

CITY OF QUINCY

KYLE A. MOORE
MAYOR



CITY HALL -- 730 MAINE
QUINCY, IL 62301-4056
(217) 228-4545

Dear Liquor License Applicant:

With filing of your application for a liquor license, certain steps must be taken before the license may be issued. The material in this packet should familiarize you with the rules and regulations regarding liquor licenses. Attached you will find:

1. Quincy Police Department letter explaining their procedure of investigating applicants and inspecting premises.
2. Quincy Fire Department letter advising of their inspections procedure.
3. Adams County Health Department explaining their system of inspections of the premises.
4. Copy of the City Code, Chapter 111, entitled "Alcoholic Liquor Dealers". You should review this ordinance concerning liquor regulations and be sure you understand and comply with them.

When all investigations and inspections are completed and reported to the Liquor Commissioner's office your license will be granted or denied based on those findings. You can expect to receive your license or a reason for denial in approximately ten (10) working days from the date of your application.

Upon payment of the liquor license fee you will be given a liquor license. However, payment of the City's fee is not an authorization to open for business. You will need the city liquor license number to qualify for your state liquor license and federal tax permit, both of which can be obtained in Springfield. Prior to opening for business, in addition to the city liquor license, you are required to have a state liquor license and federal tax permit. When going to Springfield first go to the Department of Revenue and then the Illinois Liquor Control Commission. Those addresses and phone numbers are as follows:

Illinois Department of Revenue 217-785-3707
Illinois Liquor Control Commission 217-782-2136
101 West Jefferson Street, Suite 3-525
Springfield, IL 62704

Coin operated amusement devices are required to have a City amusement stamp attached permanently to each device. Amusement device stamps can be purchased from the City Clerk at City Hall. Licensees are responsible for obtaining and placing the stamps on the amusement devices.

Dancing is not permitted in any liquor-licensed business until a dance call license has been issued or the class of liquor license permits dancing (i.e. Night Club Licensee.)

If you intend to make any alterations to the premises, you may be required to obtain a building permit and should discuss these alterations with our Building Inspector. If you are uncertain whether the property is zoned properly for your business, you should check with the Building Inspector.

If you have any questions about any of this material, please call my office or any of the other departments involved.

Sincerely,

A handwritten signature in black ink that reads "Kyle A Moore". The signature is written in a cursive style with a large initial "K".

Kyle A Moore

Mayor and Liquor Commissioner

KAM: jad



DEPARTMENT OF POLICE CITY OF QUINCY

An Internationally Accredited Law Enforcement Agency

110 South 8th St. - Quincy, Illinois 62301-4058
Phone (217) 228-4470, Fax (217) 228-4472

ATTENTION: All Liquor License Applicants

REFERENCE: Processing of Liquor License Applications.

The processing of a liquor license requires inspections of the premises where the liquor is to be sold and/or consumed. Inspections shall be conducted by personnel from the Adams County Health Department, the Quincy Fire Department, and the Quincy Police Department. In addition, the Quincy Police Department shall conduct background investigations so as to ascertain the qualifications of those involved. This may include an individual applicant. In the case of a partnership, the persons entitled to share the profits thereof will have background checks. In the case of a corporation, the officers and directors along with any person owning more than 5% of the stock will have a background check. In addition, the person or persons who will manage the proposed establishment will also be required to have a background check.

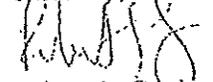
After the complete liquor license application is placed on file at the Mayor's Office, the applicant shall contact the above listed departments or offices and schedule an inspection of the premises. The Police Department's inspection will be conducted only after the completion of the background investigations and is preferably conducted after all other inspections have been completed. Prior to the police inspection, applicants must have submitted a copy of a signed lease, if the property is leased or rented; a copy of proof of ownership, if the property is owned by the applicant and copy of certificate liability (dram shop) insurance. When an applicant is ready for the police inspection, please call (217)228-4492 (Mon-Fri, 7:00am-2:00pm) to schedule an inspection appointment.

Most applications will be processed within 10 days. In the event the process takes longer, the applicant will be notified.

Please answer all questions on the application form truthfully and completely. Unanswered questions will create delays in the processing. Giving false information on the application may justify denial of the license.

Upon completion of all inspections and background investigations, the Chief of Police or his designee shall report his findings to the City of Quincy Liquor Commissioner with a recommendation to approve or deny the issuance of the liquor license. Upon approval and receipt of the appropriate license fee, the applicant may obtain the city license and will then be eligible to apply for the required license from the State of Illinois.

Sincerely,


Robert A. Copley
Chief of Police

"Service - Pride - Dignity"



QUINCY FIRE DEPARTMENT

JOE HENNING
FIRE CHIEF

906 VERMONT
QUINCY, IL 62301
(217)228-4459
E-mail: qfd@quincyll.gov

New License Applicant:

The Quincy Fire Department will be happy to meet with you and review your plans and explain what requirements your building may need to meet the City's Fire Code Standards. I would recommend you arrange this meeting as soon as possible.

A few of the fire code standards are listed below:

- Class ABC fire extinguishers are needed on each floor.
- An ABC and a Class K fire extinguisher are required in all kitchens.
- Lighted EXIT signs with battery back up over each exit door.
- Exit doors must swing the way of exit.
- Emergency lights with battery back up may be required.
- All deep fat fryers, ranges, griddles and broilers which may be a source of ignition of grease in the hood, grease removal device or duct shall be protected by an approved automatic extinguishing system.
- A Fire Department inspection is required for license and occupancy certificate.

An inspection by the Fire Department is required annually for license renewal.

Please note that the standards listed above are just a few of the Fire Codes and Regulations required.

For an appointment with a Fire Inspector, please call 217-228-4459.

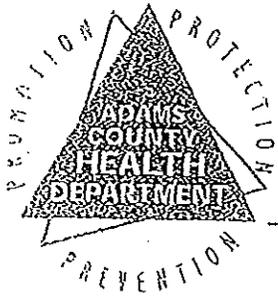
Sincerely,



Joe Henning
Fire Chief

JH:zj

"Dedicated Guardians of Life and Property"



333 North 6th Street • Quincy, Illinois 62301 • Phone 217-222-8440 • Fax 217-222-8508

MEMORANDUM

TO: Liquor License Applicants

FROM: Adams County Health Department
Environmental Health Section
333 North 6th Street
Quincy, IL 62301
(217) 222-8440 Ext. 123, 124, or 125

In order to expedite your application, we urge you to immediately contact the Environmental Health Section of the Adams County Health Department.

Before the Adams County Health Department can issue a Certificate of Compliance, the following requirements must be met:

1. Complete Application for Retail Food Establishment
2. Submit required fees
3. Schedule an inspection with the health department
4. Submit layout plans for any new construction or extensively remodeled facilities.

The application, fee requirements, and current rules and regulations can be downloaded from the Adams County Health Department's website at <http://www.co.adams.il.us/health/environmental/>.

To prevent errors that could result in additional costs, it is important that all applicants contact the Adams County Health Department as soon as possible.

