the Circuit Court</b>
<b>Secs. 5.08.540--5.08.590.</b>	<b>Reserved.</b>
<b>Sec. 5.08.600</b>	<b>General alcoholic liquor restrictions</b>
<b>Sec. 5.08.610</b>	<b>Consumption of alcoholic liquor on sidewalks, streets and public property prohibited</b>
<b>Sec. 5.08.620</b>	<b>Consumption of alcoholic liquor on parking areas prohibited</b>
<b>Sec. 5.08.630</b>	<b>Transporting unsealed alcoholic liquor prohibited</b>
<b>Sec. 5.08.640</b>	<b>Patrons prohibited from leaving premises with open container of alcoholic liquor</b>
<b>Sec. 5.08.650</b>	<b>Possession or consumption of alcoholic liquor in public parks without permit prohibited</b>
<b>Secs. 5.08.660--5.08.690</b>	<b>Reserved</b>
<b>Sec. 5.08.700</b>	<b>Delivery of alcoholic liquor to persons under twenty-one (21) years</b>
<b>Sec. 5.08.710</b>	<b>Sale, gift or delivery of alcoholic liquor to persons under twenty-one (21) years prohibited</b>
<b>Sec. 5.08.720</b>	<b>Parent's allowance of residence for invitees under twenty-one (21) to possess or consume alcoholic liquor prohibited</b>

- Sec. 5.08.730**            **Person permitting residence to be used to host gathering with a person under twenty-one (21) years to possess or consume alcoholic liquor prohibited**
- Sec. 5.08.740**            **Rental of a hotel room used by persons under twenty-one (21) consuming alcoholic liquor by persons under twenty-one (21) prohibited**
- Secs. 5.08.750--5.08.790** **Reserved**
- Sec. 5.08.800**            **Prohibitions regarding alcoholic liquor by persons under twenty-one (21) years of age**
- Sec. 5.08.810**            **Purchase or acceptance of gift or possession of alcohol by person under twenty-one (21) prohibited**
- Sec. 5.08.820**            **Consumption of alcoholic liquor by person under twenty-one (21) prohibited**
- Sec. 5.08.830**            **Possession or consumption on street, highway, or public place by a person under twenty-one (21) prohibited**
- Sec. 5.08.840**            **Attempt to purchase alcohol by persons under twenty-one (21) prohibited**
- Sec. 5.08.850**            **Possession, consumption by person under twenty-one (21) during religious ceremony permitted**
- Sec. 5.08.860**            **Possession or use of false ID by a person under twenty-one (21) prohibited**
- Sec. 5.08.870**            **Occupancy of premises where alcohol is possessed or consumed by persons under twenty-one (21)**

## **Chapter 5.08**

### **LIQUOR CODE**

**Sec. 5.08.010. Definitions.**

Unless the context otherwise requires, the following terms, as used in this chapter, shall be construed according to the definitions given below:

*Act* means the Illinois Liquor Control Act of 1934, as amended (235 ILCS 5/1-1 et seq.).

*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. The term "alcohol" does not include denatured alcohol or wood alcohol.

*Alcoholic liquors* include 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.

*BASSET* means Beverage Alcohol Sellers and Servers Education and Training (BASSET), the State of Illinois' responsible beverage seller/server program. Under the licensing and regulatory auspices of the Illinois Liquor Control Commission, BASSET is designed to encourage profitable, responsible, and legal alcohol sales and service. See 235 ILCS 5/3-12 (11.1) and 6-27 and Title 77 of Illinois Administrative Code, Chapter XVI, Section 3500, as amended.

*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.

*Bottle Clubs* means a place or gathering where people are served drinks with alcohol from their own bottles or packages and are not allowed in any establishment.

*Brewer* means a person who is engaged in the manufacture of beer and who is also licensed as brewer under the Illinois Liquor Control Act.

*BYOB* means Bring Your Own Bottle or Bring Your Own Booze and are not permitted any establishment.

*City* means the City of Collinsville, Illinois.

*Club* means any corporation, organized under the laws 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; provided, that its affairs and management are conducted by a board of directors, executive committee or similar body chosen by the members in the 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 distribution or sale of alcoholic liquor to the club or to 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.

*Dinner theater* means any licensed premises which is used exclusively for the presentation of live theatrical performances to patrons who have purchased tickets entitling them to be served a full meal, which excludes the serving of snacks at the primary meal, and where such meals are, in fact, served or offered to each patron, and where alcohol is not served more than two (2) hours before or more than one-half hour after the presentation of the theatrical performance.

*Distiller* means a person who manufactures, distills, ferments, brews, makes, mixes, concocts, processes, blends, bottles or fills an original package with any alcoholic liquor, including a manufacturer of wine and spirits but not including a manufacturer of beer, and who is also licensed as a distiller under the Illinois Liquor Control Act.

*Distributor* means any person, other than a manufacturer or non-resident dealer who is engaged in purchasing, storing, possessing or warehousing any alcoholic liquors for resale or reselling at wholesale, and who is also licensed under the Illinois Liquor Control Act.

*Emergency* means a condition or set of circumstances that is dangerous to the health and safety of persons that requires for immediate attention.

*Gasoline station*, for purposes of this chapter, means an establishment where motor fuel is sold or offered for sale from approved pumps, whether through an attendant or by self-service. Motor fuel, as used herein, shall include all volatile and inflammable liquids which are produced, blended or compounded, or which are suitable or practicable for operating motor vehicles.

*Golf course* means a terrain in general consisting of at least nine (9) holes, which is devoted exclusively to the game of golf and no other recreation or entertainment. The term "golf course" shall not include miniature or obstacle golf establishments.

*Grocery store* means premises of at least ten thousand (10,000) square feet that primarily displays and offers for sale, at retail, all of the following products: dairy products; baked goods; frozen foods, groceries; snacks; soft drinks; health and beauty aids; magazines, newspapers and books.

*Gross revenues* mean the amount of money earned by a licensee through the sale of goods or services, rents, video gaming, and any other sources, and prior to reduction for taxes, expenses, or any other means.

*Growler* means a securely covered jug or container made of glass, ceramic, or metal no smaller than 32 ounces (946 ml) and no larger than 64 ounces (1,893 ml) and used to transport draft beer brewed at the premise of Class P and T license holders, as a means to sell takeout beer for consumption off the licensed premises.

*Hotel* means every building or other structure kept, used, maintained, advertised and held out to the public where food is actually served and consumed and sleeping accommodations offered for adequate pay to travelers and guests, whether transient, permanent or residential, in which fifteen (15) or more rooms are used for sleeping accommodations of such guests, and having one (1) or more public dining rooms where meals are served to such guests, such sleeping accommodations and dining rooms being contained in the same building, or buildings in connection therewith, and such building or structure being provided with adequate and sanitary kitchen and dining room equipment and capacity.

*Kitchen* means a commercial kitchen meeting the standards and definition of the International Building Code (IBC), or the current building code of the City, and because of the nature of the cooking or food preparation activities, to have commercial food heat-processing equipment, such as compensating hoods, grease filters, kitchen hoods, sinks, refrigeration, stoves, and similar types of equipment.

*License year* means that period from January 1 through December 31 of the same calendar year.

*Local license* means a license issued by the Local Liquor Commissioner of the City pursuant to the provisions of this chapter.

*Local Liquor Commissioner* means the Mayor of the City, or his designee. If for any reason the Mayor is unable to serve as Commissioner and there is no designee, then the Mayor Pro Tem shall serve as Commissioner. If for any reason then Mayor Pro Tem is unable to serve than it shall be the member with the most consecutive years seated on the City Council to serve as the Commissioner. If there are two or more members with the same amount of seniority then the member with the most votes at the last election of each member shall serve as Commissioner.

*Manufacture* means to distill, rectify, ferment, brew, make, mix, concoct, process, blend, bottle or fill an original package with an alcoholic liquor, whether for oneself or for another, and includes blending but does not include the mixing or other preparation of drinks for serving by those persons authorized and permitted to serve drinks for consumption on the premises where sold.

*Manufacturer* means to include either a Brewer or Distiller who fills or refills an original package for retail sale or consumption by another on the premises of the manufacturer.

*Meals* means food offered and prepared in the kitchen on the Premises sufficient to constitute a full breakfast, lunch or dinner and shall not include snacks such as “pretzels, popcorn, potato chips, nuts, or similar food as the “meal.”



*Mobile Bartender* means a properly enclosed vehicle meeting the minimum standards of this Chapter used for the purpose of traveling to and from different locations to sell or serve alcohol, and who also has a valid City business license.

*Peddle* means solicit, canvas, or travel door to door selling goods or merchandise carried with oneself.

*Personal Care Services* means beauty shops, day spas, and nail care businesses.

*Premises* means the area within a building for which a license to sell alcoholic liquor is issued and which is actually used in connection with the storage, preparation and sale of alcoholic liquor, but specifically excluding any outside areas such as patios, open porches, roof tops, balconies, stoops, sidewalks, yards, driveways, parking lots and similar outside areas; except as otherwise provided in the case of Class G, H, I, J, and O licenses and a Subclass (1) supplemental license.

*Private function* means a prearranged party, function, or event for a specific social or business occasion, either by invitation or reservation and not open to the general public, where the guests in attendance are served in a room or rooms, or outdoor geographic area designated and used exclusively for the private party, function, or event. The site of the function must have valid business license from the City and not be in violation of any City ordinances.

*Property* means any parcel, lot, or tract of land, inclusive of the Premises improvements thereon, in the possession of or owned by, or recorded as the real property of, the same person or persons.

*Public function* means a prearranged party, function, or event for a specific social or business occasion, open to the general public, where the guests in attendance are served in a room or rooms, or outdoor geographic area designated and used exclusively for the public party, function, or event. The site of the function must have valid business license from the City and not be in violation of any City ordinances.

*Racetrack* means one (1) or more buildings or structures, within the same site, complex or campus, having a minimum total occupancy of one thousand five hundred (1,500) persons, in each of which space is regularly rented or licensed for the viewing of or participation in racing, exhibitions, sporting events, or similar presentations.

*Regularly serving meals* means meals ordered from a menu, prepared in the kitchen on the Premises, and served to consumers at all hours in which the licensee is serving alcohol.

*Rental hall business* refers to a business organized in such a way that it provides a place available for rental by members of the general public. The building housing the business must be designed to accommodate a minimum of two hundred (200) persons safely. Such a business is

typified by wedding celebrations, parties, or dances by private clubs or individuals. The lessor/licensee is paid a fee by the lessee for use of the hall and for providing alcoholic liquor.

*Resident of the City* means any person living in the City for a period not less than one calendar year.

*Restaurant* means any public place kept, used, maintained, advertised and held out to the public primarily as a place where meals are served and where meals are actually regularly prepared in a kitchen and served to consumers without sleeping accommodations, such space being provided with adequate and sanitary kitchen and dining equipment and capacity and having employed therein a sufficient number and kind of employees to prepare, cook and serve suitable food for its guests, and where the sale or consumption of alcoholic liquors is only incidental to the serving of meals. In the case of restaurants with a B classification, fifty (50) percent or more of the gross revenue in each calendar month from the operation of the licensed premises must be from the serving of meals. In the case of restaurants with a B-1 classification, twenty-five (25) percent or more of each month's gross revenue must regularly be from the serving of meals.

*Retail sales* means the sale for use or consumption and not for resale.

*Spirits* means any beverage which contains alcohol obtained by distillation, including mixed with water or other substance in a 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.

*Sale* means any transfer, exchange or barter in any manner, or by any means whatsoever, including all sales made by any person, whether principal, proprietor, agent, servant or employee.

*Site or Site Plan* means the same definitions and/or context as provided for in the City's Zoning Code.

*Stadium* means one (1) or more buildings or structures, within the same site, complex or campus, having a minimum total occupancy of one thousand five hundred (1,500) persons, in each of which space is regularly rented or licensed for the viewing of or participation in exhibitions, sporting events, concerts or performances of plays, circuses or similar presentations.

*State* means the State of Illinois or its agencies, commissions and departments.

*Tasting Event* means the Licensee supervised presentation of alcoholic products to the public for the purpose of disseminating product information and education, with consumption of alcohol

products being an incidental part thereof. Tasting quantities shall be limited to the following alcohols and quantities: Beer-2 ounces, Wine-1 ounces, Distilled Spirits ¼ ounce.

*Tavern* means any public place kept, used, maintained, advertised and held out to the public primarily for the sale and consumption of alcoholic liquors on premises and where the monthly gross revenue from the sale of food or meals is less than twenty-five (25) percent of the gross revenues of the business.

*To sell* means to keep or expose for sale and to keep with intent to sell.

*Video Gaming* means that form of gambling as permitted under the Illinois Video Gaming Act, (230 ILCS 40/1, et seq.), as amended.

*Wine* means any alcoholic 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 obtained by distillation.

