

## TITLE 5: BUSINESS REGULATIONS

### CHAPTER 1 - LIQUOR

- 5-1-1 Definitions
- 5-1-2 Adoption and applicability of state law
- 5-1-3 Liquor Control Commissioner
- 5-1-4 Possession, purchase, dispensing, or consumption of liquor by person of non-age proof, misrepresentation of age
- 5-1-5 Carrying alcoholic liquor in unsealed or opened container from premises
- 5-1-6 Required and conditions for license
- 5-1-7 License required for each place owned by licensee; license not transferable
- 5-1-8 Application form(s)
- 5-1-9 Classes of licenses generally
- 5-1-10 Supplemental licenses generally
- 5-1-11 Restrictions on supplemental licenses
- 5-1-12 Temporary licenses
- 5-1-13 Fees
- 5-1-14 General restrictions upon issuance
- 5-1-15 Retail sales near churches, schools, hospitals, etc.
- 5-1-16 Zoning requirements
- 5-1-17 Food and drink license
- 5-1-18 Display
- 5-1-19 Revocation suspension
- 5-1-20 Hours of sale generally
- 5-1-21 Hours of sale on New Year's Eve
- 5-1-22 Sanitation generally
- 5-1-23 Warning to minors
- 5-1-24 Display of obscenity
- 5-1-25 Reporting of incidents to the sheriff; telephone on premises
- 5-1-26 Illegal activities on premises
- 5-1-27 Employment of minors
- 5-1-28 Sales to persons of non-age, intoxicated persons, etc.
- 5-1-29 Presence of persons of non-age upon licensed premises
- 5-1-30 Solicitation of patrons by employees
- 5-1-31 Curb service
- 5-1-32 Peddling
- 5-1-33 Manager
- 5-1-34 Change in stockholders
- 5-1-35 Happy hours prohibited; up front drinks, unlimited number of drinks

#### SECTION 5-1-1 DEFINITIONS

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

- **ALCOHOLIC LIQUORS:** Any spirits, wine, beer, ale, or other liquor containing more than one-half of one percent alcohol by volume which is capable of being consumed as a beverage by a human being.  
(State law reference: Alcoholic liquor defined, 235 ILCS 5/1-305.)
- **BEER:** A beverage obtained by the alcoholic fermentation of an infusion or concoction of barley, other grain, malt, and hop in water, and includes, among other things, ale, stout, lager beer, porter and the like.  
(State law reference: 235 ILCS 5/1-3.04.)
- **CLUBS:** 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; and maintaining a sufficient number of servants and employees for cooking, preparing and serving food and meals for its members and their guests; provided, that such club files with the local liquor control commissioner at the time of its application for a license under this chapter, two (2) copies of a list of names and residences of its members, and similarly files within ten (10) days of the election of any additional member, his name and address; and, provided further, that its affairs and management are conducted by a board of directors, executive committee or similar body chosen by the members 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.

(State law reference: 235 ILCS 5/1-3.24.)

- **DWELLING OR APARTMENTS USED FOR HOME OR RESIDENCE PURPOSES:** Any building designed and used for, and occupied by one or more persons, as a permanent living and sleeping quarters; provided, however, that the term “dwellings” or “apartments: shall not include any hotel or building occupied as a more or less temporary living and sleeping quarters for individuals, who are lodged with or without meals, and in which there are more than fifteen (15) sleeping rooms, usually occupied singly, and no provisions made for cooking in any individual room or apartment.
- **HOTELS:** Every building or other structure kept, used, maintained, advertised and held out to the public to be a place where food is actually served and consumed and sleeping accommodations are offered for adequate pay to travelers and guests, whether transient, permanent, or residential, in which fifteen (15) or more rooms are used for sleeping accommodations of such guests, and having one or more public dining rooms where meals are served to such guests, such sleeping accommodations and dining rooms being contained in the same building, or buildings in connection therewith, and such building or buildings, or structure or structures being provided with adequate and sanitary kitchen and dining room equipment and capacity.

(State law reference: 235 ILCS 5/1-3.25.)

- **MINOR:** Any person who has not attained the age of twenty-one (21) years.
- **OBSCENE:** Any of the following as a minimum:
  1. Exposure of genitalia, pubic hair, buttocks, natal cleft, perineum, anal region, or pubic hair region;
  2. Exposure of any device or costume giving the appearance or simulation areas in Paragraph 1 above;
  3. Exposure of any portion, or simulation of such exposure, of the mature female breasts;
  4. Engaging in a male or female strip tease, lingerie fashion show, any wrestling in any substance other than air, or female wet t-shirt contest;
  5. Engaging in any act or form of entertainment which, in whole or part, would be considered obscene as such term is defined by State law;
  6. Performing, or simulating the performance of, acts of sexual intercourse, masturbation, sodomy, bestiality, oral copulation, flagellation, or normally considered similar acts;
  7. The actual or simulated touching, caressing, or fondling of the breasts, buttocks, pubic area, anus, or genitals.
- **ORIGINAL PACKAGE:** Any bottle, flask, jug, can, cask, barrel, keg, hogshead, or other receptacle or container used, corked, or capped and labeled by the manufacturer of alcoholic liquor to contain or convey any alcoholic liquor.

