

CHAPTER 3 - ALCOHOLIC LIQUOR^[1]

Footnotes:

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Cross reference— Food and food handlers, Ch. 10; retailer's occupation tax, § 22-26 et seq.

State Law reference— Alcoholic liquors generally, 235 ILCS 5/1-1 et seq.

ARTICLE I. - IN GENERAL

Sec. 3-1. - Definitions.

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

Actual resident of the county: An individual person, or in the case of a corporation, partnership, or other legal entity, its manager or agent, who has established residency in Peoria County as evidenced by:

- (1) Ownership and occupancy of a personal residence, solely or jointly, evidenced by a deed, contract for deed, or other legal instrument of record in the Peoria County Recorder of Deeds office; or
- (2) Occupancy of a personal residence, under a lease, having a term of one or more years; and
- (3) Other indicia of residency such as, mailing address, drivers license and voter registration.

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 5/1-3.05.

Beer: A beverage obtained by the alcoholic fermentation of an infusion or concoction of barley, or other grain, malt, and hops in water, and includes, among other things, beer, ale, stout, lager beer, porter and the like.

State Law reference— Similar provisions, 235 ILCS 5/1-3.04.

Business operating as a public accommodation (bottle club): Any business operating as a public accommodation that is located in an unincorporated area of the county that permits the consumption of alcoholic liquor on the business premises. For purposes of this section, "public accommodation" means a refreshment, entertainment, or recreation facility of any kind, whether licensed or not, whose goods, services, facilities, privileges, or advantages are extended, offered, sold or otherwise made available to the public, but does not mean a "club" as hereafter defined, when the accommodations are only open to members and guests.

State Law reference— Similar provisions, 55 ILCS 5/5-1126.

Cater. To agree or contract for compensation to obtain or provide any type of alcoholic liquor or to mix, pour or serve any type of alcoholic liquor at any private party or other type of private gathering of people in the unincorporated areas of the county including the acts described herein and those described in the definition of the word "sale" in this section.

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 good 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— Similar provisions, 235 ILCS 5/1-3.24.

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

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.

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

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 twenty-five (25) 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— Similar provisions, 235 ILCS 5/1-3.25.

Minor: Any person who has not attained the age of twenty-one (21) years.

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.

Private function: A prearranged private party, function, or event for a specific social or business occasion, either by invitation or reservation, and not open to the general public, where the guests in attendance are served in a room, rooms, or area designated and used exclusively for the private party, function or event.

Public function: A prearranged function or event for a specific social, business, sporting, entertainment or similar occasion which is open to the public, either with or without admission charge including activities such as concerts, exhibitions, receptions, plays or festivals.

Rental hall business: A business organized in such a way that it provides a place available for rental by members of the general public. The building housing the business must be designated to accommodate a minimum of two hundred fifty (250) persons safely. Such a business is typified by wedding celebrations, parties, or dances by private clubs or individuals. The lessor/licensee is paid a fee by the lessee for use of hall and for providing alcoholic liquor.

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 fifty (50) 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— Restaurant defined, 235 ILCS 5/1-3.23, 5/6-25.

Retail sales: The sale for use or consumption and not for resale.

State Law reference— Similar provisions, 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— Sale defined, 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— Similar provisions, 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 obtained by distillation.

(Code 1969, § 16-1; Ord. of 6-9-92; Ord. of 12-12-95; Ord. of 6-9-05; Ord. of 10-11-12; Ord of 2-8-18)

State Law reference— Wine, defined, 235 ILCS 5/1-3.03.

Sec. 3-2. - 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. (235 ILCS 5/1-2 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 this county. In the event of a conflict between state law and any provision of this chapter, the state law shall govern.

(Code 1969, § 16-2)

Sec. 3-3. - Local liquor control commissioner; liquor commission.