**Sec. 5.08.020. Hours of sale and exceptions.**

- A. Class A and Class F licenses. All holders of Class A and Class F liquor licenses may keep their premises open and serve, sell or offer for sale at retail alcoholic liquor to the public for consumption upon such premises from 9:00 a.m. until 1:00 a.m. of the morning following the night on Sunday, Monday, Tuesday, Wednesday, and Thursday and between 9:00 a.m. and 2:00a.m. of the morning following the night on Friday and Saturday.
- B. Class B, B-1, and Class E licenses. All holders of Class B, B-1, E, P, P-1, P-2, Q, S, T, and U liquor licenses may keep their premises open and serve, sell or offer for sale at retail alcoholic liquor to the public for consumption upon such premises from 5:00 a.m. until 1:00 a.m. of the morning following the night on Sunday, Monday, Tuesday, Wednesday and Thursday and from 5:00 a.m. until 2:00 a.m. of the morning following the night on Friday and Saturday.
- C. Class C, D, I, J, K, and L licenses. All holders of Class C, D, I, J, K, L, P, P-1, P-2, Q, S, T, and U liquor licenses may keep their premises open and serve, sell or offer for sale at retail alcoholic liquor to the public for consumption upon such premises from 5:00 a.m. until 1:00 a.m. of the morning following the night on Sunday, Monday, Tuesday, Wednesday and Thursday and from 5:00 a.m. until 2:00 a.m. of the morning following the night on Friday and Saturday.
- D. As provided for in Section 5.08.030.
- E. As otherwise provided for in this chapter.
- F. It shall be unlawful to keep open for business or to permit the public to patronize any premises where alcoholic liquors are sold at retail during the hours within which the sale of such liquor is prohibited; provided, however, that in the case of restaurants, clubs, hotels, package stores, drugstores, racetracks, and stadiums, such establishments may be kept open during such hours, but no alcoholic liquor may be sold during such hours except as provided in this chapter.

G. No person other than a licensee of a licensed premises or any of his employees while actually in the performance of their duties shall be permitted to enter or remain upon the premises, nor shall any person consume any alcoholic liquor upon such premises, nor shall any alcoholic liquor be exposed upon such premises in any open individual serving container after the prescribed closing time for such licensed premises.

(Ord. No. 4158, 11-24-2008; Ord. No. 4195, 2-23-2009)

Sec. 5.08.030. Closing hours on holidays.

A. The closing hours provided for in Section 5.08.020 are hereby extended for a period of two (2) hours on New Year's Eve (or early morning hours of New Year's Day), St. Patrick's Day (or early morning hours of the day after St. Patrick's Day), and the day before Thanksgiving (or early morning hours of Thanksgiving Day) provided that these days fall on a Sunday, Monday, Tuesday, Wednesday or Thursday, and provided that the licensed establishment does not permit any additional patrons on its premises after the normal closing hours provided for in this chapter; and further provided that the licensed establishment not advertise or indicate in any manner that it is still open for business after the normal closing hours provided for in this chapter.

B. If a disturbance occurs on the licensed premises during the hours referred to in Subsection A of this section, which appears to endanger the lives, property or person of the patrons of a licensed premises, the City police may order the licensed establishment to close its business until the next business day and may order all the patrons to leave the licensed premises immediately.

Sec. 5.08.040. Employment of persons under the age of twenty-one (21).

A. No licensee under this chapter shall employ or permit any person under the age of twenty-one (21) years to handle, sell or serve alcoholic liquors for sale; provided, however, that any establishment holding a Class "B," Class "B-1," Class "D," Class "E," Class "I" or Class "J" license may employ persons eighteen (18) years of age or older to serve alcoholic liquors to patrons in any fixed location used for service of food where such person is under the direct and immediate supervision of an employee twenty-one (21) years of age or older who has supervisory authority over the underage employee and who is actually present on the premises at all times the underage employee is serving alcohol, but under no circumstances shall such person be employed or act exclusively as a bartender or cocktail server.

B. No licensee under this chapter shall utilize, permit or allow any volunteers under the age of twenty-one (21) years to handle, sell, or serve alcoholic liquors for sale regardless of whether the sale or service of alcohol is in conjunction with the sale or service of food.

C. No licensee under this chapter shall employ or permit any person under the age of eighteen (18) years to act as a compensated entertainer.

Sec. 5.08.050. Food sanitation permit.

A. No Class B, B-1, E, F, I, J, K, L, P license shall be issued or renewed without the license holder providing proof of a valid and current food sanitation permit from Madison County or St. Clair County, as the case may be.

B. The failure to obtain a food sanitation permit, or loss of such permit during a licensed year through suspension, revocation or otherwise, shall require the Local Liquor Commissioner to revoke or suspend the licenses granted under this chapter to the license holder.

Sec. 5.08.060. Sales to persons of nonage, intoxicated persons, etc.

A. No licensee or 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 twenty-one (21) years, or to any intoxicated person or to any person known by him to be under legal disability or in need of mental treatment. For the purpose of this section, the term "intoxicated person" means a person whose mental or physical functioning is substantially impaired as a result of the use of alcohol.

B. Should the Local Liquor Commissioner find, following a hearing held pursuant to the provisions of this chapter, that any licensee or his officer, associate, member, representative, agent or employee has knowingly sold, given or delivered any alcoholic liquor to an intoxicated person, and the person while so intoxicated has caused death or great bodily harm to himself or any other person, the Local Liquor Commissioner may revoke or suspend the license for the establishment.

C. No person, after purchasing or otherwise obtaining alcoholic liquor, shall sell, give or deliver such alcoholic liquor to another person under the age of twenty-one (21) years, except in performance of a religious ceremony or service.

Sec. 5.08.070. Possession, purchase, dispensing or consumption of liquor by person of nonage; proof, misrepresentation of age; furnishing false identification.

A. Any person to whom the sale, gift or delivery of any alcoholic liquor is prohibited because of age shall not attempt to or actually purchase or accept a gift or delivery of such alcoholic liquor or have such alcoholic liquor in his possession, or consume such alcoholic liquor, except in the performance of a religious ceremony or service.

B. If a licensee or his agent or employee believes or has reason to believe that a sale or delivery of any alcoholic liquor is prohibited because of the nonage of the prospective recipient, he shall, before making such sale or delivery, demand presentation of some form of positive identification, containing proof of age, issued by a public government official in the performance of his official duties.

C. For the purpose of preventing the violation of this section, any licensee or his agent or employee may refuse to sell or serve alcoholic beverages to any person who is unable to produce

adequate positive identification of identity and of the fact that he is over the age of twenty-one (21) years.

D. Proof that the licensee or his employee or agent demanded, was shown and reasonably relied upon such positive identification in any transaction forbidden by this section is competent evidence and may be considered in any criminal or ordinance prosecution therefor or in any proceedings for the suspension or revocation of any license based thereon.

E. No person shall transfer, alter or deface such identification card; use or attempt to use the identification card of another; carry or use or attempt to use a false or forged identification card; or obtain or attempt to obtain an identification card by means of false information.

#### Sec. 5.08.075. BASSET Compliance

A. Except as provided for in sub-section B, all sellers or servers of alcohol must be in full compliance with the BASSET program within 60 days of their being employed or contracted by a license holder.

B. For holders of liquor licenses originally issued prior to the effective date of this Section, all sellers or servers of alcohol must be in full compliance with the BASSET program on or before June 30, 2017. Those persons without BASSET compliance shall until completion of the BASSET program work under the supervision of a person who has completed BASSET training.

C. Compliance with this Section shall be the individual and collective responsibility of the license holder, its owners, its managers, and the seller and servers of alcohol. All such parties may be issued citations for the violation of this Section by a seller or server of alcohol.

D. A photo copy of certificate of completion for all persons required by this Section to have BASSET training shall be maintained by the establishment, in manner that will allow inspection, upon demand, by any designee of both the state or City.

#### Sec. 5.08.080. Peddling.

It shall be unlawful for any person to peddle alcoholic liquors in the City.

#### Sec. 5.08.090. Retail sales in buildings containing adult uses.

The City of Collinsville City Council finds:

1. The operation of sexually oriented businesses in the City of Collinsville requires special regulations and supervision in order to protect, preserve and promote the health, safety, and welfare of the patrons of such businesses, as well as the health, safety, and welfare of the City's residents. Further, protecting order and morality, preventing the deterioration of the City's neighborhoods, promoting retail trade, maintaining property values, and ensuring sanitary and safe public places are desirable objectives of the community and the City's leaders.

2. The City finds that evidence from many different sources confirms that the operation of adult entertainment businesses has historically and regularly been accompanied by secondary effects that are detrimental to the health, safety, moral, economic vitality and growth, and general welfare of the citizens of City of Collinsville, as well as the City. Such secondary effects include, but are not limited to, the following: (a) significant criminal activity and activities injurious to the health, safety, morals, economic growth and vitality, and general welfare of the community; (b) detrimental effects on nearby businesses and residential areas; and (c) a decline in property values in the area of the adult entertainment businesses. Accordingly, there is a compelling need and interest to regulate adult entertainment businesses as provided in this Ordinance to protect and promote the public health, safety, morals, and general welfare of the citizens of the City of Collinsville.
3. The City finds that this Ordinance bears a substantial relation to public health, safety and welfare, and promotes the long-term interests of the City of Collinsville community.
4. Numerous studies and court opinions establish that adult entertainment businesses have objectionable operational characteristics and are frequently used for unlawful activities. The City Council recognizes that the Courts have allowed cities to rely upon the experiences of other jurisdictions with regards to adult entertainment businesses and have not required each jurisdiction regulating such businesses to conduct their own studies. The City of Collinsville has decided to also rely upon such other experiences, as recognized by the Courts, because it does not have the time, experience, and/or resources to adequately study these issues. As such, the City Council takes legislative notice of the evidence of conduct, activities, and crimes occurring in and around adult entertainment businesses located in other jurisdictions, which the City Council hereby deems to be relevant to the experience in City of Collinsville, as reported in the studies and findings of other city and county legislative bodies that have also adopted ordinances regulating adult entertainment businesses, including by way of example, but not limited to, ordinances adopted by the following entities: City of Arlington, Texas; City of Galesburg, Illinois; Mecklenburg County, North Carolina; Greenville County, South Carolina; and City of Mount Vernon, Washington.
5. The resources available for responding to problems associated with adult entertainment businesses are limited and are most efficiently and effectively utilized through appropriate zoning and a licensing and regulatory program.
6. Sexually oriented adult entertainment businesses are directly related to or associated with declines in property values, especially those of residential areas.

7. Sexually oriented adult entertainment businesses are directly related to or associated with degradation of the quality of life within a neighborhood.
8. Numerous other jurisdictions have attempted to address these adverse secondary effects by regulations which limit the zones in which sexually oriented adult entertainment uses are allowed and create buffers around such uses. The City of Collinsville relies on the validation of these methods by the United States Supreme Court, including, but not limited to, *City of Renton v. Playtime Theatres, Inc. et.al.*, 475 U.S. 41, 106 S.Ct. 925 (1986), and *Young v. American Mini Theatres*, 426 U.S. 50 (1970).
9. Sexually oriented adult entertainment businesses should be located in areas of the City which are not in close proximity to residential uses, churches, parks, schools, childcare facilities, libraries, and similar facilities or uses.
10. The City finds that protection of the public is best served by limiting adult entertainment related uses to M-1 (Industrial Zoned Districts) in the City.
11. A reasonable time, place, and manner regulation of sexually oriented adult entertainment businesses will provide for the protection of the community and its property values, and protect the residents of the community from the adverse effects of such sexually oriented adult entertainment businesses, while providing those who desire to patronize sexually oriented adult entertainment businesses such an opportunity in areas within the City which are appropriate locations of sexually oriented adult entertainment businesses and land uses.
12. The licensing fees required in this Ordinance are necessary as reasonable fees imposed to help defray the costs of processing the license applications and the substantial expenses incurred by the City in regulating the adult entertainment industry. License regulations set forth in this Ordinance are necessary to prevent the exploitation of minors, to assure the correct identification of persons working in adult entertainment businesses, to effectively deploy the City's limited law enforcement resources, and in order to effectively protect the health, safety, morals, and general welfare of the citizens of the City of Collinsville.
13. The City Council has reviewed the following materials and information regarding sexually oriented business concerning the adverse secondary effects of adult uses on the community presented in hearings and in reports made available to the City Council:
  - a. *City of Renton v. Playtime Theatres, Inc. et.al.*, 475 U.S. 41, 106 S.Ct. 925 (1986);
  - b. *Young v. American Mini Theatres*, 427 U.S. 50, 96 S.Ct. 2440 (1976);



- c. Barnes v. Glen Theatre, Inc., 501 U.S. 560, 111 S.Ct. 2456 (1991);
- d. City of Erie v. Pap A.M. dba "Kandyland", 529 U.S. 277, 120 sect. 1382 (2000);
- e. City of Angeles v. Alameda Books, Inc., 535 U.S. 425, 122 sect. 1728 (2002);
- f. "Report to the American Center for Law and Justice on the Secondary Impact of Sex Oriented Business" by Peter R. Hecht, Ph.D., dated March 3 1, 1996;
- g. A study called "Report of the Attorney General's Working Group on the Regulation of Sexually Oriented Business" dated June 6, 1989, which was conducted by Members of the State of Minnesota's Attorney General's Working Group on the Regulation of Sexually Oriented Businesses;
- h. "Crime Risk in the Vicinity of a Sexually Oriented Business: A Report to the Centralia City Attorney's Office" by Richard McCleary, Ph.D., dated February 28, 2004;
- i. Summaries of Secondary Effects Reports by the Community Defense Counsel;
- j. A study called "Secondary Effects of Sexually-Oriented Businesses on Market Values" by Connie B. Cooper, FAICP, Eric Damian Kelly, Ph.D., FAICP, and "Secondary Effects of 'Off-Site' Sexually-Oriented Businesses" by Richard McCleary, Ph.D., dated June of 2008;
- k. A study completed by the City of Everett, Washington Police Department regarding the crime-related impact of adult retail businesses;
- l. A study called "Adult Entertainment Businesses in Indianapolis" dated 1984;
- m. A study called "Adult Cabarets in Seattle" prepared by the Department of Planning and Development, dated March 28, 2006;
- n. City of Mount Vernon, Washington Adult Entertainment Businesses Ordinance;
- o. Greenville County, South Carolina Adult Entertainment Businesses Ordinance;
- p. Mecklenburg County, North Carolina Adult Entertainment Businesses Ordinance;
- q. City of Galesburg, Illinois Adult Entertainment Businesses Ordinance; and
- r. City of Arlington, Texas Adult Entertainment Businesses Ordinance.