- **PRE-MIXED PACKAGES:** An alcoholic liquor mixed with flavoring and bottled by the manufacturer in single serving bottles having less than 7.5 percent alcohol by volume.
- **PREMISES:** 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 a subclass (2) supplemental license.
- **RESTAURANT:** 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 and regularly served, 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. The fact that seventy (70) percent or more of the gross revenue in any license year from the operation of the licensed premises is derived from the sale of meals prepared and served for human consumption on the licensed premises and all nonalcoholic beverages served incidental thereto, shall be prima facie evidence that such business is a restaurant within the meaning of this chapter. Such gross revenue shall not include food and beverages served by vending machines, nor meals and beverages prepared and sold for carryout or catering functions to be consumed off of the licensed premises.  
(State law reference: 235 ILCS 5/1-3.23.)
- **RETAIL SALES:** The sale for use or consumption and not for resale.  
(State law reference: 235 ILCS 5/1-3.18.)
- **RETAILER:** Any person who sells or offers for sale alcoholic liquors, beer, or wine beverages for use or consumption and not for resale in any form.
- **SALE:** 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.  
(State law reference: 235 ILCS 5/1-3.21.)
- **TO SELL:** "To sell" includes to keep or expose for sale and to keep with intent to sell.  
(State law reference: 235 ILCS 5/1-3.22.)
- **WINE:** 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.  
(State law reference: 235 ILCS 5/1-3.03.)

#### SECTION 5-1-2 ADOPTION AND APPLICABILITY OF STATE LAW

All provisions of "AN ACT relating to alcoholic liquors" Laws 1933-34, Second sp. Sess., approved Jan. 31, 1934, eff. July 1, 1934 ( Ill. Rev. Stat. 235 ILCS 5/1-1 et seq.), as amended or shall be amended are hereby incorporated and made a part of this chapter insofar as the provisions of such state law pertain to the city. In the event of a conflict between state law and any provision of this chapter, the state law shall govern.

#### SECTION 5-1-3 LIQUOR CONTROL COMMISSIONER

The Mayor shall in accordance with State statutes serve as the Liquor Control Commissioner of the City of West Peoria and shall be charged with the administration of the Liquor Control Act. Chapter 235, ILCS 5/1-1, et. seq., of the Illinois Revised Statutes, this chapter, and of all Ordinances and Resolutions relating to alcoholic liquor as may be enacted by the City of West Peoria. The Mayor shall have the authority to appoint a person or persons to assist him in exercise of the powers and performance of the duties of Liquor Control Commissioner.

1. The corporate authorities may establish a salary for the Liquor Control Commissioner.
2. The Liquor Control Commissioner shall have the following powers, duties and functions with respect to local liquor licenses.
  - a. To grant or suspend for not more than thirty days or to revoke for cause all local licenses issued to persons or entities within West Peoria.
  - b. To enter or authorize any law enforcement officer to enter upon the premises licensed hereunder pursuant to state statute.
  - c. To examine under oath any applicant for a local license or renewal thereof, any licensee upon whom notice of revocation or suspension has been served, and to examine or cause to be examined the books and records of any applicant and to hear testimony and take proof of information and to issue subpoenas which shall be effective upon issuance.
  - d. To receive local license fees and pay the same to the City Treasurer.
  - e. In lieu of suspension or revocation, to levy fines not to exceed \$1,000.00 for each violation, each day on which a violation continues constituting a separate violation. Not more than \$10,000.00 in fines may be imposed against any license during the period of his license. The proceeds shall be paid into the general corporate fund.
3. The Liquor Control Commissioner may in accordance with law revoke or suspend any license issued by him if he determines that the licensee has violated State law, municipal ordinance or applicable rule and regulation of the Liquor Control Commission which is not inconsistent with law. No liquor license shall be revoked or suspended except after a public hearing before the Liquor Control Commissioner as provided by state statute. Notice of hearing shall be posted at the City Hall.
 

(State law references: 235 ILCS 5/4-2,3,4, and 5 and 5/7-5.)
4. The Liquor Control Commissioner shall provide a quarterly written report on his/her activities to the Corporate Authorities.