- (a) The chairman of the county board shall be the local liquor control commissioner of the county outside the corporate limits of any city, town, or village. The chairman shall appoint a person or persons, not to exceed three (3), to serve at a fixed compensation set by the Peoria County Board and to be known as the county liquor commission to assist him in the exercise of his powers of investigation of applications, hearings on violations, and other powers in the performance of his duties as local liquor control commissioner. They shall serve for a term of two (2) years or until their successor is appointed and confirmed; provided however, in the initial appointments to the commission, the commissioner shall appoint one member for a two-year term and two (2) members for a one-year term. Thereafter, all appointments shall be for the full term of two (2) years.
- (b) No member of the county board, other than its chairman, may be appointed or serve simultaneously as a member of the commission and the county board.
- (c) The chairman of the county board, as local liquor control commissioner, and each member appointed to the county liquor commission, shall give a bond running to the county, conditioned upon the faithful performance of his duties, and the proper accounting of all money which he shall receive as liquor control commissioner, in the penal sum of two thousand dollars (\$2,000.00), said bond to be properly executed by the chairman of the board, as such liquor control commissioner for the county, together with proper sureties; and to be approved before acceptance by the auditor and state's attorney of the county.
- (d) The compensation for members of the Peoria County Liquor Commission is set at the flat rate of thirty dollars (\$30.00) per day for each day that a member is directed by the Peoria County Liquor Control Commissioner to attend hearings for the enforcement of this chapter.

(Code 1969, §§ 16-3, 16-29.1; Ord. of 9-9-04; Res. of 9-9-04; Ord. of 9-13-07)

State Law reference— Local liquor control commission, 235 ILCS 5/4-2—5/4-4.

Sec. 3-4. - Possession, purchase, dispensing or consumption of liquor by person of non-age; proof, misrepresentation of age.

- (a) Any person to whom the sale, gift or delivery of any alcoholic liquor is prohibited because of age shall not purchase or accept a gift of such alcoholic liquor 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.

- (b) If a licensee or his agent or employees believes or has reason to believe that a 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 therefor in any proceedings for the suspension or revocation of any license based thereon.

- (c) 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.

(Code 1969, §§ 16-13.1—16-13.3)

State Law reference— Purchase, etc. by minors, 235 ILCS 5/6-20.

Sec. 3-5. - Carrying alcoholic liquor in unsealed or opened container from premises.

- (a) 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.
- (b) No licensee or person as proprietor, agent, servant or employee of such licensee shall knowingly permit any patron to violate this section not 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.

(Code 1969, § 16-16)

Sec. 3-6. - Penalty.

A violation of this chapter shall be punishable by a fine of not less than twenty-five dollars (\$25.00) and not more than five hundred dollars (\$500.00) for each offense. Each day any violation of any provision of this chapter shall continue shall constitute a separate offense.

(Code 1969, § 16-30)

State Law reference— Penalty for violation of county ordinances, 55 ILCS 5/5-1113.

Secs. 3-7—3-15. - Reserved.

ARTICLE II. - LICENSES, PERMITS, ETC.

Sec. 3-16. - Required and conditions for license.

Licenses must be obtained from the local liquor control commissioner for the sale of alcoholic liquors in all its forms or to conduct a business operating as a public accommodation, 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 unincorporated areas of the county any alcoholic liquor or conduct a business operating as a public accommodation 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 or conduct a business operating as a public accommodation, in violation of the terms and conditions of such license.

(Code 1969, § 16-4; Ord. of 6-9-05; Ord. of 10-11-12)

Sec. 3-17. - 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.

(Code 1969, § 16-19)

Sec. 3-18. - Application forms and payment of fees.

All applicants for a license for the sale of alcoholic liquors at retail in the county shall make their application on forms provided by the local liquor control commissioner. The county 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 fee in the amounts as set forth in section 3-24 of this Code. The application for an initial annual license shall be accompanied by the fee as provided in section 3-24(a) of this chapter; and the applicant upon notification by the commissioner, or the commissioner's deputy, that such application has been approved shall remit the appropriate fee.

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

No license shall be renewed unless the applicant provides documentation that any tax owed to the county by the applicant has been satisfied by payment in the form of a cashier's check, certified check, money order, or cash.

(Code 1969, § 16-21; Ord. of 10-11-12)

Sec. 3-19. - 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 other retail sales of such liquor.
- (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, as well as other retail sales of such liquor.
- (3) *Class C.* Class "C" licenses 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 in hotel for consumption on the premises, when such retail sale is made by the same person who operates the hotel.

A separate license shall be obtained in each permanent location or place under the same roof in which the hotel shall be located; provided, that nothing contained in this chapter shall be so construed as to prevent any hotel operator, licensed under the provisions of this chapter, from serving alcoholic liquors to registered guests in any room designed for temporary and permanent habitation with sleeping accommodations and bathing amenities, if such liquor so served shall be kept in and served from a licensed location, place or premises in the hotel.