14. The above-referenced materials, including studies, cases, and reports, as well as statistics and studies performed by a substantial number of cities and towns in the United States, indicate that:
- a. Large numbers of persons, primarily male, frequent such sexually oriented businesses, especially those which provide closed booths, cubicles, studios and rooms for the private viewing of so-called "adult" motion pictures, videotapes or live entertainment.
  - b. Such closed booths, cubicles, studios and rooms have been used by patrons, clients or customers of such sexually oriented businesses for the purpose of engaging in specified sexual activities.
  - c. Male and female prostitutes have been known to frequent such businesses in order to provide sex for hire to the patrons, clients or customers of such businesses within such booths, cubicles, studios and rooms.
  - d. Doors, curtains, blinds and other closures installed in or on the entrances and exits of such booths, cubicles, studios and rooms which are closed while such booths, cubicles, studios and rooms are in use encourage patrons using such booths, cubicles, studios and rooms to engage in specified sexual activities therein with prostitutes, other persons or by themselves, thereby promoting and encouraging prostitution and the commission of specified sexual activities which cause blood, semen, urine or other bodily secretion to be deposited on the floors and walls of such booths, cubicles, studios and rooms, which deposits could prove detrimental to the health and safety of other persons who may come into contact with such deposits.
  - e. Booths, cubicles, studios and rooms that are closed while they are in use often contain holes that have been cut or smashed out of the walls or other partitioning material. These holes permit the inhabitant of one booth, cubicle, studio or room to engage in specified sexual activities with the inhabitant of the adjoining booth, cubicle, studio or room. These holes promote and encourage specified sexual acts to occur between persons anonymously. Anonymous sexual contact poses a higher risk of spread of communicable diseases, including the AIDS virus, Hepatitis B and other sexually transmitted diseases. Further, the existence of such holes in booths, cubicles, studios and rooms at sexually oriented businesses provides an increased risk that blood, semen, urine or other bodily secretion will be deposited on the floors and walls of such booths, cubicles, studios and rooms, which deposits could prove detrimental to the health and safety of other persons who may come into contact with such deposits.

- f. Specified sexual activities often occur at unregulated sexually oriented businesses that provide live adult entertainment. Specified sexual activities include sexual physical contact between employees and patrons of sexually oriented businesses and specifically include "lap dancing" or manual or oral touching or fondling of specified anatomical areas, whether clothed or unclothed. Such casual sexual physical contact between strangers may result in the transmission of communicable diseases, which would be detrimental to the health of the patrons and employees of such sexually oriented businesses.
- g. The unregulated operation of sexually oriented businesses, including off-site adult businesses like adult bookstores, adult video stores and adult novelty stores, is associated with an increase in the incidence of sex-related crimes and other crimes and also has a disruptive effect on the surrounding neighborhood by causing excessive noise, parking problems, the presence of discarded sexually oriented material on residential lawns, and the performance of sexual acts in public places, as well as causing a deleterious effect on surrounding businesses and decrease in the value of surrounding property.
- h. Sexually oriented businesses that operate in close proximity to each other further contribute to an increase in crime, lower property values, blight and the downgrading of the quality of life and value of property in the adjacent area, and sexually oriented businesses that operate within a short distance of schools, churches, parks, libraries and other public facilities negatively impact such places and have an adverse effect upon persons, particularly children, walking to and from such places.
- i. The reasonable regulation and supervision of such sexually oriented businesses tends to discourage prostitution, other sex-related crimes, anonymous and high risk sexual contact and unsanitary sexual activity, excessive noise and property development, thereby decreasing the incidences of communicable diseases and sex-related crimes, all thereby promoting and protecting the health, safety and welfare of the employees and the members of the public who patronize such businesses and protecting the health, safety and property interests of a city and its residents.
- j. Location and zoning regulations alone do not adequately protect the public health, safety and welfare and thus certain requirements with respect to the ownership, employees, facility, operation, advertising, hours of business and other aspects of the sexually oriented business are in the public interest.

15. It is the purpose and intent of the City Council, in enacting this Ordinance, to regulate sexually oriented businesses to promote the health, safety and general welfare of the residents of the City and to establish reasonable and uniform regulations of such businesses in order to reduce or eliminate the adverse secondary effects of such sexually oriented businesses, protect residents from increased crime, preserve the quality of life, preserve the property values and the character of surrounding neighborhoods and businesses, deter the spread of blight, and protect against the threat to public health from the spread of communicable and social diseases.
16. It is not the intent of the City Council, in enacting this Ordinance, to deny to any person rights to speech protected by the United States Constitution, or the State of Illinois Constitution. Further, by enacting this Ordinance, the City Council does not intend to deny the constitutionally protected rights of any adult to obtain or view any sexually oriented materials under the United States or state constitutions, nor does it intend to deny any constitutionally protected rights that distributors or exhibitors of such sexually oriented materials may have to sell, distribute or exhibit such materials.
17. The consumption of alcoholic beverages on the premises of sexually oriented businesses exacerbates the adverse secondary effects of such businesses on the community.
18. Based on the preceding regarding the adverse secondary effects of sexually orientated businesses on the community, no alcoholic beverage or other intoxicant shall be displayed, served, ingested or sold on the premises of any sexually oriented business. No licensee, operator or employee shall be under the influence of any alcoholic beverage or other intoxicant while working at a sexually oriented business. No patron who is under the influence of any alcoholic beverage or other intoxicant shall be allowed to enter any sexually oriented business.

(Ordinance 17-77 passed September 25, 2017).

Sec. 5.08.100. Prohibited conduct.

It shall be unlawful for any licensee or a person as proprietor, agent, servant or employee of such licensee on the premises to knowingly offer or allow any person to engage in any of the following conduct:

- A. Acts of intercourse, masturbation, sodomy, bestiality, oral copulation, flagellation or any sex act prohibited by law.
- B. Actual display of pubic hair, anus, vulva, genitals, buttocks or the female breast below a horizontal line across the top of the areola. This definition shall include the entire lower portion of the human female breast but shall not include any portion of the cleavage of the human female

breast exhibited by a dress, blouse, shirt, leotard, bathing suit, or other wearing apparel provided the areola is not exposed in whole or in part.

Sec. 5.08.110. Carrying of alcoholic liquor in unsealed or opened container from premises.

A. It shall be unlawful for any person to carry any alcoholic liquor in an unsealed or opened container from the licensed premises where such alcoholic liquor was purchased.

B. No licensee or person as proprietor, agent, servant or employee of such licensee shall knowingly permit any patron to violate this section or continue to sell alcoholic liquors to such person knowing that such person intends to carry the alcoholic liquor from the premises in an open or unsealed container.

C. This section shall not apply to Subclass (1) licenses issued pursuant to this chapter.

D. Unless otherwise specifically limited by City Council by Ordinance or Resolution, this Section shall not apply to events approved by the City Council to be held on City streets, rights of way, or other City owned property; however, the alcoholic liquor shall be served only in an open, non-breakable container between the hours of 10:00 a.m. and 11:00 p.m. and must remain within the City approved geographical limits of the event.

Sec. 5.08.120. Sales to spectators.

No licensee shall serve alcoholic liquor to spectators at sporting events, concerts or at performances of plays, circuses and similar presentations open to the general public in glass bottles, cans or glass containers of any kind, except alcoholic liquor may be served in disposable, plastic wide-mouth bottles with screw tops removed prior to serving. However, this restriction shall not apply in private indoor secluded areas including, but not limited to areas commonly referred to "private boxes" in which the retail sale and serving of alcoholic liquor shall be carefully monitored by the licensee or their agents or employees.

Sec. 5.08.130. Restrictions on use of certain premises.

No person operating or conducting an establishment licensed under this chapter other than a hotel, racetrack, stadium or club shall serve or permit to be served any alcoholic liquors of any kind in any portion of the premises, the interior of which is shut off from the general public view by doors, curtains, screens, partitions, or other devices of any kind; and no such private area may be maintained as a part of or adjacent to any such licensed establishment. All establishments licensed under this chapter shall have the doors to all sections of the establishment used for the consumption and/or retail sale of alcoholic beverages unlocked at all times during which the premises are open for business and shall permit police officers of the City unobstructed access to all such areas.

Sec. 5.08.131. Prohibition of Bottle Clubs and BYOB.

- A. A person may not maintain a place that essentially serves as a Bottle Club or BYOB establishment.
- B. A person may not maintain, operate, or lease premises for the purpose of providing, for a consideration, a place for drinking alcoholic beverages by members of the public or other persons, unless the person is authorized to do so under this Chapter.
- C. For the purposes of this section, "consideration" includes but is not limited to cover charge, the sale of food, ice, mixers, or other liquids used with alcoholic beverage drinks, or the furnishing of glassware or other containers for use in the consumption of alcoholic beverages.

Sec. 5.08.135. Retail sales near churches, schools, hospitals, etc.

- A. No Class A license shall be issued for the sale at retail of any alcoholic liquor within 100 feet of any church, school (other than an institution of higher learning) hospital, home for the aged or indigent persons, nursing homes or homes for veterans or their spouses or children, or any daycare facility licensed by the Illinois Department of Children and Family Services, nor within 450 feet of any publicly owned housing development containing 200 or more housing units; this prohibition specifically does not apply to the renewal of a Class A license for the sale at retail of alcoholic liquor on premises within 100 feet of any church or school where such church or school has been established within such 100 feet since the issuance of the original license. The city council retains the discretion to grant a liquor license to an establishment within 100 feet of a church in a situation where the church has been in existence of less than two years and there was a pre-existing liquor license closer to the newly established church than the proposed establishment within 100 feet. In the case of a church, the distance of 100 feet shall be measured to the nearest part of any building used for worship services or educational programs and not to property boundaries. In all other cases, the measurement shall be made in a straight line, without regard to intervening structures or objects, from the property line of school, hospital, home of the aged or indigent persons, nursing home or homes for veterans or their spouses or children or any daycare facility licensed by the Illinois Department of Children and Family Services, or any publicly owned housing development containing 200 or more housing units. Nothing herein, however, shall prohibit the city council in determining the suitability of a location of the sale of alcoholic liquor pursuant to this Chapter from considering the location's proximity to churches, schools, hospitals, homes for the aged and indigent persons, nursing homes or homes for veterans or their spouses or children, or any publicly owned housing development containing 200 or more housing units, or any daycare facility licensed by the Illinois Department of Children and Family, and the deleterious effects that the sale of alcoholic liquor may have.
- B. No license shall be issued to any person for the sale at retail of any alcoholic liquor at any store or other place of business where the majority of customers are minors of school age, or where the principal business consists of school supplies, food, lunches or drinks for such minors.

Sec. 5.08.140. General condition of premises.

All premises used for the retail sale of alcoholic liquor or for the storage of such liquor for retail sale licensed under this chapter shall be kept in a clean and sanitary condition and shall be kept in full compliance with the provisions of this chapter and other ordinances of the City regulating the maintenance and conditions of buildings and premises.

Sec. 5.08.150. Civil rights in licensed premises.

A. No licensee nor any person as proprietor, agent, servant or employee of a licensee shall deny or permit any other person to deny any person the full and equal enjoyment of the accommodations, advantages, facilities and privileges of any premises licensed under this chapter, subject only to the conditions and limitations established by law and applicable alike to all persons.

B. This section shall not prohibit the uniform imposition of a reasonable cover charge or dress code which is uniformly and consistently enforced and which does not tend to discriminate on the basis of sex, race, religion, color, national ancestry, physical or mental handicap or age except as otherwise provided in this chapter for age limitations. Written notice of the amount and the terms and conditions of any cover charge or dress code shall be posted so as to be clearly visible to any person seeking admittance as a patron to such licensed premises. The amount, terms and conditions of any discount prices based on club membership must be clearly posted within or at the entrance to the licensed premises.

C. In addition to the foregoing, no licensee nor any persons as proprietor, agent, servant or employee of a licensee other than the holder of a valid Class "F" or Class "I" license under this chapter may give preference in admission, seating, or service based upon membership in any organization, group or club, whether formal or informal, or any recommendation by or relation to any other person or group or any special ticket, pass, letter or memorandum, except reservations made in advance and available alike to all persons.

Sec. 5.08.160. Solicitation of patrons by employees.

No licensee under this chapter shall permit any employee or entertainer in the premises to solicit any patron thereof to purchase alcoholic or non-alcoholic beverages for such employee or entertainer or any other person on or in such licensed premises, or to solicit any patron to give or donate money or any other thing of value for any purpose; provided, however, that nothing herein contained shall prohibit any bartender or waiter who shall be regularly employed therein from accepting and serving an order of a patron in the regular course of his employment.

Sec. 5.08.170. Persons loitering in licensed premises.

A. No person shall frequent or loiter in any premises licensed under this chapter for the purpose of soliciting another person to purchase alcoholic or non-alcoholic beverages, or to solicit any other person to give or donate any money or other thing of value for any purpose including prostitution.

B. No licensee or any person as proprietor, agent, servant, or employee of such licensee shall knowingly permit any person who is in violation of this section to enter or remain upon the licensed premises. The fact that a licensee has been notified by the City police that a person has been convicted within the past year, or has multiple convictions within the past three years, for an offense of prostitution, soliciting for a prostitute, pandering, keeping a place of prostitution, or pimping, and the licensee allows such person to remain on or frequent the premises, may be considered prima facie evidence in a hearing before the Local Liquor Commissioner concerning the revocation or suspension of the license granted to the licensee, that a person's presence upon the licensed premises is for the purpose of soliciting in violation of this section.