**SECTION 5-1-4 POSSESSION, PURCHASE, DISPENSING, OR CONSUMPTION OF LIQUOR BY PERSON OF NON-AGE; PROOF, MISREPRESENTATION OF AGE**

1. Any person to whom the sale, gift, or delivery of any alcoholic liquor is prohibited because of age shall not purchase or accept a gift of such alcoholic liquor or have such alcoholic liquor in his possession; except as provided in this chapter. The possession and dispensing or consumption by a person of non-age of alcoholic liquor in the performance of a religious ceremony or service, or the consumption by person of non-age under the direct supervision and approval of the parents or parent or legal guardian of such person of non-age in the privacy of a home, is not prohibited in this section.
2. If a licensee or his agent or employees believes or has reason to believe that sale or delivery of any alcoholic liquor is prohibited because of the non-age 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 official in the performance of his official duties. 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 the age of twenty-one (21) years or older. 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 prosecution or hearing therefore in any proceedings for the suspension or revocation of any license based thereon.
3. No person shall transfer, alter, or deface such identification card, use the identification card of another; carry or use a false or forged identification card; or

obtain any identification card by means of false information. No person shall purchase, accept delivery, or have possession of alcoholic liquor in violation of this section.

(State law reference: 235 ILCS 5/6-16 and 5/6-20.)

#### SECTION 5-1-5 CARRYING ALCOHOLIC LIQUOR IN UNSEALED OR OPENED CONTAINER FROM PREMISES

1. It shall be unlawful for any person to carry any alcoholic liquors in an unsealed or opened container from the licensed premises where such alcoholic liquor was purchased.
2. No licensee or person as proprietor, agent, servant, or employee of such licensee shall knowingly permit any patron to violate this section nor 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.

#### SECTION 5-1-6 REQUIRED AND CONDITIONS FOR LICENSE

Licenses shall be granted for the sale of alcoholic liquors in all its forms as defined in the statutes of this state, subject to the conditions hereinafter set forth. No person, either by himself or his agent or any person acting as an agent, barkeeper, clerk, or servant of another shall sell or offer for sale at retail in the City of West Peoria alcoholic liquor without first having obtained a license to do so as hereinafter provided, and it shall likewise be unlawful for any person to sell or offer for sale any intoxicating liquors, either alcoholic, malt, or vinaceous, in violation of the terms and condition of such license.

#### SECTION 5-1-7 LICENSE REQUIRED FOR EACH PLACE OWNED BY LICENSEE; LICENSE NOT TRANSFERABLE

A separate license shall be required for each individual place of business operated by a licensee, and such license shall not be transferable from one licensee to another licensee, except in conformance with the laws of this State, then existing, with reference to the transfer of state licenses.

#### SECTION 5-1-8 APPLICATION FORMS

All applicants for a license for the sale of alcoholic liquors at retail in the City shall make their application on forms provided by the local liquor control commissioner. The City Clerk shall prepare a sufficient quantity of the forms and shall provide the same to the applicant at no additional charge. Each applicant shall answer all questions on the application form which the commissioner, in his discretion, believes necessary in order for the commissioner to reach a determination.

Each application shall be accompanied by the appropriate application fee in the amounts as set forth in section 5-1-14 of this Code. The application for an initial annual license shall be accompanied by the application fee as provided in section 5-1-14 (1) of this section; and the applicant upon notification by the commissioner, or the City Clerk, that such application has been approved shall remit the appropriate license fee as set forth in 5-1-14 (2).

No liquor license shall be issued or renewed until all license fees as required by this section have been paid by the applicant and the requisite food and beverage licenses/permits have been issued by the health department.

11/11/03

## SECTION 5-1-9 CLASSES OF LICENSES GENERALLY

Licenses to sell alcoholic liquors at retail are hereby divided into seven (7) classes as follows:

1. Class A. Class "A" licenses shall authorize the sale of alcoholic liquors on the premises of any tavern for consumption on the premises, as well as package sales as an incidental use.
2. Class B. Class "B" licenses shall authorize the retail sale of alcoholic liquors on the premises in any restaurant for consumption on the premises. (If the restaurant has a bar, Class G shall also be required.).
  - A. Class B-1. Class "B-1" licenses shall authorize the retail sale of alcoholic liquors on the premises in any establishment that would otherwise qualify as a restaurant under Section 5-1-1 but fails to meet the seventy (70) percent food sales threshold and has at least twenty-five (25) percent of its gross revenue in any license year from the operation of the licensed premises derived from the sale of meals prepared and served for human consumption on the licensed premises and all nonalcoholic beverages served incidental thereto. (If the establishment has a bar, Class G is also required.)
3. Class C. Class "C" shall authorize the retail sale of alcoholic liquors in packages; and not for consumption on the premises where sold.
4. Class D. Class "D" licenses shall authorize the retail sales of alcoholic liquors on the premises of a tavern for consumption on the premises.
5. Class E. Class "E" licenses shall authorize the retail sale on the premises of alcoholic liquors in any club or nationally organized veterans association, for consumption on the premises.
6. Class F. Class "F" licenses shall authorize the retail sale of beer and wine only on the premises of any tavern or restaurant for consumption on the premises.
7. Class G. Class "G" licenses shall authorize the retail sale of alcoholic liquors on the premise when such bar is connected to a restaurant as well as package sales as an incidental use.
8. Class H. Sale of beer and wine in packages not for consumption on premises.
9. Class I. A temporary license for sale of beer, wine, and pre-mixed beverages for consumption on the premises at special events.
10. Class J. Class "J" licenses shall authorize the retail sales of alcoholic liquors on the premises of any assembly hall, stadium or privately owned public golf course for consumption on the premises when such retail sale is made by the same person who operates the assembly hall, stadium or privately owned public golf course.