Mike Hines, LEHP
Chief Sanitarian

[Print](#)

Quincy, IL Code of Ordinances

CHAPTER 111: ALCOHOLIC LIQUOR DEALERS

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GENERAL PROVISIONS

§ 111.001 DEFINITIONS.

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

ALCOHOLIC LIQUOR. Any spirits, wine, beer, ale or other liquid containing more than 0.5% of alcohol by volume, which is fit for beverage purposes.

BAR. An establishment that is devoted to the serving of alcoholic beverages for consumption by guests on the premises and that derives no more than 25% of its gross revenue from the sale of food consumed on the premises. **BAR** includes, but is not limited to, taverns, nightclubs, cocktail lounges, adult entertainment facilities and cabarets.

BEER GARDEN. Any portion of a bar, which is not an enclosed area.

ENCLOSED AREA. All space between a floor and a ceiling that is enclosed or partially enclosed with:

- (1) Solid walls or windows, exclusive of doorways; or
- (2) Solid walls with partitions and no windows, exclusive of doorways, that extend from the floor to the ceiling, including, without limitation, lobbies and corridors.

HOTEL. 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 traveler and guests, whether transient, permanent or residential, in which 25 or more rooms are used for the sleeping accommodations and dining rooms being conducted in the same building or buildings in connection therewith and the building or buildings, structure or structures being provided with adequate and sanitary kitchen and dining room equipment and capacity.

PRIVATE CLUB.

(1) A not-for-profit association that has:

(a) Been in active and continuous existence for at least three years prior to the effective date of this chapter;

(b) Is the owner, lessee or occupant of a building or portion thereof used exclusively for club purposes at all times;

(c) Is operated solely for a recreational, fraternal, social, patriotic, political, benevolent or athletic purpose, but not for pecuniary gain; and

(d) Only sells alcoholic beverages incidental to its operation.

(2) An organization that is managed by a Board of Directors, executive committee or similar body chosen by the members at an annual meeting, has established by-laws, a constitution, or both to govern its activities, and has been granted an exemption from the payment of federal income tax as a club under 26 U.S.C. § 501.

RESTAURANT. Any public place kept, used, maintained, advertised and held out to the public as a place where meals are served, and where meals actually are served and regularly served, without sleeping accommodations, the space being provided with adequate and sanitary kitchen and dining room equipment and capacity and having employed therein a sufficient number and kind of employees to prepare, cook and serve suitable food for its guests.

RETAIL SALE. The sale for use or consumption and not for resale.

(1980 Code, § 18.001) (Ord. 9119, passed 1-28-2008)

§ 111.002 PREMISES USED FOR DWELLINGS.

Except in the case of hotels and clubs, no alcoholic liquor shall be sold at retail upon any premises which has any access which leads from the premises to any other portion of the same building or structure used for dwelling purposes. This provision shall not prevent any connection between the premises and any other portion of the building or structure which is used only by the licensee, his or her family and personal guests.

(1980 Code, § 18.013) Penalty, see § 111.999

§ 111.003 ORIGINAL PACKAGE.

No person excepting a manufacturer or a distributor or importing distributor shall fill or refill in whole or in part any original package of alcoholic liquor, and it shall be unlawful for any person to have in his or her possession for sale at retail any bottles, casks or other containers containing alcoholic liquor, except in the original package. The phrase **ORIGINAL** shall mean any bottle, flask, jug, can, cask, barrel, keg, hogshead or other receptacle or container whatsoever used, corked or capped; sealed and labeled by the manufacturer of alcoholic liquor to contain and to convey any alcoholic liquor.

(1980 Code, § 18.015) Penalty, see § 111.999

§ 111.004 IMITATIONS; UNHEALTHFUL; SEAL.

No alcoholic liquor labeled as "whiskey" or "gin" shall be sold at retail in the city unless the entire alcoholic content thereof, except flavoring materials, is a distillate of fermented mash of grain or mixture of grains. Alcoholic liquor of the type of whiskey or gin not conforming to this requirement may be sold at retail if labeled "imitation whiskey" or "imitation gin" as the case may be. No spirits shall contain any substance, compound or ingredient which is injurious to health or deleterious for human consumption. No package shall be delivered by any manufacturer, distributor or importing distributor or received by any licensee unless the same shall be securely sealed so that the contents thereof cannot be removed without breaking the seal so placed thereon by the manufacturer; and no licensee shall sell or have in his or her possession or use any package or container which does not comply with this section or does not bear evidence that the package when delivered to him or her complied therewith.

(1980 Code, § 18.017) Penalty, see § 111.999

§ 111.005 PEDDLING.

It shall be unlawful to peddle alcoholic liquor in the city.

(1980 Code, § 18.023) Penalty, see § 111.999

§ 111.006 SANITARY CONDITIONS.

All premises used for the retail sale of alcoholic liquor or for the storage of liquor for sale shall be kept in full compliance with the ordinance regulating the condition of premises for the storage and sale of food for human consumption.

(1980 Code, § 18.024) Penalty, see § 111.999

§ 111.007 EMPLOYEES.

It shall be unlawful to employ in any premises used for the retail sale of alcoholic liquor any person who is afflicted with, or who is a carrier of, any contagious, infectious or venereal disease; and it shall be unlawful for any person who is afflicted with or is a carrier of any disease to work in or about any premises or to engage in any way in the handling, preparation or distribution of the liquor.

(1980 Code, § 18.025) Penalty, see § 111.999

§ 111.008 ELECTION DAYS.

As a result in changes by Illinois Compiled Statutes, it is now permissible for the sale at retail of alcoholic liquor on election days.

(1980 Code, § 18.028)

§ 111.009 MUSIC AND DANCING.

No person shall indulge in dancing and no licensee shall permit any dancing and no music shall be made or played, no orchestra shall play or be permitted to play, and no musical instrument shall be played in any premises licensed under this chapter for the retail sale of alcoholic liquor, except in clubs, hotels, cabarets, night clubs, amusement parks and regularly licensed dance halls or pavilions; provided, however, that the provisions of this section shall not apply to victrolas and radios except that they shall not be placed or operated so that sound is audible outside of the licensed premises after 11:00 p.m. at night and between the hours of 11:00 p.m. and 5:00 a.m. of any day; and provided further that there shall not be used in connection with victrolas and radios any loud speakers for the purpose of reproducing sound to the outside of the licensed premise.

(1980 Code, § 18.029) Penalty, see § 111.999

§ 111.010 REPORTING TO POLICE.

All licensees, their agents or employees shall immediately report to the city police any altercations known as fist fights which shall include any physical abuse of another, that occurs on the tavern premises and shall further immediately report to the city police if any tavern patron, other than a police official, is known to be in possession of a gun, knife or other deadly weapon.

(1980 Code, § 18.037) Penalty, see § 111.999

§ 111.011 APPEAL FROM ORDER OF LOCAL COMMISSIONER.

In the event an appeal is taken from an order or action of the Local Liquor Control Commissioner, the appeal shall be limited to a review of the official record of the proceedings of the Local Liquor Control Commissioner.