- (5) *Class E.* Class "E" licenses shall authorize the retail sale on the premises of alcoholic liquors in any club, as defined in this chapter, for consumption on the premises. For the purposes of this section, the term "membership" shall include any and all persons who are entitled to the use of the club facilities.
- (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, as well as other retail sales of such beer and wine.
- (7) *Class G.* Class "G" licenses shall authorize the retail sale of alcoholic liquors on the premises of a nationally organized veteran's organization; provided, the following conditions shall be met; said nationally organized veteran's organization shall be an entity organized under the laws of Illinois, not for pecuniary profit. Such entity shall be organized 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.

The entity shall own, hire or lease a building or space in a building adequate for the reasonable and comfortable use and accommodation of its members and their guests, and shall contain suitable and adequate kitchen and dining room space and equipment for the membership.

The entity shall, at the time of its application, file two (2) copies of a current list of the names and residences of its members.

In addition to the foregoing requirements of this section, an entity seeking to qualify for a Class "G" license shall conduct its affairs by a board of directors, executive committee, or similar body chosen by the members at their annual meeting; and no member or officer, agent or employee of the entity, is paid directly or indirectly, in the form of a salary or other compensation or income, any profits from the distribution or sale of alcoholic liquors; and provided that no such entity shall sell any alcoholic liquor to anyone not a member of such club unless accompanied by a member of such club.

- (8) *Class H.* Class "H" licenses shall authorize the consumption of alcoholic liquors on the premises of a business operating as a public accommodation.
- (9) *Class I.* Class "I" 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. In the case of privately owned public golf course, alcoholic liquors may be sold and consumed on the exterior grounds of the golf course.
- (10) *Class J.* Class "J" licenses shall authorize the retail sale and consumption of beer and wine only on the premises and exterior grounds of any golf course.
- (11) *Class K.* Class "K" licenses shall authorize the retail sale of alcoholic liquor for consumption on the premises of a rental hall business when such retail sale is made by the person who operates the

rental hall business and the retail sale of alcoholic liquor at functions off the premises when the food is catered by the licensee, and the sale of alcoholic liquor is only incidental to the food service provided that such function, other than a live theatrical performance at a facility maintained exclusively for live theatrical performances, is not open to the general public but only to invited guests and that the sale of alcoholic liquor is in bulk to the person or organization conducting the function and no charge is made to persons being served individual drinks.

- (12) *Class L.* Class "L" licenses shall authorize catering of alcohol as an incidental part of a food service that serves prepared food at private functions for a package price agreed upon under contract on any approved location with the following requirements:
- a. Not less than ten (10) days prior to the function, the licensee shall file with the county clerk the location of the event, the estimated number of invited individuals, a description of the private event and proof of dram shop (liability) insurance for the off-site function which is satisfactory to the local liquor control commissioner. Proof of insurance shall include the policy number and amount of coverage: the insurance shall be in the minimum amounts required in subsection (a) of section 6-21 of the Illinois Liquor Control Act of 1934 (235 ILCS 5/6-21(a));
 - b. A photocopy of the liquor license must be displayed on the premises during any such function;
 - c. Gross revenue from the sale of alcoholic liquor at any one event shall not exceed fifty (50) percent of the total gross revenues generated from the sale of alcohol and the service of food at that event. Within fourteen (14) days after the function, the licensee shall file an affidavit with the county clerk on a form provided by the local liquor commissioner, certifying compliance with this requirement;
 - d. The service and consumption of alcoholic liquor shall only be permitted on the premises where food is catered and served;
 - e. No agent or employee of the licensee shall consume any alcoholic liquor while employed during the catered event;
 - f. The service of alcoholic liquor must be by a person at least twenty-one (21) years of age who is an agent or employee of the licensee;
 - g. Hours for private events catered under this license shall comply with sections 3-46 and 3-47 of this chapter;
 - h. The licensee shall comply with all applicable ordinances and state laws and shall obtain all applicable permits for the private catered event.

(Code 1969, § 16-18.1; Ord. of 6-9-05; Ord. of 10-11-12; Ord of 2-8-18)

State Law reference— Authority to determine license classifications, 235 ILCS 5/4-1.