## SECTION 5-1-10 SUPPLEMENTAL LICENSES GENERALLY

- A. Upon application to the local liquor control commissioner by a license holder, the following supplemental licenses may be issued by the commissioner. The granting of a supplemental license in no way abrogates the responsibility of obtaining any other license required by this chapter.

Additional written conditions may be imposed by the commissioner upon a supplemental license if the commissioner reasonably believes such conditions are necessary to protect the health, safety, and welfare of the general public. Such conditions and additional conditions shall be deemed to exist with the agreement of the licensee and shall be a condition and part of the supplemental license.
- B. It shall be unlawful for any licensee to operate as provided in the hereinafter enumerated four (4) subclasses of licenses without holding a current valid subclass license for such operation.
- C. The term of subclass licenses shall be one license year; unless otherwise provided in this chapter; however, any subclass license shall be subject to review, suspension, or termination at any time on the basis of changed conditions.

- D. Before the issuance, denial, renewal, continuation, or termination by the commissioner of any sub class (1), (2), (3), or (4) license, any licensee or person owning property or residing within a three hundred foot radius of the proposed site may request the commissioner hold a hearing open to the public on the question of such subclass license. The commissioner shall make an official record and shall consider and make findings on the following issues:
- a. The zoning classification of the licensed premises;
  - b. The character of the surrounding area;
  - c. The traffic and parking situation, including any off-street parking requirements of the licensed business, within a three-hundred-foot radius;
  - d. Any statements of interested person, either oral or written;
  - e. The impact of such proposed or existing subclass license on the character of and the traffic and parking situation in the immediate neighborhood;
  - f. Any past operating history of the licensee and the proposed site.
- 11/11/03
- g. No subclass license shall be issued or continued if there is a finding that it would alter adversely or has altered adversely the essential character of the neighborhood, or would cause or has caused undue traffic or parking problems in the neighborhood.

#### SECTION 5-1-11 RESTRICTIONS ON SUPPLEMENTAL LICENSE

1. A subclass (1) license shall authorize the performance of live entertainment on the premises licensed pursuant to this section. Obscene entertainment shall be specifically prohibited.
2. A subclass (2) license shall authorize the retail sale of alcoholic liquor in an outdoor beer garden or café adjacent to a licensed premises.
3. A subclass (3) license shall authorize a licensed establishment holding a Class "C" license as described in section 5-1-8 of this Code to hold no more than twelve (12) wine tasting events during a license year subject to the following restrictions:
  - a. The licensee or his agents shall dispense such wine at no charge to the consumer.
  - b. The licensee shall not charge a "cover charge", "door charge"; solicit donations; or condition the dispensing of wine upon the purchase of any item offered for retail sale by the licensee;
  - c. For purposes of this section, the term "event" shall mean any twenty-four hour period;
  - d. A licensee may apply for this supplemental license on either a daily or an annual basis. The daily license shall be issued for only one specific date and a separate supplemental license shall be required for each event;
  - e. An annual subclass (3) license may be applied for at anytime during the license year by the licensee. Once an annual license is issued, the licensee shall notify the county sheriff's department of any date for a wine tasting event at least fourteen (14) days prior to the event.
4. Subclass (4). A supplemental license authorizing the retail sale of alcoholic beverages in assembly halls, stadiums or privately owned public golf courses in temporary locations such as ballrooms, party rooms, meeting rooms, movable concession stands or from traveling vendors, which are not licensed as permanent locations through the obtaining of a Class "J" license. This supplemental license will allow the use of up to ten (10) temporary locations for which the fee shall be forty-five dollars (\$45.00) per temporary locations.

## SECTION 5-1-12 TEMPORARY LICENSES

Under the provisions as set forth herein, the local liquor control commissioner may, in his discretion, upon proper application being made, grant and issue a Class I license for a temporary sale of beer, wine, and pre-mixed beverages to any person for a specific event, not for use as a regularly established business, for use on privately owned premises, for a certain designated period of time not to exceed seven (7) days. The granting and issuance of a temporary license shall in no way relieve the licensee from any requirements imposed by state law including any requirement that a state liquor license be obtained.