(1980 Code, § 18.038)

LICENSES**§ 111.025 LICENSE REQUIRED.**

It shall be unlawful to sell or offer for sale at retail in the city any alcoholic liquor without having a retail liquor dealer's license, or in violation of the terms of the license.

(1980 Code, § 18.002) Penalty, see § 111.999

§ 111.026 APPLICATION.

Applications for licenses shall be made to the Mayor in writing, signed by the applicant, if an individual, or by at least two members of a partnership, if the applicant is a partnership or by the

President and Secretary thereof, if a club or corporation, verified by oath or affidavit and shall contain the following statements and information:

(A) The name, age and address of the applicant in the case of an individual; in the case of a co-partnership, the persons entitled to share in the profits thereof; and in the case of a corporation, the objects for which organized, the names and addresses of the officers and directors, the name and address of any person owning more than 5% of the stock and the name and address of the person who will manage the public place;

(B) The citizenship of the applicant, the place of his or her birth, and if a naturalized citizen, the time and place of his or her naturalization;

(C) The character of business of the applicant and in case of a corporation, the objects for which it was formed;

(D) The length of time the applicant has been in business of that character, or in the case of a corporation the date when its charter was issued;

(E) The amount of goods, wares and merchandise on hand at the time application is made;

(F) The location and description of the premises or place of business which is to be operated under the license;

(G) A statement whether applicant has made application for a similar or other license on premises other than described in this application and the disposition of the application;

(H) A statement that applicant has never been convicted of a felony and is not disqualified to receive a license by reason of any matter or thing contained in this chapter, laws of this state, or the ordinances of the city;

(I) Whether a previous license by any state or subdivision thereof, or by the federal government has been revoked and the reasons thereof;

(J) A statement that the applicant will not violate any of the laws of the state, or of the United States or any ordinance of the city in the conduct of his or her place of business;

(K) A written certification of the City Fire Chief that the premises subject to the license has been inspected and found in compliance with the provisions of § 159.01 of this code, adoption of 2000 International Fire Code and the NFPA Life Safety Code;

(L) An investigation of the applicant's background and financial status shall be conducted. The City Council shall have the authority to charge an investigative fee equal to the actual cost to the city of the investigation but not to exceed the amount established by Council. No license may be issued or renewed if the results of the investigation show to the satisfaction of the City Council that issuance or renewal would not be in the public interest.

(1980 Code, § 18.003) (Ord. 8987, passed 7-28-2003) Penalty, see § 111.999

§ 111.027 RESTRICTION ON LICENSES.

No license shall be issued to:

(A) A person who is not a resident of the city;

- (B) A person who is not of good character and reputation in the community in which he or she resides;
- (C) A person who is not a citizen of the United States;
- (D) A person who has been convicted of a felony under the laws of any state;
- (E) A person who has been convicted of being the keeper of or is keeping a house of ill-fame;
- (F) A person who has been convicted of pandering or other crime or misdemeanor opposed to decency and morality;
- (G) A person whose license under this chapter has been revoked for cause;
- (H) A person who at the time of application for renewal of any license issued hereunder would not be eligible for the license upon a first application;
- (I) A co-partnership unless all of the members of the co-partnership shall be qualified to obtain a license;
- (J) A corporation, if any officer, manager or director thereof, or any stockholder or stockholders owning in the aggregate more than 5% of the stock of the corporation, would not be eligible to receive a license hereunder for any reason other than citizenship and residence within the city;
- (K) A person whose place of business is conducted by a manager or agent unless the manager or agent possesses the same qualifications required of the licensee;
- (L) A person who has been convicted of a violation of any federal or state law concerning the manufacture, possession or sale of alcoholic liquor, or who shall have forfeited his or her bond to appear in court to answer charges for any violation;
- (M) 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 issued;
- (N) Any law enforcing public official, any Mayor or Alderman and no official shall be interested in any way, either directly or indirectly, in the manufacture, sale or distribution of alcoholic liquor;
- (O) Any person, firm or corporation not eligible for a state retail liquor dealer's license;
- (P) The Mayor, through the Office of Chief of Police, will ascertain the qualifications of prospective applicants. Any change in managers, corporation officers, directors or stockholder(s) owning over 5% of the stock would require a background investigation of the new manager, officers, directors or stockholder(s) before the issuance of any license. All changes will be reported to the office of the Mayor of the city within five days of their occurrences; and
- (Q) Any person who knowingly shares in any manner a beneficial interest with anyone convicted of a felony within the last ten years including but not limited to the rental or lease payment by a licensee or proposed licensee to anyone convicted of a felony within the last ten years.

(1980 Code, § 18.004)

§ 111.028 LICENSE REQUIRED.

It shall be unlawful to sell, barter, transport, deliver, furnish, possess, keep or offer for sale at retail any alcoholic liquor, or engage in or conduct a retail liquor business, or conduct any place for the sale of alcoholic liquor within the corporate limits of the city without having a retail liquor dealer's license, or in violation of the terms of the license.

(1980 Code, § 18.005) Penalty, see § 111.999

§ 111.029 CLASSIFICATION.

Subject to the limitations, conditions and restrictions hereinafter set forth, eight classes of licenses may be issued pursuant to the terms of this chapter which shall be designated as:

(A) *Class A, retail liquor.* Class A, retail liquor authorizes and entitles the licensee to sell at retail all types of alcoholic liquor for consumption on the premises as well as in package form. Unless otherwise allowed under the terms of a special permit issued by the Liquor Control Commissioner after a petition for the same is submitted to the Police Chief for review and recommendation thereon, or other special permit issued pursuant to the municipal code of the city, an establishment operating under a Class A license which is not a bar may serve alcoholic beverages in an area which is not an "enclosed area" only under the following conditions:

(1) Use of the unenclosed area shall not disturb the lawful use and quiet enjoyment of neighboring properties;

(2) The unenclosed area shall not be within 15 feet of public right-of-way or shall be partially enclosed by a sight proof solid permanent fence or wall, six feet in height around its perimeter, which shall not obstruct any private or public access to or from the licensed property. Chain link fence is not considered a sight proof solid fence;

(3) Any fences, walls or partial enclosures shall be located, constructed and maintained in conformance with the zoning, building and other ordinances and applicable codes of the city;

(4) Music may be played from or broadcast to the unenclosed area only until 10:00 p.m., unless otherwise permitted by ordinance or other provisions of the municipal code of the city;

(5) No alcoholic liquor served in an open container shall be removed from the unenclosed area, except to an enclosed area of the licensed premises;

(6) Upon two well-founded complaints during a single business day, as defined in § 111.135, of excessive noise or disturbance, the unenclosed area shall be closed until the commencement of the next business day.