Sec. 3-20. - 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. Such application shall describe in detail the current and proposed operation, and the characteristics of the operation, including:
- (1) The current and proposed use of the property (e.g., tavern, or tavern and restaurant, or tavern with living quarters on the second floor).
 - (2) Other food or liquor licenses held by the subject property.

- a. Any proposed structures (e.g., beer garden, deck);
 - b. Hours of operation, specifically the hours during which the beer garden will be open to patrons or live entertainment will be provided;
 - c. Whether the property is served by public water or a well/public sewer or a septic system.
- (3) A site plan that shows:
- a. Layout of all existing and proposed buildings and structures onsite;
 - b. The traffic circulation pattern;
 - c. The parking and loading areas;
- (b) 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.
- (c) It shall be unlawful for any licensee to operate as provided in the hereinafter enumerated five (5) subclasses of licenses without holding a current valid subclass license for such operation.
- (d) The term of subclasses 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.
- (e) Before the issuance, denial, renewal, continuation or termination by the commissioner of any subclass (1), (2), (3), or (5) license, any licensee or person owning property or residing within a five 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:
- (1) The zoning classification of the licensed premises;
 - (2) The character of the surrounding area;
 - (3) The traffic and parking situation, including any off-street parking requirements of the licensed business, within a five hundred-foot radius;
 - (4) Any statements of interested persons, either oral or written;
 - (5) The impact of such proposed or existing subclass license on the character of and the traffic and parking situation in the immediate neighborhood;
 - (6) Any past operating history of the licensee and the proposed site.
- (f) 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.

(Code 1969, § 16-18.2; Res. of 5-14-85; Ord. of 6-9-05; Ord. of 10-11-12)

Sec. 3-21. - Restrictions on supplemental licenses.

- (a) *Subclass (1)*. A subclass (1) license shall authorize the performance of live entertainment, DJs, and karaoke on the premises licensed pursuant to this chapter.
- (b) *Subclass (2)*. A subclass (2) license shall authorize the retail sale of alcoholic liquor and performance of live entertainment, DJs, and karaoke in an outdoor beer garden or cafe adjacent to a licensed premises.

- (c) *Subclass (3)*. A subclass (3) license shall authorize a licensed establishment holding a subclass (1) license to hold a teen night or youth night no more than once per week during the months of September through May, inclusive, and no more than twice per week during the months of June through August, inclusive, subject to the following restrictions:
- (1) Other than parents, legal guardians, or supervisors, the licensee, his agents and employees, no other than youths between the ages of thirteen (13) and twenty (20) years inclusive, shall be allowed in the establishment on such nights. The licensee must state on the license application the method by which the licensee proposes such age identification shall be established.
 - (2) No alcoholic liquor shall be sold, served, or displayed at such times, and bottles or containers of alcoholic liquor shall be removed from the shelves and automatic devices dispensing alcoholic liquor shall be disconnected to the extent possible.
 - (3) The provisions of section 3-55 of this Code requiring the attendance of parents or legal guardians for youths to be on a licensed premises shall be waived for such occasions.
 - (4) All other provisions and requirements of this chapter and state law relating to curfew and to the operation of a licensed liquor establishment shall remain in effect.
 - (5) No more than four (4) times per year a licensee may obtain this subclass (3) license for holding a benefit for any recognized charitable institution or organization, for which events the fee required in section 3-24(b) is waived.
 - (6) A licensee may apply for this supplemental license on either a nightly or an annual basis. The nightly license shall be issued for only one specific date, and a separate supplemental license shall be required for each such event.
 - (7) An annual subclass (3) license may be applied for at any time during the year by a licensee. Once an annual license is issued, the licensee shall notify the county sheriff's department of any date for a teen night at least fourteen (14) days prior to the date of the event.
- (d) *Subclass (4)*. A subclass (4) license shall authorize a licensed establishment holding a Class "C" license as described in section 3-19 of this Code to hold no more than twelve (12) wine tasting events during a license year subject to the following restrictions:
- (1) The licensee or his agents shall dispense such wine at no charge to the consumer;
 - (2) 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;
 - (3) For purposes of this section, the term "event" shall mean any twenty-four-hour period;
 - (4) 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;
 - (5) An annual subclass (4) 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.
- (e) *Subclass (5)*. A subclass (5) license shall require a licensed establishment holding a Class "A" license as described in section 3-19 of this Code to provide live musical entertainment on the premises licensed pursuant to this chapter subject to the following conditions:
- (1) No person under the age of eighteen (18) shall enter or remain upon any premises which has a subclass (5) license unless in the company of his parent or legal guardian