3/29/07

## SECTION 5-1-13 FEES

1. The annual license fee for each license shall be as follows:

<u>LICENSE</u>	<u>FEE</u>
Classes "A", "C", "D" and "E"	\$850.00
Classes "B", "B-1", "F", and "H"	\$740.00
Class "G"	\$110.00
Subclass (1)	No fee
Subclass (2)	\$121.00 per annum
Subclass (3)	\$22.00 per day; or \$220.00 per license year. Anyone holding ten (10) wine-tasting events in one year shall be deemed to have paid for an annual license
Subclass (4)	\$45.00 per location for a maximum of 10 locations.
Temporary (Class I)	
One (1) day,	\$17.00
Two (2) days	\$33.00
Three (3) days	\$42.00
Four (4) days	\$55.00
More than four (4) days,	\$83.00.

SOURCE 02-04

2. In the event the initial application is for a period of less than the full license year; the annual fee as set forth in subsection (b) shall be reduced in proportion to the full calendar months which have elapsed in the license period prior to the issuance of the license.
3. The fee paid for a liquor license may be reduced on a pro rata basis for each calendar month for which the license shall not be used if the licensee relinquishes the license to the City Clerk and no longer does business at the location of the liquor license establishment. The refund on the prorated license fee shall be determined on the first day of each month. If a license holder relinquishes his liquor license subsequent to the first day of a month, that entire month shall not be included in determining the amount of the reimbursement.



4. No refunds will be given in the event the business ownership or control is transferred during the license year.

SOURCE 02-05

5. LICENSE CLASS	NUMBER OF AVAILABLE LIQUOR LICENSES
A	9
B	1
B-1	2
C	6
D	1
F	1
G	3
H	2
J	1

#### SECTION 5-1-14 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. A person 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 control 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 whose license issued under this section or whose license issued by the Illinois Liquor Control Commission has been revoked for cause;
9. 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;
10. A co-partnership, unless all the members of the co-partnership shall be qualified to obtain a license;
11. A corporation, unless it is incorporated in Illinois; or unless it is a foreign corporation which is qualified under the Illinois Business Corporation Act to transact business in Illinois;
12. A corporation, if any officer, manager, or director thereof, or any stockholder or stockholders owning in the aggregate more than five (5) percent of the stock of such corporation, would not be eligible to receive a license hereunder for any reason other than citizenship and residence within the county.
13. A person whose place of business is conducted by a manager or agent, unless such manager or agent possesses the same qualifications other than residency required of the licensee;
14. 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;
15. A person who does not 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;

16. Any law enforcing public official, member of the city council, and no such official shall be interested in any way, either directly or indirectly, in the manufacture, sale, or distribution of alcoholic liquors;
17. A person who is not a beneficial owner of the business to be operated by the licensee;
18. A person who has been convicted of a gambling offense as proscribed by any of subsections (a) (3) through (a) (10) of Section ZZZ of, or as proscribed by Section 28-3 of the "Criminal Code of 1961" of the State of Illinois, approved July 28, 1961, as heretofore or hereafter amended, or as proscribed by a statute replaced by any of the aforesaid statutory provisions;
19. 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;
20. A co-partnership to which a federal gaming device stamp or 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;
21. 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 federal wagering stamp for the current tax period;
22. Any premises for which a federal gaming device or a federal wagering stamp has been issued by the federal government for the current tax period;
23. A person who has not submitted to photographing and fingerprinting by the sheriff's department, or by another law enforcing agency with the approval of the sheriff;
24. Any person not eligible for a state retail liquor dealer's license.  
(State law reference: 235 ILCS 5/6-2,3,4)

#### SECTION 5-1-15 RETAIL SALES NEAR CHURCHES, SCHOOLS, HOSPITALS, ETC.

1. No license shall be issued for the sale at retail of any alcoholic liquor or beer or wine beverages within one hundred (100) feet of any church, school, other than an institute of higher learning, hospital, home for the aged or indigent persons, nursing homes, or homes for veterans, spouses, or children in any military or naval station; provided, that this prohibition does not apply to hotels offering restaurant services, regularly organized clubs, or to restaurants, food shops, or other places where the sale of alcoholic liquors is not the principal business carried on, if such place of business so exempted shall have been established for such purposes prior to the taking effect of this Code; nor to the renewal of a license for the sale at retail of alcoholic liquor on premises within one hundred (100) feet of any church or school where such church or school has been established within such one hundred (100) feet since the issuance of the original license.
2. In the case of a church or school, the distance of one hundred (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 instances the distance of one hundred (100) feet shall be measured to the nearest part of the property boundaries.
3. Nothing in this section shall prohibit the issuance of a license to a church or private school to sell at retail alcoholic liquor if such sales are limited to periods when groups are assembled on the premises solely for the promotion of some common object other than the sale or consumption of alcoholic liquors.
4. 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.
5. The prohibitions contained in this section do not pertain to temporary licenses under Section 5-1-12.  
(State law reference: 235 ILCS 5/6-11.)