Sec. 5.08.180. Failure to pay taxes, fees, etc.; required returns.

No licensee shall willfully fail or refuse to pay when due any taxes, fees, assessments or penalties owed to the City or to the State in connection with the operation of any business conducted on the licensed premises; nor shall the licensee fail or refuse to timely file any tax return, report or other document required in connection with such taxes, fees, assessments or penalties.

Sec. 5.08.190. Reporting of incidents to police; telephone required on premises.

A. Each licensee and each of his agents and employees shall promptly report to the City police any incident occurring on or about the licensed premises and in his knowledge or view relating to the commission of any crime, including any violation of this chapter, and shall truthfully and fully answer all questions and investigations of any identified police officer who makes inquiry concerning any persons in or about the licensed premises and any events taking place in and about the licensed premises, and cooperate fully in any such investigation, including the giving of any oral or written statements at such reasonable times and in such reasonable locations to any police officer engaged in such investigation.

B. Each licensee shall maintain on each licensed premises not less than one (1) telephone in operating order which phone must be within the easy access of the bartender or other responsible person in charge of the premises at all times for the purpose of reporting to the City police incidents occurring on or about the licensed premises.



Sec. 5.08.200. Illegal activities on premises.

A. No licensee or any officer, associate, member, representative, agent or employee of such licensee shall engage in any activity or conduct or suffer or permit any other person to engage in any activity or conduct in or about the licensed premises which is prohibited by any ordinance of the City or law of the State or the United States.

B. Compliance with this Chapter shall be the individual and collective responsibility of the license holder, its owners, its managers, and the seller and servers of alcohol. All such parties may be issued citations for the violation of this Chapter by a seller or server of alcohol.

Sec. 5.08.205. Emergency Temporary Suspension of License.

In the event of an Emergency as defined in this Chapter, the Local Liquor Commissioner or the City's Chief of Police may temporarily suspend a liquor license for incremental periods of 12 hours at a time, but not to exceed 48 hours for any given emergency. If the Local Liquor Commissioner or the City's Chief of Police determines the emergency has been abated during the temporary suspension, then the licenses shall be reinstated at such time.

Sec. 5.08.210. Local Liquor Commissioner designated; powers and duties specified.

A. The Mayor of the City shall serve as Local Liquor Commissioner and shall be charged with the administration of this chapter and of such other ordinances relating to alcoholic beverages as may be, from time to time, enacted by the City Council.

B. The Local Liquor Commissioner shall have the following powers and discretionary duties with respect to local liquor licenses:

1. All powers and duties granted, or which may hereafter be granted, to the Local Liquor Commissioner by the State.
2. To grant or to suspend for not more than thirty (30) days or to revoke for cause any local license issued to persons or entities for premises within the City, or to punish by a fine for any violation of this chapter in accordance with Section 7-5 of the Liquor Control Act (235 ILCS 5/7-5).
3. To enter or to authorize any law enforcement officer, appointed City officer, or other City employee designated by the City Manager, to enter at any time, upon the premises licensed hereunder to determine whether any of the provisions of the State law or City ordinance or any rules or regulations adopted by the City or by the State Liquor Control Commission have been or are being violated; and at such time to examine the premises of the licensee in connection therewith.
4. To examine, or cause to be examined, under oath, any applicant for a local license or for a renewal thereof, or any licensee upon whom notice of a hearing of a violation of law has been served, or any licensee against whom a citation proceeding has been instituted by the State Liquor Control Commission; to examine, or cause to be examined, the books and records of any such applicant or licensee, and to hear testimony and take evidence for use in the performance of the Commissioner's duties.

5. To compel the attendance of a witness by subpoena and the production for examination of any books, payrolls, records, correspondence, documents, papers or other evidence by subpoena duces tecum in any investigation or hearing before the Commissioner. Further, in case of failure or refusal to obey a subpoena or subpoena duces tecum issued to any person, the Commissioner may instruct the Corporation Counsel or his designee to seek compliance to the subpoena or subpoena duces tecum by petitioning the circuit court to enforce the subpoena or subpoena duces tecum. Failure to obey any order issued by the circuit court may be punished by the court as contempt thereof.
6. To designate other persons to take the actions set out in the subsections of this section for the purpose of obtaining any of the information desired by the Commissioner.
7. To appoint any other member of the City Council to serve as deputy Local Liquor Commissioner, which person shall have full authority to exercise any of the powers and duties enumerated herein, except as the Commissioner may specifically exclude by such appointment. Such deputy Local Liquor Commissioner may be appointed to serve at the pleasure of the Local Liquor Commissioner but not beyond the term of officer of the appointing commissioner; and may be appointed either:
  - a. To act in the absence of the Local Liquor Commissioner; or
  - b. To act in lieu of the Local Liquor Commissioner.
8. To appoint one (1) or more persons over the age of twenty-one (21) years, a resident of the City and who does not hold or have any interest in a liquor license or licensed establishment to conduct liquor license disciplinary hearings and investigations and hearings concerning the appeal of permit denials and revocations and applications for approval licenses. Any such person so appointed shall submit findings and recommendations to the Commissioner setting forth his conclusions respecting the existence and nature of any violation of law and the appropriate disciplinary action to be taken, if any, which may be accepted, modified or rejected by the Local Liquor Commissioner.
9. To receive complaints from any citizen within his jurisdiction that any of the provisions of this chapter or the Liquor Control Act or any rules or regulations adopted pursuant to either of them, have been or are being violated and to act upon such complaints in the manner provided for in this chapter.
10. To adopt rules and regulations regarding liquor licenses pursuant to Section 4-1 of the Liquor Control Act (235 ILCS 5/4-1).

**State law references:** Local liquor control commissioner, 235 ILCS 5/4-2 et seq.; appeals from decisions of local liquor control commissioner, 235 ILCS 5/7-9.

Sec. 5.08.220. Record of hearings.

An official record of proceedings of all public hearings before the Local Liquor Commissioner or any person appointed to conduct liquor investigations and disciplinary hearings shall be made.

Any appeal of any order or action taken by the Commissioner shall be limited to a review of such official record.

Sec. 5.08.230. Appeals.

Pursuant to 235 ILCS 5/7-9, whenever any order or action of the Local Liquor Commissioner imposing a fine, granting or refusing to grant a license, revoking or suspending or refusing to revoke or suspend a license, or refusing for more than 30 days to grant a hearing on a valid complaint to revoke or suspend a license is appealed, it shall be to the State Liquor Control Commission, and shall be limited to a review of the official record of the proceedings of the local liquor control commissioner.

Sec. 5.08.240. Hearings on violations; complaint by citizen's council.

Any five (5) residents of the City shall have the right to file a complaint with Local Liquor Commissioner stating that any licensee subject to this chapter has been or is violating the provisions of this chapter or the Illinois Liquor Control Act or the rules or regulations issued pursuant to either. Such complaint shall be in writing and shall be signed and sworn to by the parties complaining. The complaint shall state the particular provision, rule or regulation believed to have been violated and the facts in detail upon which such belief is based. If after investigating the Local Liquor Commissioner is satisfied that the complaint substantially charges a violation and that from the facts alleged there is reasonable cause for such belief, he shall set the matter for hearing and shall serve notice upon the licensee of the time and place of such hearing and of the particular charge in the complaint.

Sec. 5.08.250. Liquor and Business Licenses required.

A. It shall be unlawful for any person, either by himself or his agent, or any person acting as an agent, barkeeper, clerk or servant of another, to serve, sell or offer for sale at retail in the City any alcoholic liquor without first having obtained a license to do so as provided in this chapter. It shall likewise be unlawful for any such person to sell or offer for sale any alcoholic liquor in violation of the terms and conditions of such license. A premises that proposes to serve, sell, or offer for sale at retail alcoholic liquor that would require the issuance of two (2) or more local licenses for different classes shall apply for and pay the applicable fees for each class of license to be issued. A prospective licensee that proposes to serve, sell or offer to sale at retail alcoholic liquors at two (2) or more premises in the City shall be required to apply, pay for, and obtain a separate license for each location.

B. It shall be unlawful for any person, either by himself or his agent, or any person acting as an agent, barkeeper, clerk or servant of another, to serve, sell or offer for sale at retail in the City any alcoholic liquor without having maintained a valid business license as issued under Title 5 of the City's Municipal Code, as may be amended.

Sec. 5.08.251. Serving of Alcohol for the Benefit of a Non-Licensee.

It shall be unlawful for any license holder to sell or serve alcohol as a sponsor of, or for the benefit of, any other person or entity that has not obtained a liquor license from the City.

Sec. 5.08.252. Serving of Alcohol on Suspended or Revoked License.

For any business that does not have a liquor license, or has had its liquor licenses suspended or revoked, it shall be unlawful to serve or give away alcohol or provide the Property for the serving or giving away of alcohol, for consumption on the Property.

Sec. 5.08.254. Consumption of Alcohol of Property of Suspended or Revoked License.

For any business that has had its liquor licenses suspended or revoked, it shall be unlawful to make a Property or premises available to any persons that allows persons to bring alcohol to the Property for consumption on the Property.

Sec. 5.08.260. Classes.

Licenses to sell alcoholic liquor at retail are hereby divided into classes as follows with fees for same as provided in Title 4:

A. *Class A.* Class A licenses shall authorize the retail sale of alcoholic liquors on the premises of any tavern for consumption on the premises. Subject to the grandfathering provisions of this subsection, Class A licenses issued by the City shall be limited to one for every five thousand (5,000) City residents, as determined by the most recent available United States Census. All Class A licenses issued and valid prior to the initial effective date of this chapter shall be grandfathered, but only so long as the licensee does not violate any provision of this chapter. Upon the finding of such a violation by the Local Liquor Commissioner, the grandfathered rights of the licensee shall be immediately forfeited and former licensee shall be subject to the numerical restrictions herein.

B. *Class B.* Class B licenses shall authorize the retail sale of alcoholic liquors on the premises in any restaurant that has fifty (50) percent or more of its gross revenue in each calendar month from the operation of the licensed premises from regularly serving of meals, for consumption on the premises.

1. *Class B-1.* Class B-1 licenses shall authorize the retail sale of alcoholic liquors on the premises in any restaurant that does not qualify for a Class B license for consumption on the premises, but that has twenty-five (25) percent or more of its gross revenue in each calendar month from regularly serving of meals.

2. Proof of compliance with the provisions of Section 5.08.260 B shall be proven by documentation requested by the City, including but not limited to sales tax forms submitted to the State of Illinois showing the amount of revenue generated from food sales separately from liquor sales. The licensee shall provide a written, dated, sworn verification of the accuracy,

completeness and truthfulness of their compliance under Section 5.08.260 B, as follows: ***“I declare (or certify, verify, or state) under penalty of perjury that the foregoing is true and correct.”***

C. *Class C.* Class C licenses shall authorize the retail sale of alcoholic liquors in packages and not for consumption on the premises.

D. *Class D.* Class D licenses shall authorize the retail sale of alcoholic liquors in packages and not for consumption on the premises where gasoline stations are attached as a secondary business operation.

E. *Class E.* Class E licenses shall authorize the retail sale of alcoholic liquors on the premises in any hotel for consumption on the premises, when such retail sale is made by the same person who operates the hotel. Nothing contained in this section shall be so construed as to prevent any hotel operator, licensed under the provisions of this chapter, from serving alcoholic liquors to registered guests in any room, designed for temporary and permanent habitation with sleeping accommodation and bathing amenities, if such liquor so served shall be kept in and served from a licenses location, place or premises in the hotel.

F. *Class F.* Class F licenses shall authorize the retail sale on the premises of alcoholic liquors in any club for consumption on the premises.

G. *Class G.* Class G licenses for special events shall temporarily authorize the retail sale for consumption on the premises of alcoholic liquors in any nonresidential location for a period of three (3) days or less. No person shall have temporary license or combination of temporary licenses under this subsection for a total of more than six (6) days in any twelve (12) month period. A Class G license shall only be issued to government entities and civic, patriotic, fraternal, educational, religious, or benevolent organizations which have been in active and continuous existence for at least one (1) year in the same location in the City prior to the making of such application and which in good faith have maintained a membership role during such one-year period. Applicants for a Class G license shall submit proof of adequate dram shop insurance as required by the Illinois Liquor Control Act, as it is now or may hereafter be amended, prior to being issued such license. All such persons or organizations shall apply for a Class "G" license at least six (6) weeks prior to the date desired. The Local Liquor Control Commissioner, however, may waive the six (6) week filing requirement should he find that sufficient time remains prior to the event for the City and the State to process the application.