(B) *Class B, package liquor.* Class B, package liquor, authorizes and entitles the licensee to sell at retail all types of alcoholic liquor in package form only and not for consumption on the premises;

(C) *Class C, special events.*

(1) A special event retailer's license shall permit the licensee to purchase alcoholic liquors from a state licensed distributor and shall allow the licensee to sell and offer for sale, at retail,

alcoholic liquors for use or consumption, but not for resale in any form and only at the location and on the specific, limited, dates designated for the special event in the license;

(2) In addition to the other requirements as may hereafter be specified, a Class C license shall be subject to the following conditions:

(a) The application for the special event license shall identify the purpose of the special event, the location where the alcoholic liquor is to be distributed for use or consumption, the duration for which the license is sought and other information as is required by the Mayor; and

(b) An applicant for the special use permit license must also submit with the application proof satisfactory to the Mayor that the applicant will provide dram shop liability insurance to the maximum limits (ILCS Ch. 235, Act 5, § 5-1) required for licenses issued by State Liquor Control Commission.

(3) There shall be two categories of special event licenses as follows:

(a) *Class C-1, special event not-for-profit.*

1. For purposes hereof, **SPECIAL EVENT NOT-FOR-PROFIT** means an event conducted by an educational, fraternal, political, civic, religious or non-profit organization.

2. a. A special event not-for-profit retailer's licensee may purchase the alcoholic liquors from a licensed retailer if the licensee purchases less than \$500 of alcoholic liquors for the special event.

b. An applicant for a special event not-for-profit retailer license must furnish with the application:

i. A resale number issued under § 2c of the State Retailers' Occupation Tax Act, ILCS Ch. 35, Act 120, or evidence that the applicant is registered under § 2a of the Retailers' Occupation Tax Act, ILCS Ch. 35, Act 120;

ii. A current, valid exemption identification number issued under § 1g of the Retailers' Occupation Tax Act, ILCS Ch. 35, Act 120, and a certification to the Mayor that the purchase of alcoholic liquors will be a tax-exempt purchase; or

iii. A statement that the applicant is not registered under § 2a of the Retailers' Occupation Tax Act, ILCS Ch. 35, Act 120, does not hold a resale number under § 2c of the Retailers' Occupation Tax Act, ILCS Ch. 35, Act 120, and does not hold an exemption number under § 1g of the Retailers' Occupation Tax Act, ILCS Ch. 35, Act 120, in which event the Mayor shall set forth on the special event retailer's license a statement to that effect.

(b) *Class C-2, special event (for profit).* For purposes hereof a **SPECIAL EVENT (FOR PROFIT) LICENSE** means a license issued for a special event to any person, firm, business or entity other than a not-for-profit entity, as defined above.

(D) *Class D, multi-bar.* Class D, multi-bar authorizes and entitles the licensee to have two or more bars located in two or more rooms on the license premises. This shall include banquet and ballrooms;

(E) *Class E, keg lease/sales.* Class E, keg lease/sales authorizes and entitles the licensee to sell, lease or transfer kegs to persons (other than licensees) in accordance with § 111.097 of this code;

(F) *Class F, caterer retailers license.* Class F, caterer retailers license authorizes and entitles the licensee to serve alcoholic liquors as an incidental part of a food service that serves prepared meals which excludes the serving of snacks as the primary meal, either on or off-site from a licensed premises;

(G) *Class G, special use permit.*

(1) Class G, special use permit allows a state licensed retailer holding a city liquor license (other than a Class C-1 or C-2 license) to transfer a portion of its alcoholic liquor inventory from its retail licensed premises to the premises specified in the Class G license, and to sell or offer for sale at retail, only in the premises specified in the license hereby created, the transferred alcoholic liquor for use or consumption, but not for resale in any form. A special use permit license may be granted for the following time periods: three days or less; four days or more days to a maximum of 15 days per location in any 12-month period;

(2) The license shall be issued for a specified time period;

(3) The application for the special use permit shall identify the purpose of the special use permit, the location where the alcoholic liquor is to be distributed for use or consumption, the duration for which the license is sought and other information as is required by the Mayor; and

(4) An applicant for the special use permit license must also submit with the application proof satisfactory to the Mayor that the applicant will provide dram shop liability insurance to the maximum limits (ILCS Ch. 235, Act 5, § 5-1) required for licenses issued by State Liquor Control Commission.

(H) *Class H, beer gardens.* Unless otherwise allowed under the terms of a special permit issued by the Liquor Control Commissioner after a petition for the same is submitted to the Police Chief for review and recommendation thereon, or other special permit issued pursuant to the municipal code of the city, an establishment operating as a bar may serve alcoholic liquor in a beer garden only under the following conditions:

(1) Use of the beer garden shall not unnecessarily disturb the lawful use and quiet enjoyment of nearby properties;

(2) The beer garden shall be partially enclosed by a sight proof solid permanent fence or wall, six feet in height around its perimeter and have an emergency exit. Chain link fence is not considered a sight proof solid fence;

(3) All fences or walls required by this section shall be located, constructed and maintained in conformance with the zoning, building and other ordinances of the city;

(4) Ingress and egress to and from the beer garden shall be through the enclosed area of the bar only. Emergency exits shall be provided as required by the applicable codes and as approved by the Fire Chief;

(5) Music may be played from or broadcast to the beer garden only until 10:00 p.m., unless otherwise permitted by ordinance or other provisions of the municipal code of the city;

(6) No alcoholic liquor served in an open container shall be removed from the beer garden, except to enclosed areas of the bar; and

(7) Upon two well-founded complaints, during a single business day, as defined in § 111.135, of excessive noise or disturbance, the beer garden shall be closed until the commencement of the next business day.

(8) Beer gardens located in an area zoned M2 (Heavy Industrial District) by § 162.028 of this Code, are not required to comply with divisions (2) and (4) above. Said beer gardens shall have a fencing plan and ingress and egress points which have been approved by the Police Department and the Director of Planning and Development.

(I) *Class I, Video Gaming Liquor.* Class I, Video Gaming Liquor authorizes and entitles the licensee to sell at retail all types of alcoholic liquor for consumption on the premises as well as in package form. Class I, Video Gaming Liquor licenses are only available to establishments in the City of Quincy who have an active liquor license or have an application submitted as of December 18, 2017.

(1980 Code, § 18.006) (Ord. 9119, passed 1-28-2008; Ord. 9127, passed 5-19-2008; Ord. 9279, passed 6-29-2015; Ord. 9324, passed 12-26-2017) Penalty, see § 111.999

§ 111.030 LICENSE YEAR.

The semi-annual license period, under this chapter, shall commence on January 1 and July 1 in each year and all licenses shall expire on June 30 and December 31 then next succeeding. All fees shall be due and payable in advance of the first day of each license period.

(1980 Code, § 18.010) Penalty, see § 111.999

§ 111.031 EXEMPTIONS.

Nothing herein contained shall prevent the possession and transportation of alcoholic liquor for the personal use of his or her family, the possession himself or herself and guests and nothing herein contained shall prevent any duly licensed practicing physician or dentist from possessing or using alcoholic liquor in the strict practice of his or her profession, or any hospital or other institution caring for the sick and diseased, from possessing and using alcoholic liquor for the treatment of bona fide patients or the hospital or other institution; and provided further that any drug store employing a licensed pharmacist may possess and use alcoholic liquors in the concoction or prescriptions of duly licensed physicians; and provided further that the possession and dispensation of wine by an authorized representative of any church for the purpose of conducting any bona fide rite or religious service or ceremony conducted by the church shall not be prohibited by this chapter. But druggists and pharmacists selling alcoholic liquor other than in concoction of prescriptions of duly licensed physicians shall be deemed retailers.