- (2) The licensed premises shall not be open to the public for more than a total of ninety (90) days in one calendar year. A calendar year for the purpose of this section shall be from July 1 of one year through and including June 30 of the next succeeding year.
 - (3) A holder of a subclass (5) license shall provide live musical entertainment on the premises during the hours the premises shall be open to the public. Live musical entertainment shall be performed during more than fifty (50) percent of the time the premises are open to the public on a daily basis. If live musical entertainment is not provided as required above, any person to whom the sale, gift or delivery of any alcoholic liquor is prohibited because of age shall not enter or remain upon the premises except in the company of his parent or legal guardian.
 - (4) Persons between the ages of eighteen (18) and twenty-one (21) years may enter and remain on the premises without the presence of the parent or legal guardian of such person only during such period of time as a subclass (5) license holder is in compliance with the provisions of subparagraphs (1) and (2) above.
 - (5) If live musical entertainment is not provided as required above, any person to whom the sale, gift or delivery of any alcoholic liquor is prohibited because of age shall not enter or remain upon the premises except in the company of that person's parent or legal guardian.
- (f) *Subclass (6).* A supplemental license for product tasting of wine, distilled spirits or beer on the premises of a Class "C" licensed establishment for patron tasting for a period not to exceed three (3) consecutive days. Each sample consisting of not more than one-quarter ounce of distilled spirits, one ounce of wine, or two (2) ounces of beer. The fee for such license shall be forty-five dollars (\$45.00) for each day the license is to be used. No person shall obtain a subclass (6) license more than twelve (12) times in one calendar year, provided that a period of seven (7) consecutive days pass between the first day of any subclass (6) license and the first day of any subsequent subclass (6) license. A subclass (6) license shall be applied for at least two (2) weeks in advance of the date desired.
- (g) *Subclass (7).* 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 "I" license. This supplemental license will allow the use of up to ten (10) temporary locations for which the fee shall be sixty-five dollars (\$65.00) per temporary location.

(Code 1969, § 16-18.3; Res. of 5-14-85; Res. of 12-8-87; Ord. of 6-9-05; Ord. of 10-11-12; Ord of 2-8-18)

Sec. 3-22. - Temporary licenses.

- (a) 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 license for a temporary sale of alcoholic, malt, and vinaceous beverages at retail within the county outside the corporate limits of any city, town, or village. Such application shall describe in detail:
 - (1) The dates (seven (7) days or less) for which the temporary license is being sought;
 - (2) The location where the temporary sale will occur;
 - (3) The event for which the temporary license is being sought;
 - (4) Whether the applicant has a current Peoria County liquor license; and
- (b) Temporary licenses applied for hereunder may be granted to:

- (1) Any person for a specific use, purpose, or event, not for use as a regularly established business, for use on privately owned premises, other than as provided in subsection (b)(2) below; or
 - (2) Any licensee who wishes to transfer a portion of its alcoholic liquor inventory from its retail licensed premises and to sell or offer for sale at retail, but not for resale, the transferred alcoholic liquor for use or consumption only on the premises specified in the temporary license. No more than fifteen (15) days per location will be allowed in any twelve-month period.
- (c) Temporary events licensed under subsection (b)(1) shall not 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.

(Code 1969, § 16-18.4; Ord. of 10-11-12)

Sec. 3-23. - Numbering of licenses.

All licenses shall bear the last two (2) digits of the license year in which they were issued and be numbered consecutively beginning with the number, in the order in which they are issued—81-1; 81-2; 81-3, etc. An accurate record by numbers of licenses shall be kept by the county clerk.

(Code 1969, § 16-20)

Sec. 3-24. - Fees.