H. *Class H.* Class H licenses for annual festivals shall authorize the retail sale of alcoholic liquor in an outdoor, nonresidential location as part of a public event utilizing City or State property or rights-of-way and which has been approved by the City Council. However, in the case of an annual event which has been approved and held in each of the preceding two (2) years, the approval may be given by the Local Liquor Commissioner. The period of such license shall not exceed three (3) days. No person shall be issued any temporary license or combination of temporary licenses under this subsection for a total of more than nine (9) days in any twelve (12) month period. No more than a total of five (5) Class "H" liquor licenses will be granted for Friday night use on publicly owned property or rights-of-way in any calendar year. Issuance of a

Class H liquor license is contingent upon the issuance of a permit for the event and sites pursuant to this Code. Class H licenses shall only be issued to government entities and civic, patriotic, fraternal, educational, religious or benevolent organizations which have been in active and continuous existence for at least one (1) year in the same location in the City prior to the public event and which in good faith have maintained a membership role during such one (1) year period. Applicants for a Class "H" license shall submit proof of adequate dram shop insurance as required by the Illinois Liquor Control Act, as it may hereafter be amended, prior to being issued such license. All applications for a Class H license shall be filed at least four (4) weeks prior to the event. The Local Liquor Commissioner, however, may waive the four (4) week filing requirement should he find that sufficient time remains prior to the event for the City and State to process the application. In addition to the regulations imposed upon other licenses in this chapter, a Class H license shall be subject to the following:

1. To protect public order, all licensees shall either provide security guards or have a telephone at the bar or serving structure where alcoholic liquor is dispensed. The City Police Department will not provide security guards to licensees.
  2. To protect persons serving the alcoholic liquor, all licensees shall provide a reasonably substantial structure across which the alcoholic liquor shall be served.
  3. Consumption of alcoholic liquor shall be restricted to a confined area, which may be all or an appropriate part of the grounds on which the event is conducted. The licensee shall designate in his application the area in which alcoholic liquor will be consumed and the means to be used to confine the area. A drawing shall be submitted with the application, showing the layout of the area. The licensee shall provide personnel at all exits to ensure that alcoholic liquor is not taken from the area. The licensee shall provide effective supervision to ensure against the transfer of alcoholic liquor to minors.
  4. Alcoholic liquor shall not be served by the same personnel who are serving non-alcoholic beverages or food, nor shall alcoholic liquor be served at the same place where food or non-alcoholic beverages are served.
  5. Alcoholic liquor shall not be consumed by employees, agents, or any other persons serving alcoholic beverages.
  6. Prior to the sale of any alcoholic liquor, the licensee shall contact the Fire and Police Departments for inspection of the premises and determination of non-life-threatening interference with emergency services.
  7. The City may modify the above regulations when a public event is approved in order to address special problems or circumstances.
- I. *Class I.* Class I licenses shall authorize the retail sales of alcoholic liquors on the premises of any racetrack or stadium for consumption on the premises when such retail sale is made by the same person who operates the racetrack or stadium.
- J. *Class J.* Class J licenses shall authorize the retail sale of alcoholic liquors on the premises of any golf course for consumption on the premises only.

K. *Class K.* Class K licenses shall authorize the retail sale of alcoholic liquor for consumption on the premises of a convention or rental hall business that is not a club when such retail sale is made by the person who operates the convention or rental hall business and the retail sale of alcoholic liquor at functions on the premises when food is prepared by or catered to the licensee, and the sale of alcoholic liquor is only incidental to the convention or rental hall business.

L. *Class L.* Class L licenses shall authorize the retail sale of beer and wine only by a catering business, having a valid business license from the City, in conjunction with its operations and only when served with meals.

M. *Class M.* Class M licenses shall authorize the retail sale by mail order for future delivery by mail or by common carrier of beer and wine in the original package container only and not for consumption on the premises where sold.

N. *Class N.* Class N licenses shall authorize holders of valid Class C, G, K, or P licenses to hold a Tasting Events throughout year. Tasting quantities shall be limited to the following alcohols and quantities: Beer-2 ounces, Wine-1 ounces, Distilled Spirits ¼ ounce.

O. *Class O.* Class O licenses shall temporarily authorize current holders of valid Class B, B-1, E, F, and K licenses located in non-residential zoning districts, the retail sale for consumption alcoholic liquors outside of the premises on the Property of the license holder, for a period of one (1) day per calendar year.

- a. All holders of Class O liquor licenses may keep their premises open and serve, sell or offer for sale at retail alcoholic liquor to the public for consumption outside of such premises from 3:00 p.m. to 11:00 p.m. on Monday through Thursday from 11:00 a.m. until 11:00 p.m. Friday through Sunday.
- b. Applicants for a Class O license shall submit proof of adequate dram shop insurance as required by the Illinois Liquor Control Act, as it is now or may hereafter be amended, prior to being issued such license. All such persons or organizations shall apply for a Class "O" license at least six (6) weeks prior to the date desired.
- c. The Local Liquor Control Commissioner, however, may waive the six (6) week filing requirement should he find that sufficient time remains prior to the event for the City and the State to process the application. Prior to issuance of the Class "O" license, all applicants must be in compliance with all provisions of the City's Liquor Code, all City Ordinances, and must not be indebted to the City for any taxes or other financial obligation.

P. *Class P.* Class P-1 and P-2 licenses shall authorize the manufacture and retail sale of alcoholic liquors on the premises in any restaurant that has fifty (50) percent or more of its gross revenue in each calendar month from the operation of the licensed premises from regularly serving of meals for consumption on the premises.

1. P-1. Class P licenses shall authorize manufacturing of alcoholic liquors by a Brewer.
2. P-2. Class P licenses shall authorize manufacturing of alcoholic liquors by a Distiller.

Q. *Class Q.* Class Q licenses shall authorize Personal Care Services to allow the on premises consumption of alcoholic liquor by its patrons that is served by the license holder as a

complement to the patron's simultaneous purchase of goods or services offered by the business (complimentary service).

A class Q license shall be subject to the following regulations:

1. The licensee may provide patrons of the business with individual servings of alcoholic liquor in glasses at no charge.
2. No alcoholic liquor may be served to persons on the business premises except as a complement to the patron's simultaneous purchase or consumption of goods and services made available to the public by the licensee.
3. The complimentary service of alcoholic liquor at the licensed premises is limited to not more than three alcoholic beverages by a patron during any single calendar day.
4. It shall be unlawful for the licensee, its agents, and employees to permit any patron to leave the licensed premises with an open container of wine or beer.
5. In no case shall the sale or consumption of alcoholic liquor take place outside of the normal business hours of the license holder.

R. *Class R.* Class R licenses shall authorize the City of Collinsville and holders of Class B, B-1, L, P, T and U liquor licenses, to sell or deliver alcoholic beverages only for consumption on premises owned by the City of Collinsville, at specific events such as public functions, private functions, wedding receptions, private parties, charity benefits, or athletic events that do not exceed a four-day consecutive period. This license classification shall not be required of Class K licensees. In regards to this Class liquor license, the City of Collinsville shall be exempted from Subsection 3.h. hereinbelow and from Sections 5.08.130, 5.08.290, 5.080320, and 5.08.410 of the Liquor Code.

Class R licenses shall be subject to the following restrictions:

1. The service of alcoholic liquor shall only take place from 10:00 a.m. to 10:30 p.m. (Sunday through Thursday) and from 10:00 a.m. to 12:00 midnight (Friday and Saturday), provided also that food is made available during those hours.
2. The license shall be issued to and valid only for the "service premises" described with particularity in the license. A license to use a particular "service premises" is not a license to use any other portion of the building closed to the general public during the hours of service of alcoholic liquor authorized by a Class R liquor license.
3. The application, which shall be submitted no later than 15 days prior to the date of the service date sought, shall in addition to the provisions of Sections 5.08.280 and 5.08.290, contain the following information:
  - a. The "service premises" for which the license is applicable, a description of the approximate area of the service premises.
  - b. The proposed hours of operation of the event, the service date, the address, completion of a signed rental agreement, security deposit, and approval by the City Manager.



c. The name, telephone number and address of the person who is responsible for conducting the event, and who will be on the premises during the actual event. Such person(s) must be at least twenty-five (25) years of age.

d. A statement that the applicant will provide security for the event, if and as required by the City.

e. A signed statement that:

“If I (we) am (are) granted this special liquor license, I (we) specifically recognize and agree that the Local Liquor Commissioner may revoke this license at any time at the absolute discretion of the Local Liquor Commissioner; and upon acceptance of this special liquor license, the holder specifically acknowledges the special privilege of obtaining this type of license and consents to all requirements, including the requirement of immediate forfeiture without reason or advance notice.”

g. Signature of applicant.

h. A copy of a certificate of liquor liability insurance, naming the City as additional insured in the amount of one million dollars (\$1,000,000.00) for the period during which liquor will be sold.

i. Non-refundable payment of the Class R fee as provided for in Title 4.

4. No more than one (1) such license shall be granted per any license holder, per day.

S. *Class S.* Class S licenses shall authorize the retail sale or serving of alcoholic liquors by holders of Class B, B-1, L, P, T and U liquor licenses issued by the City, in conjunction with its business operations for Private Functions or Public Functions limited to one day events at sites other than where the license holder is located and subject to any further restrictions as deemed appropriate by the Local Liquor Commissioner. No Class S licenses shall be issued more than two times every 365 days for the same location that is not where the license holder is located.

T. *Class T.* Class T licenses shall authorize the retail sale or serving of alcoholic liquors by Distributors, Brewers, and Distillers at convention centers, meeting halls, public markets, or parks and recreational facilities owned by the City.

U. *Class U.* Class U licenses shall authorize the retail sale or serving of alcoholic liquors by Mobile Bartenders at sites with a valid City business license, located in non-residential zoning districts, and only in conjunction with Class G and Class S license holders.

Sec. 5.08.265. Mobile Bartender Standards.

A. All holders of Class U liquor licenses may keep their premises open and serve, sell or offer for sale at retail alcoholic liquor to the public for consumption from 3:00 p.m. to 11:00 p.m. on Monday through Thursday from 11:00 a.m. until 11:00 p.m. Friday through Sunday.

B. In addition to all other provisions of this Chapter, Class U license holders shall meet the following requirements and minimum standards:

1. A Mobile Bartender shall:

- a. Not be a renovated passenger automobile, pickup truck, mini-van, customized van, or sport utility vehicle.
- b. Have an exterior constructed of metal or fiberglass materials equivalent to or exceeding NSF/ANSI standards for construction and materials for mobile food vending units.
- c. Have an interior serving area constructed of food-grade materials with smooth, easily accessible and easily cleanable surfaces that are constructed of a solid material including but not limited to stainless steel.
- d. Shall be fully enclosed on three sides with a minimum roof height of 6 feet.
- e. Remain stationary during the service or consumption of alcoholic liquors.
- f. Shall not use any sound amplification of any kind for any purpose.
- g. Have all menus affixed to the vehicle.
- h. Not allow electrical or other service connections impede any right of ways.
- i. Be limited one per 10,000 square feet of site area.
- k. Allow service only from the interior of the vehicle.
- l. Have visible vehicle identification numbers (VIN) of the vehicle.
- m. Visible license plate number and state of issuance of the vehicle.
- n. Contain a NSF/ANSI or equivalent certified hand washing sink serviced with tempered or hot/cold water under pressure, and soap and towels with splash guards.
- o. Contain a NSF/ANSI or equivalent certified three-compartment sink with integral drain boards and serviced with hot and cold water under pressure.
- p. Have 50-foot candles of light within the interior service area.
- q. Contain a 15-gallon fresh water supply, a water heater that provides no less than 10 gallons per hour of  $120^{\circ}\text{F}\pm 2^{\circ}$  hot water, and a waste water tank that is at least 15 percent larger than the combined capacity of fresh and hot water tanks.
- r. Water pumps that are third-party sanitation-certified to NSF/ANSI demand-type unit; manually operated water pumps are prohibited.
- s. Water and waste water tanks that are rigid, durable and easily cleanable. Collapsible tanks are not allowed. Tanks shall be sloped to drain and shall have capacity indicators.
- t. Water filler hoses that are clearly and permanently identified, used only for their intended purposes and hung with the ends connected or covered when stored.

C. As part of its submittals, applicants for a Class U license shall also provide:

- a. A menu of items and accompanying prices.
- b. The methods and equipment to be used serving of alcoholic beverages and all other items anticipated to be served.
- c. The methods for preparing alcoholic beverages.
- d. Signed agreement between the applicant and the owner of the location of service by the Mobile Bartender.
- e. An address for the location of the Mobile Bartender vehicle when not in service.

f. Any other information requested by the City during the review process.

D. Mobile Bartender vehicles may be located on public right of ways or on improved properties or vacant properties or a combination thereof.

Sec. 5.08.270. Supplemental licenses and fees.

A. Upon application to the Local Liquor Commissioner by a license holder, the following supplemental licenses may be issued after approval by the Local Liquor Commissioner and in addition to the fees provided for in Section 5.08.260, or any other of these subsections, the payment of the fees set forth in Title 4:

1. Subclass (1). For holders of a Class A, Class B, or Class B-1 license, a supplemental license may be obtained for the retail sale of alcoholic beverages in an outdoor beer garden or sidewalk cafe adjacent to and part of the licensed premises. The request shall include a scale drawing of the proposed outdoor facility which shall, at a minimum, include the following:

a. A method by which the area shall be confined to prohibit the removal of alcoholic liquor and constrict noise to the approved area.

b. A reasonably substantial structure across which alcoholic liquor shall be served which shall afford bartenders reasonable protection from patrons, unless the outdoor facility is serviced directly by the indoor licensed premises.

c. The locations of at least two (2) exits from the area, only one (1) of which shall be through a building or, in the case of a patio, deck, open porch, balcony or rooftop facility, such exits as are required by the City building and fire codes.

d. The location of the telephone required by Section 5.08.190 for the outside area.

e. Approval of a site plan as provided for in the City's zoning code.

2. The licensee shall be responsible to see that no customer, employee or other person removes alcoholic liquor from the area designated as the sidewalk restaurant, except for an employee carrying alcoholic liquor directly between the establishment and the sidewalk restaurant area. The licensee shall be responsible to see that no person is served or consumes alcoholic liquor in the sidewalk restaurant area unless seated in the seating which has been provided in accordance with the site plans approved with the sidewalk restaurant permit or outdoor restaurant zoning permit.