(1980 Code, § 18.012) Penalty, see § 111.999

§ 111.032 RECORD OF LICENSE.

The Mayor shall keep a complete record of all licenses issued by him or her under this subchapter and shall furnish the City Clerk, City Treasurer and Chief of Police each with a copy

thereof. Upon the issuance of any new license or the revocation of any old license, the Mayor shall give written notice of the action to each of these officers within 48 hours of the action and the copies of the record and the notice of the action furnished and give to the City Clerk shall by him or her be presented at the next meeting of the Council.

(1980 Code, § 18.019)

§ 111.033 TRANSFER OF LICENSE.

A license shall be purely a personal privilege good for not to exceed twelve months after issuance unless sooner revoked as in this chapter provided, and shall not constitute property nor shall it be subject to attachment, garnishment or execution nor shall it be available or transferable, voluntarily or involuntarily or subject to being encumbered or hypothecated. The license shall cease upon the death of the licensee and shall not descend by the laws of testate or intestate revolution provided that executors or administrators of the estate of any deceased licensee, and the trustee of any insolvent or bankrupt licensee, when the estate consists in part of alcoholic liquor may continue the business of the sale or manufacture 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 the decedent, or the insolvency or bankruptcy until the expiration of the license but not longer than twelve months after the death, bankruptcy or insolvency of the licensee. A refund shall not be made of that portion of the license fee paid for any period in which the licensee shall be prevented from operating except in the case of entry into the armed forces or death of the licensee.

(1980 Code, § 18.020) (Ord. 9335, passed 5-29-2018)

§ 111.034 RENEWAL OF LICENSE.

Any licensee may renew his or her license at the expiration thereof provided that he or she then qualified to receive a license and the premises for which the renewal license is sought are suitable for the purpose; provided further that the renewal privilege herein provided for shall not be construed as a vested right which shall in any case prevent the Mayor from decreasing the number of licenses to be issued within his or her jurisdiction.

(1980 Code, § 18.021)

§ 111.035 CHANGE OF LOCATION.

A retail liquor dealer's license shall permit the sale of alcoholic liquor only in the premises described in the application and license. The location may be changed only upon a written permission to make the change issued by the Mayor. No change of location shall be permitted unless the proposed new location is a proper one for the retail sale of alcoholic liquor under the laws of this state and the ordinance of the city.

(1980 Code, § 18.022) Penalty, see § 111.999

§ 111.036 REVOCATION; SUSPENSION.

(A) The Mayor may revoke or suspend any retail liquor dealer's license for any violation of any provisions of this chapter, or for any violation of any state law pertaining to the sale of alcoholic liquor.

(B) Further upon revocation of any retail liquor dealer's license, after any required hearing, the Mayor may prohibit the maintenance or housing of any licensed retail liquor establishment on the premises described in the revoked license for a period not to exceed one year.

(1980 Code, § 18.035) Penalty, see § 111.999

FEES**§ 111.050 FEES.**

(A) The annual fee for the classifications of licenses above set out shall be as follows:

<i>Classification</i>	<i>Fee</i>
Class A	\$700
Class B	\$800
Class C-1	\$50 per day for up to three days plus \$150 for any period from four to 15 days
Class C-2	\$400 for any period from one to 15 days
Class D	\$800
Class E	\$50 (annual fee)
Class F	\$800
Class G	\$50 per day for up to three days plus \$150 for any period from four to 15 days
Class I	\$10,000

(B) All licenses shall be signed by the Mayor and City Clerk. No person shall, in the city, engage in any business or occupation or exercise any privilege mentioned or referred to in this chapter without first having obtained a license therefore, and a license is hereby expressly required for so engaging in any business or occupation or for the exercising of the privilege; and each person, firm, partnership, club, association or corporation engaged in any business or occupation or exercising any privilege for which a license is required under this chapter shall pay to the city for the license the annual fee herein required for that particular kind of business, occupation or privilege.

(1980 Code, § 18.007) (Ord. 9324, passed 12-26-2017; Ord. 9335, passed 5-29-2018) Penalty, see § 111.999

§ 111.051 DISPOSITION OF FEES.

All license fees shall be paid to the Mayor at the time application is made and shall be forthwith by him or her turned over to the City Treasurer. In the event that the license applied for is denied, the fee shall be returned to the applicant; if the license is granted, then the fee shall be deposited in the General Corporate Fund or in another fund as shall be designated by the City Council by proper action.

(1980 Code, § 18.018) Penalty, see § 111.999

LOCATIONS

§ 111.065 LOCATION REQUIREMENTS.

(A) *Generally.* Except as otherwise provided, no 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 aged or indigent persons or for veterans, their spouses or children or any military or naval station.

(B) *Sale of liquor not the principal business.* Except as to churches, day care, preschool, primary or secondary schools (public and private), the foregoing limitation shall not apply to hotels offering restaurant service, regularly organized clubs, or to restaurants, food shops or other places where the sale of alcoholic liquors is not the principal business carried on.

(C) *Renewal of existing license.* The distance requirement set forth in division (A) above shall not apply to the renewal of a license for the sale at retail of alcoholic liquor on premises within 100 feet of any church or school where the church or school has been established within the 100 feet since the issuance of the original license. If a church locates within 100 feet of property for which there is a preexisting license to sell liquor at retail, the city may by ordinance adopted simultaneously with the granting of an initial special use permit for the church, provide that the 100-foot restriction in this section shall not apply to that church and to future retail liquor licenses.

(D) *Measurement.* 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.

(E) *Special events.* Nothing in this section shall prohibit the issuance of a license to a church or private school to sell at retail alcoholic liquor if any 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.

(F) *Other regulations.* All premises used for the sale of alcoholic liquors shall, additionally, be in compliance with all applicable provisions governing the premises, including, but not limited to, zoning regulations established by Chapter 162 of this code. The regulations shall include, but not be limited to the requirements of having a special permit in C1B Districts (or districts which, as a nonconforming use, would be treated as a C1B District). In the event of any conflict, that most restrictive shall apply.

(1980 Code, § 18.026) (Ord. 9019, passed 7-12-2004) Penalty, see § 111.999

§ 111.066 CLOSING HOURS.

(A) Except as otherwise provided herein, no person or licensee hereunder 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 license, between the hours of 1:00 a.m. and 5:00 a.m. of any day except that on January 1 of each year the persons or licensees hereunder may sell or offer for sale at retail alcoholic liquors, and allow same to be consumed on the licensed premises, or other premises under the control, directly or indirectly of the licensee, between the additional hours of 1:00 a.m. and 4:30 a.m. of the day.

(B) No licensee or his or her agent shall permit any person, other than those paid employees, to remain upon or enter the licensed premises during closing hours.

(C) A licensee holding a Class B license, and whose primary sales is not alcoholic beverages, shall not sell any alcoholic liquors between the hours of 1:00 a.m. and 5:00 a.m., but may remain open for the sale of other merchandise during that time.