## SECTION 5-1-16 ZONING REQUIREMENTS

1. No license shall be issued or renewed for the sale at retail of any alcoholic liquor or beer or wine unless the use of the premises for the retail sale of distribution of alcoholic liquors or beer or wine is a "permitted use" as defined in Chapter 24, entitled "Zoning," of the Code of Peoria County or under any adopted City zoning ordinance.
2. No licensee shall be issued or renewed for the sale at retail of any alcoholic liquor or beer or wine beverages in a building situated in a zoning district with a "UU" use group as now provided or hereinafter amended in the zoning ordinance of the County or under any like category under any adopted City zoning ordinance.

## SECTION 5-1-17 FOOD AND DRINK LICENSE

No licenses shall be issued or renewed without the license holder/applicant first obtaining a food or drink license as provided by ordinance. The failure to obtain a license or the loss of such license through revocation, suspension, lapse or otherwise shall require the local liquor control commissioner to revoke, suspend, or refuse to grant the liquor license.

## SECTION 5-1-18 DISPLAY

Every licensee shall cause his license to be framed and hung in plain view in a conspicuous place on the licensed premises.

## SECTION 5-1-19 REVOCATION OR SUSPENSION

1. The local liquor control commissioner may, after proper hearing, fine (as provided in Paragraph 2 of this Section), revoke, or suspend for not more than thirty (30) days any license issued by him under the terms of this section, for any of the following reasons:
  - a. Violation of any of the provisions of this section or any violation of any provision of the laws of the state relating to the sale of alcoholic liquors.
  - b. The willful making of any false statements as to a material fact in an application for a license or the renewal thereof; however, no such license shall be revoked or suspended except after a public hearing by the commissioner with a three (3) day written notice to the licensee affording said licensee an opportunity to appear and defend.
  - c. If the commissioner has reason to believe that any continued operation of a particular licensed premises will immediately threaten the welfare of the community, he may, upon the issuance of a written order stating the reason for such conclusion and without notice or hearing order the licensed premises closed for not more than seven (7) days, giving the licensee any opportunity to be heard during that period, except that if such licensee shall also be engaged in the conduct of another business or businesses on the licensed premises such order shall not be applicable to such other business or businesses.
2. In lieu of suspension or revocation, the local liquor control commissioner may instead levy a fine on the licensee for such violations. The fine imposed shall not exceed \$1,000.00 for each violation; each day on which a violation continues shall constitute a separate violation. Not more than \$10,000.00 in fines under this Section may be imposed against any licensee during the period of his license. Proceeds from such fines shall be paid into the general corporate fund.
3. The commissioner upon probable cause that a violation of this chapter or any violation of any provision of the laws of this state relating to the sale of alcoholic liquors has occurred shall cause a written notice to appear to be issued to the licensee. Such notice to appear shall inform the licensee of nature of the charges

and set a time and place for hearing not less than three (3) days from the date of the notice.

4. Such hearing shall be public and a verbatim transcript shall be made. The licensee may be represented by legal counsel licensed to practice law in the state. All witnesses shall testify under oath administered by the commissioner or other person authorized to administer such oath in Illinois. Such hearing need not be conducted according to the strict rules of evidence and procedure followed in a court of law; however, such hearings shall be conducted in a fair and impartial manner to all concerned. On motion of the licensee, the three-day written notice of hearing may be waived in whole or in part. Any licensee may, at his option, waive his right to a public hearing on the suspension or revocation of his license. In such an event, the commissioner may order any suspension, revocation, or make any other order which would be appropriate upon a finding of a violation at the conclusion of a public hearing. The licensee shall indicate such waiver in writing to the commissioner at any time prior to the commencement of the actual public hearing.
5. The commissioner shall within five (5) days after such hearing, if he determines after such hearing that the license should be revoked, or suspended, state the reason or reasons for such determination in a written order of revocation or suspension and shall serve a copy of such order within the said five (5) days upon said licensee.
6. Any five residents of the city shall have the right to file a complaint with the local commission stating that any retailer licensee, subject to the jurisdiction of the local commission, has been or is violating the provisions of this act or the rules or regulations issued pursuant hereto. Such complaint shall be in writing in the form prescribed by the local commission 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 belief is based. If the local commission is satisfied that the complaint substantially charges a violation and that from the facts alleged there is reasonable cause for such belief, it 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.

(State law reference: 235 ILCS 5/7-5.)