B. Supplemental licenses shall not be issued for any location in a residential district of the City, as defined by the City's zoning code. If granted to any premises within five hundred (500) feet of residentially zoned property, no live entertainment shall be permitted outside except live music performed without electronic amplification.

C. It shall be unlawful for any licensee to operate as provided in any of the above Subclasses of licenses without holding a current valid Subclass license for such operation.

D. The term of supplemental licenses shall be one (1) license year, but such licenses shall be reviewable and subject to termination at any time on the basis of changed conditions pursuant to the restrictions and hearing requirements as set forth below.

E. Before the issuance, denial, renewal, continuation or termination of any supplemental license, the Local Liquor Control Commissioner shall consider the following issues:

1. The zoning classification of the licensed premises.
2. The character of the surrounding area.
3. The traffic and parking situation, including any off-street parking requirements of the licensed business, within a five hundred (500) foot radius.
4. Any statements of interested persons, either oral or written.
5. The impact of such proposed or existing Subclass license on the character of and the traffic and parking situation in the immediate neighborhood.
6. Any past operating history of the licensee and the proposed site.
7. Whether the operation of the licensee conforms to all requirements of this chapter for the supplemental license requested.
8. In the case of the question of renewal or revocation of a Subclass license, whether the music or other live entertainment is audible in the nearest home of a residential zoning district when the windows are closed.

F. Each applicant for a supplemental license shall submit with the initial application a complete list of the names and addresses of the last person to whom taxes were assessed for any property within five hundred (500) feet of the proposed site, together with a sworn statement that the applicant has caused notices to be sent to all such property owners, advising them of pendency of the request and that they have an opportunity pursuant to this section to request that a hearing may be held before the Local Liquor Commissioner prior to the issuance of the supplemental license.

G. No supplemental license shall be issued or continued if there is a finding that it would alter or has altered the essential character of the neighborhood, would cause or has caused undue traffic or parking problems in the neighborhood, or that the operation under the supplemental license does not conform to all requirements of this chapter.

#### Sec. 5.08.275. City Liquor License.

In their official capacity and on behalf of the City, the Collinsville City Manager shall have the authority to apply for a liquor license with the State of Illinois, as well as any applicable liquor license from the City of Collinsville. In addition, the City Council may designate any other City employee or official to apply for a liquor license, except for local liquor commissioner and any member of the City Council.

#### Sec. 5.08.280. Contents of application.

A. An applicant for a license to sell alcoholic liquor at retail shall submit to the Local Liquor Commissioner an application in writing under oath, stating:

1. The name, age and address of the applicant in the case of an individual; in the case of a not-for-profit corporation, the date of incorporation and the name, age and address of its president

and secretary; in the case of a partnership, corporation for profit or club, the date of incorporation and the names, addresses and ages of each of the officers, directors, managers and any stockholders owning or controlling the voting rights to more than five (5) percent of the stock of such corporation.

2. The citizenship of the applicant, his place of birth, and if a naturalized citizen, the time and place of his naturalization.

3. The character of business of the applicant; and in case of a corporation, the objects for which it was formed.

4. The length of time that such applicant has been in business of the character referred to in Subsection (3) of this section, including a complete list of locations and inclusive dates during which applicant has been in such business; and in addition, in the case of a corporation, the date on which its charter was issued.

5. The location and description of the premises or place of business which is to be operated under the license, including a scale drawing of such premises clearly indicating all areas within or adjoining the building or structure which are to be used in connection with the retail sale of alcoholic liquor or are accessible from it.

6. A statement whether applicant has made application for a license to sell at retail alcoholic liquor on premises other than described in this application to this or any other state or political subdivision thereof, including the date, location and disposition of such application.

7. A statement whether applicant has ever been charged with or convicted of a felony or of being a keeper of a house of ill fame, prostitution, pandering, or other crime opposed to decency and morality or of a gambling offense, or is otherwise disqualified to receive a license by reason of any matter or thing contained in this chapter, detailing the dates and locations and results of any such charges or convictions.

8. A statement whether applicant is an alcoholic or has received treatment for alcoholism or any drinking problem, or has been involved in any incident involving the police, including traffic, in which he was intoxicated, detailing the dates, locations and results of any such treatment or incident.

9. A statement whether applicant has been involved in any battery, assault, fight or public disorder detailing dates, locations and disposition of any such incidents.

10. Whether a previous license by any state or subdivision thereof or by the Federal government has been revoked or suspended, and the reasons therefore, and in the case of a suspension, the length thereof.

11. The length of time the applicant has resided in the City prior to the submission of the application, and all addresses at which the applicant has resided in the past ten (10) years.

12. That the applicant, a co-partner in the case of a partnership, or any officer, manager, director or any stockholder of a corporation owning or controlling the voting right to in the aggregate more than twenty (20) percent of the stock of the corporation, has not been issued a Federal gaming device stamp or Federal wagering stamp by the Federal government for the

current tax period, and that no Federal gaming device stamp or Federal wagering stamp has been issued by the Federal government for the premises for the current tax period.

13. That the applicant will not violate any ordinances of the City or laws of the State or of the United States in the conduct of his place of business.

14. If a Class B, or Class B-1 Local License is applied for, the applicant must provide the last three (3) years of all Federal and State tax returns evidencing the applicant's gross revenues for total sales and for the sales of food and meals. If the applicant has not been operating for two (2) years, then the applicant must provide the years available, a business model with projected total gross revenues and food and meal gross revenues.

B. In addition to the foregoing information, such application shall contain such other and further information as the Local Liquor Commissioner may prescribe by rule or regulation not inconsistent with the law, including a written, dated, sworn verification of the accuracy, completeness and truthfulness of their application and submittals related to thereto, as follows: ***"I declare (or certify, verify, or state) under penalty of perjury that the foregoing is true and correct."***

C. If such application is made in behalf of a partnership, firm, association, club or corporation, then the same shall be signed and sworn to by at least two (2) members of such partnership or the president and secretary of such corporation or club. The applicant shall submit with the application documentary proof of his interest in the premises, whether by lease, deed, or otherwise; and in case the applicant is the owner of the premises, all outstanding mortgages against the premises.

D. Applications for licenses and renewals shall be accompanied with proof of completion of the BASSET program, as and when applicable

#### Sec. 5.08.290. Financial disclosure of applicant.

A. Each applicant, upon filing of an original application, and each licensee, upon application for renewal of an existing license, shall file with the City in duplicate a financial statement on forms prescribed by the Local Liquor Commissioner, which shall include:

1. On an original application, a detailed statement of assets and liabilities of the business, and upon a renewal application if the Local Liquor Commissioner, at his option, so desires.
2. The names and addresses of all secured creditors and a description of the security interest of each.
3. The names and addresses of all creditors who have any right to control the use or disposition of the business or any asset thereof.
4. The name and address of each creditor who holds indebtedness of the business totaling in the aggregate twenty (20) percent or more of the net worth of the business.
5. A detailed profit and loss statement for the last preceding business year, if the Local Liquor Commissioner, at his option, so desires.
6. In the case of a corporation, a copy of the latest annual report required to be filed pursuant to the Illinois Business Corporation Act.

7. A detailed description of all agreements or obligations which purport to bind any successor to the present applicant or licensee to continue to purchase, rent or accept any goods, wares, or services from a specified supplier thereof.
8. The federal and state tax returns for the most recent year and for the two (2) years prior thereto of a business applicant.
9. The federal and state tax returns for the most recent year and for the two (2) years prior thereto for the individual applicant or for the individuals with an ownership interest in a business applicant.

Sec. 5.08.300. Submission and disposition of applications.

- A. All applications for licensees to sell alcoholic liquor at retail and supplemental licenses as authorized by this chapter shall be submitted to the Local Liquor Commissioner by filing in the office of the City Clerk. A nonrefundable filing fee as set forth in Title 4 shall be paid for filing an initial application for a license and shall be credited toward the applicable license fee. The fee shall be separate from all other fees set forth in this chapter. All such applications shall be filed in the office of the City Clerk and shall be accompanied by the deposit of a certified cashier's check, a money order, or cash in the full amount of the license fee required by be paid for the kind of license applied for, which fee shall be returned to the applicant if such application is denied. The City Clerk shall forthwith deliver a copy of such application together with all attachments to the Chief of Police who shall then cause a thorough investigation to be made into the fitness and eligibility of the applicant for the license.
- B. Within thirty (30) days of the receipt of the application by the Chief of Police, he shall report to the Local Liquor Commissioner the results of his investigation along with his recommendation whether the application should be granted or denied or held for further investigation, including the reasons for such recommendation.
- C. Within thirty (30) days of the receipt of the investigation report and recommendation of the Chief of Police, the Local Liquor Commissioner shall notify the applicant that his application is granted, denied or held for further investigation. The period of such additional investigation shall not exceed an additional thirty (30) days unless otherwise agreed to by the applicant. Upon the conclusion of such additional investigation, the Local Liquor Commissioner shall advise the applicant in writing whether the application is granted or denied.
- D. Whenever an application is denied or held for further investigation, the Local Liquor Commissioner shall advise the applicant of the reasons for such action.
- E. The failure or refusal of the applicant to timely deliver any books, records or other documents, or to give any information relevant to the investigation of the application, or his refusal or failure to appear at any reasonable time and place for examination under oath regarding such application, shall constitute an admission by the applicant that he is ineligible for such license and shall be grounds for denial thereof by the Local Liquor Commissioner.

Sec. 5.08.310. Furnishing false or misleading information or withholding information on application; failure to cooperate in investigation.

No person shall knowingly furnish false or misleading information or withhold any relevant information on any application for any license required by this chapter nor knowingly cause or suffer another to furnish or withhold such information on his behalf. No person shall knowingly furnish any false or misleading information to the Local Liquor Commissioner, the Chief of Police or any person authorized to act in their behalf in the investigation of any application for a license required by this chapter; nor shall any person willfully withhold any information that is relevant to any such investigation when called upon by the Local Liquor Commissioner, Chief of Police or a person acting in their behalf to furnish such information.

Sec. 5.08.320. Bond; exemption; Insurance

A. Each and every applicant for a license under this chapter shall simultaneously, with the application therefore and prior to the issuance thereof, execute and deliver a bond in the penal sum of two thousand dollars (\$2,000.00) to the City as obligee, conditioned for the faithful performance of the provisions of this Code and of the laws of the State relating to the sale of alcoholic liquor, and the payment of all taxes in connection therewith, fines and penalties by reason of the violation thereof. The maximum liability of any and all securities on such bond shall be limited to the penalty thereof the sum of two thousand dollars (\$2,000.00).

B. Every applicant for a license or renewal under this article shall submit with the application therefor, and prior to the issuance thereof, a Certificate of Insurance listing the City of Collinsville, Illinois, as certificate holder; said certificate shall show coverage for liquor liability in accordance with 235 ILCS 5/6-21. Every licensee shall maintain such a policy in existence, and failure to maintain such a policy of insurance may be the basis for immediate revocation of a license under this Chapter.

Sec. 5.08.330. Change of location described in license and application.

The location described in the license and application required by this chapter may be changed only upon the filing of a written application to make such change. A permit shall be issued by the Local Liquor Commissioner, only if the proposed new location is a proper one for the retail sale of alcoholic liquor under the laws of the State, the provisions of this chapter and other ordinances of the City. A nonrefundable filing fee in the amount established in Title 4 shall be paid for filing such application.



Sec. 5.08.340. Term; proration of fee.

A. Each license required by this chapter shall terminate at the end of the calendar year for which it was issued. In the event that the license is issued during the calendar year, the fee for such license shall be prorated on a semi-annual basis if less than six months remain during the license calendar year.

Sec. 5.08.350. Disposition of fees.

No application shall be considered, acted upon or granted until and unless such application for such liquor license has been filed in the office of the City Clerk and a receipt showing payment to the City of the filing fee required by this Chapter and established in Title 4 to be paid therefore is attached to such application. In the event the license applied for is denied, the filing fee shall not be returned to the applicant. All liquor license fees for renewals shall be paid to the City and a receipt thereof showing payment of such license renewal fee shall be attached to every application for renewal of a license to sell alcoholic liquors at retail.

Sec. 5.08.360. General restrictions upon issuance.

No license authorized by this chapter shall be issued to:

1. A person under the age of twenty-one (21) years or under any legal disability.
2. An individual natural person that is not an actual resident of the City.
3. A person who is not of good moral character and reputation in the community in which he resides.
4. A person who is not a citizen of the United States.
5. A person who has been convicted of a felony under any Federal or State law, if the Local Liquor Commissioner determines after investigation that such person has not been sufficiently rehabilitated to warrant the public trust.
6. A person who has been convicted of being a keeper or is keeping a house of ill fame.
7. A person who has been convicted of pandering or any other crime or misdemeanor opposed to decency and morality.
8. A person who is an alcoholic or who has a history of drinking problems or incidents in which he was intoxicated, unless the Local Liquor Commissioner finds that the person has successfully undergone treatment for such condition by a licensed and registered treatment center.
9. A person who within the past year has been involved in any battery, assault or fight in which he was the aggressor, and which either resulted in great bodily harm to any person or involved his use of a dangerous weapon; or who has been involved in more than two (2) batteries, assaults and/or fights in which he was the aggressor within the past five (5) years.
10. A person whose license issued under this chapter or whose license issued by the State Liquor Control Commission has been revoked for cause.