(1980 Code, § 18.027) (Ord. 9279, passed 6-29-2015) Penalty, see § 111.999

§ 111.067 DESCRIPTION OF THE PREMISES.

(A) *Generally.* Every licensee shall state the legal numerical block description of the premises in which the licensee shall operate under the license and every licensee shall confine his or her operations strictly to the licensed premises; and no alcoholic liquor shall be sold or delivered by him or her or his or her agents or employees outside of the licensed premises. To those licensee's who are engaged in the sale of packaged liquors allowing delivery off the premises by the seller, provided the buyer personally has purchased the liquor on the premises.

(B) *Multiple license.* A licensee holding both a night club license and a regular retail liquor dealer's license for operation within the same building or premises as allowed in § 111.136 shall provide a map or diagram (with the license application) specifically describing and delineating the floor plan and space within which each operation (night club) and (regular retail liquor license sales) shall be separately maintained and conducted. The special restrictions and regulations applicable respectively to the separate licenses shall be observed as applicable for the separate licenses premises.

(1980 Code, § 18.030) Penalty, see § 111.999

§ 111.068 LIGHTING.

(A) All premises and/or rooms where liquor is sold for consumption on the premises and any rooms accessible to the patrons thereof shall be reasonably lighted to afford patrons safe movement while therein.

(B) While at times natural lighting may afford sufficient lighting as herein required the premises and all parts thereof accessible to the patrons shall be equipped with electrical lighting which shall be turned on to provide for safe movement when natural light does not provide for the patrons safe movement therein.

(C) In addition to the above, all premises as herein described must be able to be fully lighted in the case of an emergency or for inspection by law enforcement authorities.

(1980 Code, § 18.031) Penalty, see § 111.999

§ 111.069 POSTING.

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

(1980 Code, § 18.032) Penalty, see § 111.999

SALES

§ 111.080 SALE WITH MEALS.

No person shall receive a license to sell alcoholic liquor upon any premises as a restaurant or as a club unless it has the qualification respectively described in this chapter.

(1980 Code, § 18.011) Penalty, see § 111.999

§ 111.081 SALE IN PUBLIC BUILDINGS.

No alcoholic liquors shall be sold or delivered in any building belonging to or under the control of the city, with the exception of the restaurant premises located at the Quincy Regional Airport. No person shall furnish or suffer to be furnished any alcoholic liquor to any person confined in any jail or house of correction except upon a physician's prescription for medicinal purposes. Alcoholic liquor may be sold or delivered in the restaurant premises at the Quincy Regional Airport provided that the tenant of the premises obtains all required licenses and permits.

(1980 Code, § 18.014) (Ord. 9257, passed 5-19-2014) Penalty, see § 111.999

§ 111.082 SALE TO INTOXICATED PERSONS.

It shall be unlawful for any holder of a retail liquor dealer's license to sell, deliver or give any liquor to an intoxicated person.

(1980 Code, § 18.033) Penalty, see § 111.999

§ 111.083 ATTENDANCE AT BAR.

(A) It shall be unlawful for any person under 21 years of age to attend bar or to draw, pour or mix any alcoholic liquor in any licensed retail premises.

(B) Any person 18 years of age or over, however, may serve alcoholic liquor as a waiter or waitress in any licensed retail premises and may also sell package liquor in any retail store properly licensed.

(1980 Code, § 18.034) Penalty, see § 111.999

§ 111.084 POSSESSION OR SALE OF ALCOHOL TO PERSONS UNDER 21 YEARS OF AGE.

(A) It shall be unlawful for any person under 21 years of age to drink, purchase or possess alcoholic liquor, or to misrepresent his or her age for the purpose of purchasing or obtaining alcoholic liquor in any tavern or other place in the city where alcoholic liquor is sold.

(B) It shall be unlawful to sell, give or deliver alcoholic liquor to any person under 21 years of age or to permit any persons under 21 years of age to consume alcoholic liquor.

(C) If a licensee or his or her agents or employees believes or has reason to believe that a sale or delivery of alcoholic liquor is prohibited because of the non-age of the prospective recipient, he or she shall, before making the sale or delivery, demand presentation of the official city liquor identification card, or a military identification card or driver's license issued by a competent authority containing proof of age and a photograph.

(D) *POSSESS* as used herein shall mean to physically or constructively possess a container or receptacle containing an alcohol liquor or to possess by consumption any amount of alcoholic liquor. Any evidence of consumption of alcoholic liquor by a person under 21 years of age shall be prima facie evidence and create a rebuttable presumption that the person is in possession of alcohol within the meaning of this section, which presumption may be rebutted by a preponderance of evidence that the consumption took place in a specific, reasonably identified location outside the boundaries of the city.

(1980 Code, § 18.036) (Ord. 8997, passed 11-24-2003) Penalty, see § 111.999

ALCOHOLIC LIQUOR**§ 111.095 TRANSPORTATION OR POSSESSION OF ALCOHOLIC LIQUOR IN A MOTOR VEHICLE.**

(A) Except as provided in division (C) below, no driver may transport, carry, possess or have any alcoholic liquor within the passenger area of any motor vehicle except in the original container and with the seal unbroken.

(B) Except as provided in division (C) below, no passenger may carry, possess or have any alcoholic liquor within any passenger area of any motor vehicle except in the original container and with the seal unbroken.

(C) This section shall not apply to the passenger on a chartered bus when it is being used for purposes for which chartered buses are ordinarily used or on a motor home or mini motor home as defined in § 1-145.01 of the Illinois Vehicle Code, being ILCS Ch. 625, Act 5. However, the driver of any vehicle is prohibited from consuming or having any alcoholic liquor in or about the driver's area. Any evidence of alcoholic consumption by the driver shall be prima facie evidence of the driver's failure to obey this section.

(D) The exemption applicable to chartered buses under division (C) above does not apply to any chartered bus being used for school purposes.

(1980 Code, § 18.016) Penalty, see § 111.999

§ 111.096 CONSUMPTION AND POSSESSION OF ALCOHOLIC LIQUOR OR BEVERAGE ON PUBLIC STREETS, ALLEYS AND SIDEWALKS AND LOTS.

(A) *Consumption and possession unlawful.* It shall be unlawful for any person to either consume or drink any alcoholic liquor or beverage, or, alternatively, possess any alcoholic liquor or beverage not in its unopened or uncapped package, while upon any public street, public alley, public sidewalk or public parking lot within the corporate limits of the city.

(B) *Definitions.* For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

PACKAGE.

(a) Any bottle, flask, jug, can, cup, cask, barrel, keg, hogshead or other receptacle or container whatsoever used to contain and to convey any alcoholic liquor or beverage.

(b) A *PACKAGE* shall be considered unopened or uncapped if:

1. Corked or capped, sealed and labeled by the manufacturer of the alcoholic liquor or beverage; or

2. The seal or other method of closure is broken, but is resealed, recapped or closed preventing its consumption without again breaking the seal or otherwise opening the package.

(c) A cup or glass designed for drinking beverages shall not be considered unopened or uncapped irrespective of the purported method of resealing, recapping or closure.