#### SECTION 5-1-20 HOURS OF SALE GENERALLY

1. No person or licensee shall sell or offer for sale at retail, any alcoholic liquors or furnish or give away, or allow or permit the same to be consumed on the licensed premises, or any other premises, under the control, directly or indirectly, of the licensee between the hours of 2:00 a.m. and 6:00 a.m. on all days.
2. No person other than the licensee of a licensed premises or any of the licensee's 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 on such premises, nor shall any alcoholic liquor be exposed upon such premises in any open individual serving container (including but not limited to glasses or beer bottles) beyond thirty (30) minutes after the prescribed closing time for such licensed premises.
3. 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, in the case of restaurants, clubs, hotels, grocery stores, package stores and drug stores, such establishments may be kept open during such hours, but no alcoholic liquor may be sold during such hours, except as provided by this section.

(State law reference: 235 ILCS 5/4-1.)

## SECTION 5-1-21 HOURS OF SALE ON NEW YEAR'S EVE

1. The closing hours provided for in this chapter are hereby extended for a period of two (2) hours on New Year's Eve provided that the licensed establishment 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 section.
2. If a disturbance occurs on the licensed premises during the hours referred to in the preceding paragraph, which appears to endanger the lives, property, or person of the patrons of a licensed premises, the sheriff or the local liquor control commissioner or his delegates 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.

## SECTION 5-1-22 SANITATION GENERALLY

All premises used for the retail sale of alcoholic liquor or for the storage of such liquor for retail sale shall be kept in a clean and sanitary condition, and shall be kept in full compliance with the provisions of all ordinances of the City and health ordinances of the county regulating the condition of premises.

## SECTION 5-1-23 WARNING TO MINORS

The City Clerk shall have printed and shall provide each licensee with a printed card which shall read substantially as follows:

*"WARNING TO MINORS – You are subject to a fine of up to One Thousand Dollars (\$1,000.00) and criminal prosecution, under the laws of the State of Illinois and the Ordinances of the City of West Peoria if you purchase alcoholic liquors for yourself, or misrepresent your age for the purpose of purchasing or obtaining alcoholic liquor for yourself."*

Every licensee shall display the printed card provided by the City Clerk in a prominent place in any location which he uses for the sale or serving of alcoholic liquor.

## SECTION 5-1-24 DISPLAY OF OBSCENITY

No licensee shall permit, show, sell, exhibit, or display obscene or salacious matter, literature, motion pictures, cards, or papers on the licensed premises or permit any obscene exposure, behavior, or entertainment to occur on the premises.

## SECTION 5-1-25 REPORTING OF INCIDENTS TO THE SHERIFF, TELEPHONE ON PREMISES

1. Each licensee and each of his agents and employees shall promptly report to the county sheriff's department any outbreak of any fights, riots, disturbances of the peace occurring on or about the licensed premises and in addition shall promptly report to the sheriff's department any incident occurring on or about the licensed premises which in the licensee's knowledge or opinion constitutes the commission of a crime as prohibited by the laws of the state or the United States, including any violation of this section, and shall truthfully and fully answer all questions and investigations of any identified sheriff's commissioned deputy who makes inquiry of any persons in or about the licensed premises, and cooperate fully in such investigation including the giving of any oral or written statements at such reasonable times and in such reasonable locations to any sheriff's commissioned deputy engaged in said investigation.

2. Each licensee shall maintain on each licensed premises not less than one telephone in operating order, which telephone must be within the easy access of the bartender or other responsible person in charge of the premises, for the purpose of reporting to the sheriff's department incidents as described immediately above.

#### SECTION 5-1-26 ILLEGAL ACTIVITIES ON PREMISES

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 of West Peoria or law of the state or the United States.

#### SECTION 5-1-27 EMPLOYMENT OF MINORS

1. No licensee under this chapter shall employ or permit any person under the age of twenty-one (21) to sell or serve alcoholic beverages or malt or vinaceous beverages; provided, however, any establishment holding a restaurant-liquor license may employ persons nineteen (19) years of age or older to sell or serve alcoholic beverages to patrons who are actually dining in the establishment when it is only incidental to their primary job function of serving food; but under no circumstances shall such person be employed or act as a bartender or cocktail waitress.
2. No licensee under this chapter shall employ or permit any person under the age of eighteen (18) to act in person as a live entertainer on a licensed premises whether or not such person is compensated; proved however, nothing in this section shall prohibit performances of persons under the age of eighteen (18) which are broadcast through radio, television, motion pictures, sound recordings or video tape.

#### SECTION 5-1-28 SALES TO PERSONS OF NON-AGE, INTOXICATED PERSONS, ETC.

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), or to any intoxicated person or to any person known by him to be a habitual drunkard, spendthrift, insane, mentally ill, mentally deficient or in need of mental treatment. No person after purchasing or otherwise obtaining alcoholic liquor shall sell, give, or deliver such alcoholic liquor to another person under the age of twenty-one (21) years except in performance of a religious ceremony or service; or as provided in this chapter.