11. A person who, at the time of application for renewal of any license issued under this chapter would not be eligible for such license upon a first application.
12. A co-partnership, if any general partner thereof, or any limited partner thereof, owning more than five (5) percent of the aggregate limited partnership interest in such co-partnership, would not be eligible to receive a license hereunder.
13. A corporation, unless it is incorporated in this State, or unless it is a foreign corporation which is qualified under the Illinois Business Corporation Act to transact business in this State.
14. A corporation, if any officer, manager or director thereof, or any stockholder owning in the aggregate more than five (5) percent of the stock of such corporation, would not be eligible to receive a license under this chapter for any reason other than citizenship and residence within the City.
15. A person whose place of business is conducted by a manager or agent, unless such manager or agent possesses the same qualifications required of the licensee.
16. 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 shall have forfeited his bond to appear in court to answer charges for any such violation.
17. A person who does not beneficially own the premises for which a license is sought, or does not have a lease thereon for the full period for which the license is to be issued.
18. Reserved
19. A person who is not a beneficial owner of the business to be operated by the licensee.
20. A person who has been convicted of a gambling offense as prescribed by the Illinois Criminal Code, approved as heretofore or hereafter amended.
21. A person to whom a Federal gaming device stamp or a Federal wagering stamp has been issued by the Federal government for the current tax period.
22. A co-partnership to which a Federal gaming device stamp or a Federal wagering stamp has been issued by the Federal government for the current tax period, or if any of the partners have been issued a Federal gaming device stamp or Federal wagering stamp by the Federal government for the current tax period.
23. A corporation, if any officer, manager or director thereof, or any stockholder owning in the aggregate more than twenty (20) percent of the stock of such corporation, has been issued a Federal gaming device stamp or a Federal wagering stamp for the current tax period.
24. Any premises for which a Federal gaming device stamp or a Federal wagering stamp has been issued by the Federal government for the current tax period.
25. A person who has not submitted to photographing and fingerprinting by the Police Department, or by another law enforcing agency with the approval of the Chief of Police.
26. Any person not eligible for a state retail liquor dealer's license.
27. Any person who either individually, as a member of a co-partnership, or as an officer, manager, director, or stockholder owning in the aggregate more than five (5) percent of the stock of a corporation, has knowingly within the past three years furnished false or misleading information or withheld any relevant information on any application for any license or permit

required by this chapter; or knowingly caused or suffered another to furnish or withhold such information on his behalf.

28. Any establishment which has been declared a nuisance under the provisions of this Code or the statutes of the State unless more than twelve (12) months has passed since the declaration of the nuisance and the applicant demonstrates that the condition which created the nuisance has been abated.

Sec. 5.08.370. Requisites for manager.

A. No licensee shall employ any person to manage his licensed liquor establishment, unless such person possesses the same qualifications required of a licensee in Section 5.08.360, except for residency and citizenship. No licensee shall permit any person to act as a manager of his liquor establishment, unless such manager has been approved by the Local Liquor Commissioner.

B. No person shall manage or act as manager of a licensed liquor establishment, unless such person possesses the same qualifications required of a licensee in Section 5.08.360, except for residency and citizenship, and such person has been approved by the Local Liquor Commissioner to be a manager of that licensed liquor establishment.

C. All applications for approval as manager of a licensed liquor establishment shall be submitted to the Local Liquor Commissioner by filing in the office of the City Clerk upon forms made available by the City. A copy of such application shall be promptly forwarded to the Police Department, which shall conduct a thorough investigation of the fitness and eligibility of the applicant. Within thirty (30) days, the Police Department shall report to the Local Liquor Commissioner the results of its investigation, together with a recommendation whether the application should be granted or denied. The Local Liquor Commissioner shall then, within fifteen (15) days, either grant or deny the application and notify the applicant. Any applicant whose application is denied may request a hearing before the Local Liquor Commissioner by filing a written request in the office of the City Clerk within five (5) days of the denial of the application.

Sec. 5.08.380. Change in stockholders and of partners, officers or directors.

No corporate licensee shall add any officer or director nor permit any transfer of its stock which would vest in aggregate more than five (5) percent of the stock outstanding in such corporation in any stockholder; nor shall any partnership add a partner, unless such officer, director, stockholder or partner has been previously approved by the Local Liquor Commissioner. All requests for approval of officers, directors, stockholders or partners shall be in writing and under oath, stating substantially the same requisites as set forth in Section 5.08.280. The Local Liquor Commissioner shall not approve such addition of officers or directors or transfer of stock or addition of a partner, unless the proposed officer, director, stockholder or partner would be

eligible to receive a license for the retail sale of alcoholic liquor under this chapter for any reason, except that citizenship and residence within the City shall not be required of an officer, director or stockholder.

Sec. 5.08.390. Renewal.

A. All applications for the renewal of a license shall be filed with the City Clerk on or before November 15 of each calendar year on forms provided by the City, which shall include financial disclosure, as prescribed in Section 5.08.290 and may be substantially in the same form as the application for an initial local license. No renewal application shall be accepted by the City Clerk unless it is completed, signed and notarized and accompanied by payment in full of all license fees, including late filing fees. A late filing administrative fee as established in Title 4 shall be assessed on a renewal application which is filed after November 15 of each year. Licenses not renewed by January 1 of each year shall result in the former license holder to re-submit all necessary applications and fees as if they were a first-time applicant.

B. No license shall be considered renewed unless:

1. All taxes, fees, costs, bills, assessments and penalties legally due the City, in connection with the operation of the licensed premises, have been paid in full. This shall not apply to taxes or fees which are subject of a bona fide dispute and are being contested in the appropriate administrative or judicial forum.
2. Class B and B-1 license holders have submitted two years of is most recent federal and state income tax returns, sales tax reports, and any other documentation necessary to prove their minimum food sale percentages of gross revenues.

C. In addition to the provisions of this Section, applicants for renewals of licensees shall provide with their applications the following:

1. Current Articles of Incorporation or LLC;
2. Current Membership and Management Agreements of LLC;
3. All Assumed Name or Fictitious Name Applications that have or should have been submitted to the Illinois Secretary of State;
4. For both the current and prior calendar year, all sales tax forms submitted to the State of Illinois separately showing the amount of revenue generated from food sales, liquor sales, and video gaming sales.

Sec. 5.08.400. Privileges granted under.

A license issued under this chapter shall permit the sale of alcoholic liquor only in the premises described in the application and license, and only under the conditions and restrictions imposed in this chapter on the particular class of license described therein. Such license shall not 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 shall cease upon the death of the licensee; provided, that the executors or administrators of the estate of any deceased licensee and the trustee 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 appropriate court, and may exercise the privileges of the deceased or insolvent or bankrupt licensee after the death of such decedent, or such insolvency or bankruptcy, until the expiration of the license, but not longer than six (6) months after the death, bankruptcy or insolvency of such licensee unless otherwise permitted by the Local Liquor Commissioner. Upon the death of a licensee, if the executor or administrator does not continue the business under such license, there shall be a refund made of that portion of the license fee paid for any period in which the executor or administrator may not operate. Any licensee shall have the right to a renewal of such license; provided, that he is then qualified to receive a license and the premises for which such renewal is sought are suitable for such purpose, but nothing herein shall be deemed to restrict the right of the Local Liquor Commissioner to revoke any such license.

Sec. 5.08.410. Display and warning to minors.

A. Every licensee shall cause his license issued under this chapter to be framed and kept in plain view in a conspicuous place on the licensed premises.

B. Every licensee shall display in a prominent place a printed card in any location which he uses for the sale of alcoholic liquor. The card shall read as follows:

"WARNING TO MINORS--You are subject to a fine up to \$750.00 under the ordinances of the City of Collinsville, if you purchase alcoholic liquor for yourself, or misrepresent your age for the purpose of purchasing or obtaining alcoholic liquor for yourself."

Sec. 5.08.420. Duplicate; fee.

In the event of the loss or destruction of the license for an establishment issued pursuant to this chapter, the Local Liquor Commissioner, upon written application stating such fact and accompanied by the required fee, shall issue a duplicate of such license. The fee for the issuance of a duplicate license shall be as provided in Title 4.

Sec. 5.08.430. Record of licenses, approved locations; officers to receive copies; numbering of licenses; notice of issuance or revocation.

The Local Liquor Commissioner shall keep or cause to be kept a copy or record of all licenses issued by him and of all approved locations for the retail sale of alcoholic liquors as indicated by this chapter, and all licenses issued shall be given a designated identification number as determined by the City.

Sec. 5.08.440. Suitability of site.

A. The Local Liquor Commissioner shall not issue any license authorized under this chapter, other than temporary event licenses, unless the site for which the license is to be used has been designated by the Director of Community Development, or the City, as being suitable for the retail sale of alcoholic liquors under a specified class of license, as set forth in Section 5.08.270 of this chapter, and such license to be issued conforms to the license classification approved for such site. For purposes of this section, Class B and Class B-1 shall be treated as same class of license.

B. The Director of Community Development, or the City, and the Liquor Commissioner, in determining whether to approve or recommend approval, respectively, of the suitability of a site for the retail sale of alcoholic liquors, shall consider all relevant facts relative to the specified class of license and proposed site, including, but not limited to, the following:

1. That the establishment, maintenance, location or operation of the proposed site will not be detrimental to or endanger the public health, safety, morals, comfort or general welfare of the City.
2. That the proposed site and use conforms to all applicable regulations of the City Zoning Code. For the purposes of this section, a site may be rejected even if it is a legal, nonconforming use under the Zoning Code, if the proposed site could not be developed under current zoning regulations.
3. That the proposed site and use, when considered separately or in conjunction with other licensed liquor establishments, will not be injurious to the use and enjoyment of other property in the vicinity, including residences, schools, hospitals, places of worship and other businesses.
4. That the proposed site will not generate more automobile traffic and/or parking demand than the existing streets and off-street parking can reasonably accommodate.
5. That the structure on or to be placed on the proposed site complies with applicable building and fire codes of the City.
6. That the proposed site will not be injurious to the uses and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values with the neighborhood in which it is to be located.

C. Prior to granting site approval, the Director of Community Development, or the City, may impose any additional conditions or limitations upon establishment, location, construction, maintenance or operation of the proposed liquor establishment as may in its judgment be necessary for protection of the public interest and to secure compliance with the standards specified above. The Director of Community Development, or the City, may require such evidence and guarantees as it deems necessary, as proof that the conditions imposed are being and will be fulfilled. Where additional limitations and conditions are imposed by the Director of Community Development, or the City, the same must be implemented prior to the sale of alcoholic liquor unless the City Council adopts another date. Failure to fulfill the conditions

and/or limitations shall be grounds for revocation of the site approval and liquor license granted for such site after a hearing held pursuant to this chapter.

Sec. 5.08.450. Application for site approval.

A. Any owner of real property desiring to have his property used for the purpose of the retail sale of alcoholic liquors must make application to the Local Liquor Commissioner for approval by the Director of Community Development, or the City, of such site for such use. The application shall include a site plan of the property, which plan shall conform to the requirements of the City Zoning Code. A nonrefundable filing fee as provided in Title 4 shall be paid for filing each such application. The applicant shall submit with the initial application a complete list of names and addresses of the last person to whom taxes were assessed for any property within five hundred (500) feet of the proposed site, together with a sworn statement that the applicant has caused a notice of the application to be sent to all such property owners and caused a notice in the form prescribed by the City to be posted at the location of the premises, in a place clearly visible from the public way. Such notices must advise said property owners or the public of the pendency of the request for site approval, the date; time and location of the hearing before the Director of Community Development or the Local Liquor Commissioner, and that they have an opportunity to attend and present their input at the hearing.

B. The five hundred (500) foot distance shall be measured from the nearest point of a licensed building or other licensed property (e.g., a beer garden) to the property line of any other property.

C. The Director of Community Development, or the City, will then forward the application to the Liquor Commissioner for its recommendation as to the appropriateness of the site for the retail sale of alcoholic liquors.

Sec. 5.08.460. Approval of Special or Planned Events.

A. Subject to approval by the City, for all events where a Class G, H, O, R, S, T, or U license is to be issued, not less than ten (10) calendar days prior to all special or planned events the owner or a duly authorized agent of the license holders shall provide to the City the following information pertaining to the event:

1. The publicized name(s) of the sponsor(s) of the event.
2. The sponsored of event contact person(s) and contact information.
3. The owner and contact person(s) for the location of event.
4. The date of the planned event.
5. The number of persons expected to attend the event.
6. Whether or not musical or other entertainment will be part of the event.
7. Whether or not private security will be provided and the name and contact information of the security firm, if applicable.
8. Whether or not special parking arrangements will be necessary and/or have been made or will be made with adjacent property owners.

9. Proof that all required bonds and insurance policies are in force and will be in force on the date(s) of the planned event. This shall include, but not necessarily limited to insurance pertaining to a liquor-licensed establishment.

10. Evidence that the licensed establishment has legal occupant capacity as set forth by applicable City Codes.

11. Any other information as requested by the City as set forth on forms furnished by the City.

B. In addition to provision of the information required as set forth above and all other provisions of this Code, all licensees may be required to ensure the presence of specially assigned police officers and/or private security personnel during the event and reasonable times before and after the event, as determined by the City.

C. Exception: Nothing herein is intended to require any licensee to furnish the information set forth above for events of the following nature where the attendance is based on a guest or restricted invitation list, to wit:

1. Wedding receptions, anniversary parties, birthday celebrations, graduation parties, christening or baptism celebrations, other religious events, post-funeral or memorial events or wakes;
2. Employment anniversary recognition events, awards ceremonies;
3. Seminars, conferences and educational programs or presentations conducted during normal business hours; and
4. Any event including those listed herein where alcoholic beverages are not sold or served.