PUBLIC ALLEY. A public way within a block, generally giving access to the rear of lots or buildings and not used for general traffic circulation.

PUBLIC PARKING LOT. Any place available to the general public or the customers of a place, establishment or business open to the general public, whether or not publicly owned, used for the standing of a vehicle, whether occupied or not.

PUBLIC SIDEWALK. The portion of a street between the curb lines, or the lateral lines of a roadway, and the adjacent property lines, intended for use of pedestrians, and also including any

grassways or other areas between that portion of a street actually improved, designed and used for vehicular traffic and the adjacent property lines not subject to a right-of-way

PUBLIC STREET. The entire width between boundary lines of every way publicly maintained when any part thereof is open to the use of the public for purposes of vehicular travel.

(C) *Exception.* This section shall not apply to real estate owned, operated and controlled by the Quincy Park District. This section shall not apply in or on any public street, public alley, public sidewalk or public parking lot when a permit has been issued by the Mayor and city authorizing the drinking, consumption or possession of alcoholic liquor or beverages on the same. The permit shall be limited to the duration prescribed in the permit and shall apply only to those public streets, public alleys, public sidewalks or public parking lots, or portions thereof, specifically described in the permit. Applications for the permit shall be made to the City Clerk and referred to the Mayor and City Council. No permits shall be issued except with the approval of both the Mayor and City Council.

(D) *Permitting open liquor to leave licensed premises.*

(1) It shall be unlawful for any licensee or his or her agents to leave or allow another to leave the licensed premises while in possession of an open container of an alcoholic beverage.

(2) The licensee shall post a sign at each exit. This sign shall not be less than eight inches by ten inches and shall be bold and easily read letters. The sign shall read as follows:

NO PERSON SHALL LEAVE THIS ESTABLISHMENT WITH AN UNSEALED CONTAINER CONTAINING AN ALCOHOLIC BEVERAGE. PERSONS DOING SO ARE SUBJECT TO ARREST.

(1980 Code, § 18.039) Penalty, see § 111.999

§ 111.097 KEG AND PERMIT STICKERS.

(A) *Definitions.* For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

KEG. A beer keg or similar cask or barrel designed and used for storage and dispensing of beer.

LICENSEE. A person, firm or entity issued a retail liquor dealer's license under this chapter.

LIQUOR CONTROL COMMISSIONER. The Mayor of the city.

(B) *Permit sticker required.*

(1) *Generally.* Except as otherwise provided herein, it shall be unlawful for any person who is not a licensee to possess, lease, purchase or attempt to possess, lease or purchase a keg within the city without having first obtained a permit and permit sticker as set forth herein. It shall be unlawful for any person to possess a keg within the city which does not have a permit sticker affixed thereto.

(2) *Exception.* No permit or sticker under this section shall be required for a keg utilized in a licensed premise for licensed sales of alcoholic liquor, or for a keg utilized for the sale of alcoholic liquor pursuant to any licensed permit issued under this chapter of the municipal code.

(C) *Issuance of permit stickers; license; records.*

(1) No licensee shall sell, lease or transfer possession of any keg for which a permit sticker is required (as provided above) unless the licensee has first obtained a Class E (keg lease/sales) license. It shall be unlawful for any licensee or licensee's agent or employee to sell, lease or transfer possession of a keg to any person who does not first obtain from the licensee, a permit and permit sticker issued by the city, subject to the restrictions and limitations provided herein. The licensee or licensee's agent or employee shall cause the permit sticker to be affixed to the keg in a conspicuous place before allowing the keg to be removed from the premises. A duplicate sticker shall be affixed by the licensee to the permit application form (described below). The licensee shall maintain a record of all permits obtained for the purchase, lease or possession of kegs for a period of 12 months. The application form (with attached duplicate sticker) shall be mailed or delivered to the City Police Department within 14 days of the sale, lease or delivery of the keg. The records maintained by the licensee shall, in addition, be presented for inspection by the Liquor Control Commissioner upon request.

(2) Any person of lawful age may obtain a keg permit and permit sticker subject to the limitations, exceptions and fees set forth herein.

(a) The permit shall be issued for each keg without charge.

(b) Any person desiring to obtain a keg permit shall complete an application form provided by the city setting forth the applicant's full name, address and telephone number; the address and date(s) where the applicant will be possessing the keg; the name and telephone number of the owner or lessor of that address; and the application shall contain a statement and verification that the person is eligible to obtain a permit sticker within the meaning and restrictions of division (C)(2)(c) below. In addition, the applicant must provide proof of identity and age in the form of a valid driver's license or other picture identification. Falsifying any information on the permit application shall constitute a violation of this section.

(c) No person shall obtain or be issued a keg permit sticker if that person has been adjudicated in violation of any provision of this chapter of the municipal code or any provision of ILCS Ch. 235, Act 5 within the previous 365 days. No licensee shall be liable under this section, unless the licensee knowingly issues a permit sticker to a person so adjudicated.

(D) *Sale prohibited.* No person issued a permit sticker under these provisions may sell or exchange for consideration of whatever kind or description, alcoholic liquor, directly, or indirectly, including, but not limited to, by means of an admission charge, cup fee or any other device.

(E) *Time period.* No permit sticker shall be valid for a period exceeding the lesser of the period of any lease of any keg or 30 days from the date of issuance by the licensee.

(F) *Removal.* No person, other than a licensee, shall remove, alter, change, deface or obliterate, in any manner a permit sticker affixed to a keg.

(1980 Code, § 18.040) Penalty, see § 111.999

CONSUMPTION OF ALCOHOLIC LIQUOR ON UNLICENSED PREMISES

§ 111.110 CONSUMPTION OF ALCOHOLIC LIQUORS ON UNLICENSED PREMISES.

No owner, proprietor, associate, member or officer, agent or employee thereof, of any establishment inviting or permitting public patronage, or use by any member and guests, shall in the ordinary course of operation permit the consumption or possession of, and no person shall consume or possess alcoholic liquors on the premises, and no person shall permit alcoholic liquor to be brought into or bring into a public place or club except those specifically licensed for possession, consumption or sale of alcoholic liquor on the premises.

(1980 Code, § 18.100) Penalty, see § 111.999

§ 111.111 NON-ALCOHOLIC BEVERAGE.

No person shall provide nor sell at retail for consumption on the premises any non-alcoholic beverages or ice, knowing same to be intended to be mixed with or consumed with any alcoholic liquor.

(1980 Code, § 18.101) Penalty, see § 111.999

§ 111.112 RESTRICTION ON LICENSES.

Licenses shall be subject to the same restrictions as those persons or entities requiring a license to sell alcoholic beverages at retail.

(1980 Code, § 18.102) Penalty, see § 111.999

§ 111.113 FEES; CONSUMPTION OF ALCOHOLIC LIQUOR ON UNLICENSED PREMISES.

There shall be only one classification of license and the semi-annual license fee shall be \$700. All licenses will be signed by the Mayor and City Clerk. The semi-annual license period, under this section, shall commence on January 1 and July 1 in each year. All fees must be paid in advance of the first day of each licensing period. In appropriate situations the Mayor may prorate the fee.