(State law reference: 235 ILCS 5/6-16.)

#### SECTION 5-1-29 PRESENCE OF PERSONS OF NON-AGE UPON LICENSED PREMISES

Any person to whom the sale, gift, or delivery of any alcoholic liquor is prohibited because of age shall not enter or remain upon any premises licensed for the sale of alcoholic liquor except in the company of his parent or legal guardian; provided however, that this section shall not apply to restaurants, grocery stores, universities, or to that portion of bowling alleys or auditoriums other than those rooms or portions used exclusively or primarily for the sale and consumption of alcoholic liquors, or to minors present in the course of their employment. In an establishment holding a B-1 liquor license, no person under the age of twenty-one (21) may be on the licensed premises at all after 10 p.m., unless with parent or guardian.

(State law reference: 235 ILCS 5/6-16.)

#### SECTION 5-1-30 SOLICITATION OF PATRONS BY EMPLOYEES

No licensee under this section 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, waiter, waitress who shall be regularly employed therein from accepting and serving an order of a patron in the regular course of his employment.

#### SECTION 5-1-31 CURB SERVICE

No curb service for the sale of alcoholic liquors shall be carried on in connection with premises for which a license has been granted for the sale of alcoholic liquor for consumption upon the premises, either upon the public street or private property contiguous to such premises so licensed.

#### SECTION 5-1-32 PEDDLING

It shall be unlawful for any person to peddle alcoholic liquor in the area of the City of West Peoria.

#### SECTION 5-1-33 MANAGER

No licensee shall employ any person to manage his licensed liquor establishment unless such person, firm, or corporation possesses the same qualifications required of a licensee other than residency by this chapter. No licensee shall permit any person to act as a manager of his liquor establishment unless proper notification has been determined by the local liquor control commissioner.

#### SECTION 5-1-34 CHANGE IN STOCKHOLDERS

Any corporate licensee shall notify the local liquor control commissioner in writing not less than twenty-one (21) days prior to a transfer of its stock which would vest in the aggregate more than five (5) percent of the stock outstanding in said corporation, in any shareholder. Such corporate licensee shall suffer revocation of its license unless such stock transferee possesses the same qualifications required of a licensee except residency.

#### SECTION 5-1-35 HAPPY HOURS PROHIBITED

1. All retail licensees shall maintain a schedule of the prices charged for all drinks of alcoholic liquor to be served and consumed on the licensed premises or in any room or part thereof. Whenever a hotel or multi-use establishment which holds a valid retailer's license operates on its premises more than one establishment at which drinks of alcoholic liquor are sold at retail, the hotel or multi-use establishment shall maintain at such establishment a separate schedule of the prices charged for such drinks at that establishment.
2. No retail licensee or employee or agent of such licensee shall:
  - a. serve 2 or more drinks of alcoholic liquor at one time to one person for consumption by that one person, except selling or delivering wine by the bottle or carafe;
  - b. sell, offer to sell, or serve to any person an unlimited number of drinks of alcoholic liquor during any set period of time for a fixed price, except at private functions not open to the general public;
  - c. sell, offer to sell, or serve any drink of alcoholic liquor to any person on any one date at a reduced price other than that charged other purchasers of drinks on that day where such reduced price is a promotion to encourage consumption of alcoholic liquor, except as authorized in paragraph (G) of subsection (2).
  - d. Increase the volume of alcoholic liquor contained in a drink, or the size of a drink of alcoholic liquor, without increasing proportionately the price regularly charged for the drink on that day;

- e. Encourage or permit, on the licensed premises, any game or contest which involves drinking alcoholic liquor or the awarding of drinks of alcoholic liquor as prizes for such game or contest on the licensed premises; or
  - f. Advertise or promote in any way, whether on or off the licensed premises, any of the practices prohibited under paragraph a through e.
3. Nothing in Paragraph 2 shall be construed to prohibit a licensee from:
- a. offering free food or entertainment at any time;
  - b. including drinks of alcoholic liquor as part of a meal package;
  - c. including drinks of alcoholic liquor as part of a hotel package;
  - d. negotiating drinks of alcoholic liquor as part of a contract between a hotel or multi-use establishment and another group for the holding of any function, meeting, convention, or trade show;
  - e. providing room service to persons renting rooms at a hotel;
  - f. selling pitchers (or the equivalent, including but not limited to buckets) carafes, or bottles of alcoholic liquor which are customarily sold in such manner and delivered to 2 or more persons at one time; or
  - g. increasing prices of drinks of alcoholic liquor in lieu of, in whole or in part, a cover charge to offset the cost of special entertainment not regularly scheduled.

(State law reference: 235 ILCS 5/6-28)