Sec. 5.08.470. Approval or disapproval by City Council.

If the City has disapproved a site for the retail sale of liquors only once, no application for the same site and use will be considered by the Director of Community Development, or the City, or the Liquor Commissioner for a period of six (6) months from the date of disapproval unless the applicant can establish a substantial change in circumstances relating to the reasons for disapproval. If the Director of Community Development, or the City, has disapproved a site for the retail sale of alcoholic liquors two (2) or more times, no application for the same site and use will be considered by the Director of Community Development, or the City, or the Liquor Commissioner for a period of twelve (12) months of the date of the last disapproval unless the applicant can establish a substantial change in circumstances relating to the reasons for disapproval.

Sec. 5.08.480. Issuance of license.

If a site has been approved by the Director of Community Development, or the City, for the retail sale of alcoholic liquors under a particular class of license, such license for the retail sale of alcoholic liquors may be issued by the Local Liquor Commissioner if the applicant for such license otherwise qualifies under the provisions of this chapter.



Sec. 5.08.490. Duration of site approval; extensions.

A. The approval for the retail sale of alcoholic liquors under a particular class of license at a particular site shall remain with that site as long as there is a continuous use of that site for the sale of alcoholic liquors under the class of license recommended and approved and as long as no liquor license at that location has been revoked by the Local Liquor Commissioner. A site shall be deemed to be continuously used as long as there is not a lapse at the site of more than six (6) months in the regular conduct of the business of the retail sale of alcoholic liquors under that particular class of license.

B. If the regular conduct or the business of the retail sale of alcoholic liquors has not commenced at a particular site within six (6) months of the approval of that site, such approval shall automatically expire, unless prior to such expiration date the Local Liquor Commissioner has extended the period of time to commence the regular conduct of the business of the retail sale of alcoholic liquors, as provided in this section. The Local Liquor Commissioner shall have the authority, without approval of the City Council, to extend the time for commencing the service of alcoholic liquors for a period not to exceed nine (9) months. In determining whether to grant an extension, the Local Liquor Commissioner may consider the following factors, among others:

1. That demolition, construction, remodeling or repair of a structure has been unexpectedly delayed;
2. That tenants or other occupants of the premises have failed to timely relinquish possession in spite of diligent effort by the applicant;
3. That a liquor license application is pending and has not been approved;
4. That circumstances regarding the suitability of the site under Section 5.08.440 have not materially changed since site approval was granted.

Sec. 5.08.500. Prohibited in residential zoning district.

No site shall be approved for the retail sale of any alcoholic liquors in any residential zoning district as defined in the City Zoning Code.

Sec. 5.08.510. Recovery of Attorney's Fees and Costs on Violations.

Any holder of a liquor license who has been found guilty by the Local Liquor Control Commissioner of violating any provision of the City's Liquor Code, may be subject to a fine, suspension or revocation of their license. Additionally, the liquor license holder may be subject to pay the reasonable attorney's fees and costs of prosecution of any hearings, as determined by the Local Liquor Control Commissioner. If the Local Liquor Control Commissioner assesses attorney's fees and costs, then specific written findings shall also be made as the basis of that assessment.

Sec. 5.08.520. Suspension, revocation, and fines.

A. The violation of any provision of this chapter or the Act by the holder of a Local License holder, or their agents or employees, may result in the suspension, revocation, or fines, or any combination thereof, as prescribed in this section. The suspension, revocation, or fines for the violation of this chapter shall not be exclusive remedies available to the City or the Local Liquor Commissioner, including injunctive relief, nor shall such remedies be preempted by any other criminal or civil penalties imposed by the State or court of jurisdiction pursuant to Section 5.08.530 or State law.

B. The following shall serve as a guideline for the suspension, revocation, and penalties for violations of this chapter by Local License holders, or their agents or employees:

1. For the first offense in any twelve (12) month period, the license may be suspended for twenty-four (24) hours at a time and date determined by the Local Liquor Commissioner, and fine of up to one thousand dollars (\$1,000.00).
2. For the second offense in any twelve (12) month period, the license may be suspended for no less than seventy-two (72) hours over the course of a calendar weekend at a time and date determined by the Local Liquor Commissioner, and a fine of up to one thousand five hundred dollars (\$1,500.00).
3. For the third offense in any twelve (12) month period, the license may be suspended for a period of thirty (30) days at a time and date determined by the Local Liquor Commissioner, and a fine of up to two thousand five hundred dollars (\$2,500.00).
4. For the fourth offense in any twelve (12) month year period, the license may be revoked effective upon written notice from the Local Liquor Commissioner, and a fine of up to two thousand five hundred dollars (\$2,500.00).

C. Each day a violation occurs shall be considered a separate offense.

D. Nothing in this chapter shall preclude the Local Liquor Commissioner from deviating from the guidelines provided for in this section with regard to the amount of time of suspension or monetary fines.

E. The guidelines provided for in this chapter shall not be considered mandated graduated penalties and the Local Liquor Commissioner may proceed directly to a more severe license suspension or fines, and even revocation, for any violation of this chapter.

F. No license suspended or revoked under this chapter shall be reinstated until all fines, or a bond for the same, have been paid in full to the City and compliance has been met with the violated provisions of this chapter, if applicable.

G. Hearings for the suspension, revocation, and fine pursuant to this section shall be in accordance with the Act and the applicable provisions of this chapter.

Sec. 5.08.530. Penalties for violations in the circuit court.

A. Any person, firm or corporation who shall be found guilty of violating any provision of this chapter shall, for each offense, be fined a sum of not more than seven hundred fifty dollars (\$750.00).

B. Any person, firm or corporation who shall be found guilty of violating any provision of this chapter for a second time within a twelve (12) month period, shall, for each offense, be fined a sum of not less than seven hundred fifty dollars (\$750.00).

Secs. 5.08.540--5.08.590. Reserved.

Sec. 5.08.600. General alcoholic liquor restrictions.

Sections 5.08.601 through 5.08.699 shall describe general alcoholic liquor restrictions.

Sec. 5.08.610. Consumption of alcoholic liquor on sidewalks, streets and public property prohibited.

No person shall consume alcoholic liquor upon any sidewalk, street, alley or other public property, or within a vehicle traveling upon or parked on any street, alley or public property, except as provided for in Section 5.08.110.D.

Sec. 5.08.620. Consumption of alcoholic liquor on parking areas prohibited.

No person shall consume alcoholic liquor upon any private premises commonly used for public parking or driveway purposes within the city limits without first having obtained permission to do so from the owners thereof.

Sec. 5.08.630. Transporting unsealed alcoholic liquor prohibited.

No person shall transport on his person or in a vehicle alcoholic liquor in unsealed containers on the streets, public walkways, highways, alleys, or thoroughfares or upon or across any private premises commonly used for public parking and driveway purposes within the city limits without first having obtained permission to do so from the owners thereof.

Sec. 5.08.640. Patrons prohibited from leaving premises with open container of alcoholic liquor.

No person shall leave a licensed premises with an open container of any alcoholic liquor, except as provided for in Section 5.08.110.D.

Sec. 5.08.650. Possession or consumption of alcoholic liquor in public parks without permit prohibited.

No person, firm, or corporation shall have in his or its possession or shall consume any alcoholic liquor within any public park within the city limits unless he has first obtained a permit therefore to be issued by the City.

Secs. 5.08.660--5.08.690. Reserved.

Sec. 5.08.700. Delivery of alcoholic liquor to persons under twenty-one (21) years.

Sections 5.08.700 through 5.08.799 shall describe delivery of alcoholic liquor to persons under twenty-one (21) restrictions.

Sec. 5.08.710. Sale, gift or delivery of alcoholic liquor to persons under twenty-one (21) years prohibited.

No person after purchasing or otherwise obtaining alcoholic liquor, shall sell, give or deliver such alcoholic liquor to another person under the age of twenty-one (21) years, except in the performance of a religious ceremony or service.

Sec. 5.08.720. Parent's allowance of residence for invitees under twenty-one (21) to possess or consume alcoholic liquor prohibited.

No parent or guardian shall permit his or her residence to be used by an invitee of the parent's child or the guardian's ward, if the invitee is under the age of twenty-one (21) and is in possession of alcoholic liquor or is consuming alcoholic liquor. A parent or guardian is deemed to have permitted his or her residence to be used in violation of this section if he or she knowingly authorizes, enables, or permits such use to occur by (1) failing to control access to either the residence or the alcoholic liquor maintained in the residence; or (2) failing to control access to the residence by allowing alcoholic liquor to be brought to the residence by an invitee.

Sec. 5.08.730. Person permitting residence to be used to host gathering with a person under twenty-one (21) years to possess or consume alcoholic liquor prohibited.

No person shall knowingly permit at a residence, which he or she occupies, a gathering of two (2) or more persons where any one (1) or more of the persons is under twenty-one (21) years of age and the following factors also apply: (1) the person occupying the residence knows that any such person under the age of twenty-one (21) is in possession of or is consuming any alcoholic liquor; and (2) the possession or consumption of the alcoholic liquor by the person under twenty-one (21) is not otherwise permitted by this Act; and (3) the person occupying the residence knows that the person under the age of twenty-one (21) leaves the residence in an intoxicated condition.

For the purposes of this section where the residence has an owner and a tenant or lessee, there is a rebuttable presumption that the residence is occupied only by the tenant or lessee.

Sec. 5.08.740. Rental of a hotel room used by persons under twenty-one (21) consuming alcoholic liquor by persons under twenty-one (21) prohibited.

No person shall rent a hotel or motel room from the proprietor or agent thereof for the purpose of or with the knowledge that such room shall be used for the consumption of alcoholic liquor by persons under the age of twenty-one (21) years.

Secs. 5.08.750--5.08.790. Reserved.

Sec. 5.08.800. Prohibitions regarding alcoholic liquor by persons under twenty-one (21) years of age.

Sections 5.08.800 through 5.08.899 shall describe prohibitions regarding alcoholic liquor by persons under twenty-one (21) years of age.

Sec. 5.08.810. Purchase or acceptance of gift or possession of alcohol by person under twenty-one (21) prohibited.

No person under the age of twenty-one (21) years shall purchase, accept as a gift or accept delivery of any alcoholic liquor or shall have alcoholic liquor in his possession.

Sec. 5.08.820. Consumption of alcoholic liquor by person under twenty-one (21) prohibited.

No person under the age of twenty-one (21) years shall consume alcoholic liquor.

Sec. 5.08.830. Possession or consumption on street, highway, or public place by a person under twenty-one (21) prohibited.

No person under the age of twenty-one (21) years shall possess or consume alcoholic liquor on any street or highway or in any public place or place open to the public, within the city. This section shall not apply to possession of alcoholic liquor by a person under the age of twenty-one (21) years who is making a delivery pursuant to the order of his or her parent or pursuant to his or her employment.

Sec. 5.08.840. Attempt to purchase alcohol by persons under twenty-one (21) prohibited.

No person under the age of twenty-one (21) years shall offer or attempt to purchase or procure any alcoholic liquor.

Sec. 5.08.850. Possession, consumption by person under twenty-one (21) during religious ceremony permitted.

The possession and dispensing, or consumption by persons under twenty-one (21) years of age of alcoholic liquor in performance of a religious service or ceremony is not prohibited by this act.

Sec. 5.08.860. Possession or use of false ID by a person under twenty-one (21) prohibited.

No person under the age of twenty-one (21) years shall present or offer to any licensee, his agent, or employee, any written, printed or photostatic evidence of age and identity which is false, fraudulent or not actually his own for the purpose of ordering, purchasing, attempting to purchase or otherwise procuring or attempting to procure, the serving of any alcoholic liquor, nor

shall any such person have in his possession any false or fraudulent written, printed or photostatic evidence of age and identity.

Sec. 5.08.870. Occupancy of premises where alcohol is possessed or consumed by persons under twenty-one (21).

No person under the age of twenty-one (21) years shall enter or remain in any house, building or premises under circumstances where the person knows or reasonably should know that alcoholic liquor is being illegally possessed or consumed by persons under the age of twenty-one (21) years. Any person under the age of twenty-one (21) who violates this section shall be considered guilty of illegal possession of alcoholic liquor.”

**Section 2.** In the event any section or provision of this Ordinance shall be held unconstitutional or invalid by any Court, in whole or in part, such holding shall not affect the validity of this Ordinance or any remaining part of this Ordinance, other than the part held unconstitutional or invalid.

**Section 3.** All ordinances, or parts thereof, which are inconsistent with the provisions of this Ordinance, are hereby repealed to the extent of their inconsistencies.

**Section 4.** Nothing contained herein shall in any manner be deemed or construed to alter, modify, supersede, supplant or otherwise nullify any other ordinance of the City or the requirements thereof whether or not relating to or in any manner connected with the subject matter hereof, unless expressly set forth herein.

**Section 5.** This Ordinance is effective upon its passage by the City Council, approval by the Mayor, and publication according to law.

Passed and approved this 13<sup>th</sup> day of August, 2018.

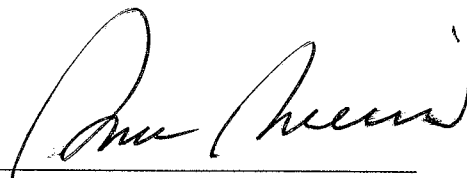
Ayes: Brombolich, Stehman, Green, Jerome, Miller

Nays: None

Absent: None

Approved: August 13, 2018

APPROVED: \_\_\_\_\_

  
JOHN MILLER, MAYOR

ATTEST:

  
\_\_\_\_\_  
**KIM WASSER, CITY CLERK**

RECORDED: \_\_\_\_\_, 2018.