(1980 Code, § 18.103) Penalty, see § 111.999

§ 111.114 LOCATION.

Licenses shall be subject to the same location requirements as those persons or entities requiring a license to sell alcoholic beverages at retail.

(1980 Code, § 18.104) Penalty, see § 111.999

§ 111.115 (RESERVED).

§ 111.116 REVOCATION OR SUSPENSION.

The Mayor may revoke or suspend any license issued hereunder for violation of this chapter of the code of the city or for any violation of any state law pertaining to the sale of alcoholic liquor.

(1980 Code, § 18.106) Penalty, see § 111.999

§ 111.117 REPORTING TO POLICE.

All licensees, their agents or employees shall immediately report to the city police any altercation that occurs on the tavern premises and shall further report to police if any patron, other than a police official is known to be in possession of a gun, knife or other deadly weapon.

(1980 Code, § 18.107) Penalty, see § 111.999

§ 111.118 HEARING.

If the Mayor has reason to believe there is grounds for suspension or revocation of the license of any licensee hereunder, he or she should hold a hearing and make a transcript of the evidence taken. Notice of hearing, setting out the alleged violation, shall be given to the licensee by registered mail at least five days before the hearing. The Mayor must make his or her decision within ten days of the hearing.

(1980 Code, § 18.108) Penalty, see § 111.999

§ 111.119 APPEAL FROM HEARING.

All hearings shall be subject to the administrative review act of the state and review or appeal may be taken in accordance with state statutes.

(1980 Code, § 18.109) Penalty, see § 111.999

§ 111.120 EXEMPTION.

Bona fide religious, charitable, labor, fraternal, educational or veteran's organizations that operate without profit to their members shall be exempt from the provisions of this chapter.

(1980 Code, § 18.111) Penalty, see § 111.999

§ 111.121 INSPECTION.

The issuance and/or renewal of all Class A, C and G licenses shall be contingent upon satisfactory completion of an inspection, at least annually, of the premises served under the licenses by the City Fire Department to assure that the premises where alcoholic liquor is served are in compliance with the provisions of § 159.01, adoption of 2000 International Fire Code, of this code and the NFPA Life Safety Code.

(1980 Code, § 18.112) (Ord. 8987, passed 7-28-2003) Penalty, see § 111.999

CABARETS AND NIGHT CLUBS

§ 111.135 CABARET OR NIGHT CLUB LICENSE.

(A) *Generally.* In addition to the above classifications, licenses shall be issued for the establishment of a cabaret or night club which license shall permit the sale of alcoholic liquor on the premises subject to the following limitations and regulations.

(B) *Fee.* An annual license fee of \$2,500 shall be payable in advance on January 1 of each year for a renewal license.

(C) *Hours of operation.*

(1) (a) Establishments holding a cabaret or night club license may be open for operation during any business day. *BUSINESS DAY* as used herein shall mean any period of time from 11:00 a.m., until the hour of 2:30 a.m., of the following day every day except Saturdays when the closing time may be extended until 3:30 a.m. of the following day. Notwithstanding the foregoing, the licensed establishments may operate and be open until 4:30 a.m., on January 1 of each year. Except as provided above, the establishments shall not be open, nor shall any person or licensee sell or offer for sale at retail any alcoholic liquor, 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.

(b) No licensee or their agent shall permit any person, other than those paid employees, to remain upon or enter the licensee's premises during closing hours.

(2) Closing time is computed by the time convention in effect at the beginning of the business day. If, for example, standard time is in effect at 11:00 a.m. of the business day, standard time shall be used to fix closing time.

(D) *Minors absolutely prohibited.*

(1) *Prohibition.* No establishment licensed under this section shall permit any person under the age of 21 at any time of a business day after 12:30 a.m. in which the establishment shall sell or offer for sale any alcoholic liquors or furnish or give away or allow or permit the same to be consumed on the licensed premises; provided, however, a person under 21 years of age but at least 18 years of age may be employed in a night club other than for the purpose of attending a bar or drawing, pouring, mixing or serving any alcoholic liquor.

(2) *Exception.*

(a) A person under 21 years of age, but at least 18 years of age, may be employed in a night club, other than for the purpose of attending a bar or drawing, pouring, mixing or serving any alcoholic liquor.

(b) Minors may be admitted in a nightclub, if accompanied by a parent or legal guardian.

(3) *Discretion in license.* The licensee of any establishment licensed under this section may for any or all days or any combination of days elect to limit attendance to the establishment to persons 21 years and older. On so electing, the licensee must apply the limitation uniformly throughout that business day. Nothing in this section requires a licensee to adopt a policy of admitting minors to an establishment so licensed.

(4) *Signage.* Licensees shall have clearly visible signage, legible from all points of entry to the cabaret and/or night club stating the following:

NO ONE UNDER 21 PERMITTED ON THESE PREMISES AFTER 12:30 A.M.

\$1,000 MINIMUM FINE FOR DIVERTING ALCOHOLIC BEVERAGES TO A
MINOR.

City Ordinances

(E) *Revocation; multiple suspensions.* In addition to any other grounds for revocation of licenses as provided under this chapter, the Mayor shall revoke any cabaret or night club license held by a licensee who violates any of the provisions of this chapter, for any violation of any state law or regulation pertaining to the sale of alcoholic liquor, if the license has previously been suspended on at least three separate occasions within a period of three years from the date of the most current violation.

(1980 Code, § 18.008) (Ord. 8936, passed 3-4-2002) Penalty, see § 111.999

§ 111.136 LICENSE RESTRICTIONS FOR CABARETS AND NIGHT CLUBS.

(A) *Generally.* It shall be unlawful for any holder of a cabaret or night club license to operate a tavern or to hold a regular retail liquor license; and it shall be unlawful for any holder of a regular retail liquor license to operate a cabaret or night club in connection therewith.

(B) *Exception.* Notwithstanding the foregoing, the holder of night club license may obtain a regular retail liquor license, provided the regular retail liquor operations located within a separately dedicated and delineated space within the same building or premises where the night club is located. The operation shall be separately designated and maintained as provided in § 111.067 hereof.

(1980 Code, § 18.009) Penalty, see § 111.999

§ 111.999 PENALTY.

(A) *Generally.* Any person violating any provision of this chapter, for which no other penalty is provided, shall be subject to the penalty provisions of § 10.99.

(B) *Keg and permit stickers.* Violation of § 111.097 shall be punishable as set forth in § 10.99 of this code.

(1980 Code, § 18.040)

(C) *Consumption of alcoholic liquor on unlicensed premises.* Any person, partnership, corporation or other business entity which violates any provision of §§ 111.110 through 111.121 shall, in addition to suffering suspension or revocation of its license, be subject to the penalty provision set forth in § 10.99 of this code, provided that the minimum fine for the willful disobedience by a licensee of an order to discontinue operations in an unenclosed area shall be \$100 for the first offense, \$200 for a subsequent offense and \$300 for a second subsequent offense.

(1980 Code, § 18.110) (Ord. 9119, passed 1-28-2008)