- (a) Each application for a Class A, B, C, D, E, F, H, I, J, and K license from an applicant who at the time of application is not holding a then valid county liquor license shall be accompanied by a nonrefundable payment of three hundred dollars (\$300.00). This application fee shall be in addition to all other fees set forth in this section and such application fee shall not be apportioned even though less than twelve (12) months remain in the license year, nor shall it be refunded in the event the application is denied;
- (b) The annual license fee for each license shall be as follows:

License	Fee
Classes "A", "B", "D", "H" and "I"	\$975.00 per annum
Class "C"	\$850.00 per annum
Classes "E", "F", "J", "K" and "L"	\$775.00 per annum
Class "G"	\$200.00 per annum
Subclass (1)	\$250.00 per annum
Subclass (2)	\$250.00 per annum

Subclass (3)	\$45.00 per night; or \$275.00 per license year. Anyone holding ten (10) nights in one license year (benefits excluded) shall be deemed to have paid for an annual license
Subclass (4)	\$45.00 per day; or \$275.00 per license year. Anyone holding ten (10) wine-tasting events in one license year shall be deemed to have paid for an annual license
Subclass (5)	\$275.00 per annum
Subclass (6)	\$45.00 per day
Subclass (7)	\$65.00 per temporary location
Temporary	\$65.00 per day

- (c) 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.
- (d) 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 Peoria County 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.

(Code 1969, §§ 16-22—16-24; Res. of 5-14-85; Res. of 11-25-85; Res. of 9-9-86; Ord. of 1-14-92; Amend. of 3-14-02; Ord. of 6-9-05; Ord. of 10-13-11; Ord. of 10-11-12; Ord. of 3-12-15; Ord of 2-8-18)

State Law reference— Authority to determine license fees, 235 ILCS 5/4-1.

Sec. 3-25. - Bond.

Each and every applicant for a license under this chapter shall simultaneously with the application therefor, and prior to the issuance thereof, execute and deliver a bond in the penal sum of five hundred dollars (\$500.00) to the county as obligee, conditioned for the faithful performance of the provision of this chapter and of the laws of the state relating to the sale of an alcoholic liquor, and the payment of all fines and penalties by reason of the violation thereof, with security to be approved by the local liquor control commissioner or such other persons delegated by him to approve the same. The maximum liability of any and all securities on such bond shall be limited to the penalty thereof, the sum of five hundred dollars (\$500.00).

(Code 1969, § 16-29.2)

Sec. 3-26. - 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 county;
- (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 who is an alcoholic or who has a history of drinking problems or incidents in which he was intoxicated;
- (9) A person who within the past two (2) years has been involved in any battery, assault or fight in which he was the aggressor, or who has history of such conduct;
- (10) A person whose license issued under this chapter or whose license issued by the Illinois Liquor Control Commission has been revoked for cause;
- (11) A person who, at the time of application for renewal of any license issued under this chapter, would not be eligible for such license upon a first application;
- (12) A co-partnership, unless all the members of the co-partnership shall be qualified to obtain a license;
- (13) 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;
- (14) 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;
- (15) A person whose place of business is conducted by a manager or agent, unless such manager or agent possesses the same qualifications required of the licensee;
- (16) A person who has been convicted of a violation of any federal or state law concerning the manufacture, possession or sale of alcoholic liquor, or shall have forfeited his bond to appear in court to answer charges for any such violation;
- (17) A person who does not own the premises for which a license is sought, or does not have a lease thereon for the full period for which the license is to be issued;
- (18) Any law enforcing public official, member of the county board, and no such official shall be interested in any way, either directly or indirectly, in the manufacture, sale or distribution of alcoholic liquors;
- (19) A person who is not a beneficial owner of the business to be operated by the licensee;
- (20) A person who has been convicted of a gambling offense as proscribed by any of subsections (a)(3) through (a)(10) of Section 5/28-1 of, or as proscribed by Section 5/28-3 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;

- (21) A person to whom a federal gaming device stamp or a federal wagering stamp has been issued by the federal government for the current tax period;
- (22) A co-partnership to which a federal gaming device stamp or federal wagering stamp has been issued by the federal government for the current tax period, or if any of the partners have been issued a federal gaming device stamp or federal wagering stamp by the federal government for the current tax period;
- (23) A corporation, if any officer, manager or director thereof, or any stockholder owning in the aggregate more than twenty (20) percent of the stock of such corporation has been issued a federal gaming device stamp or federal wagering stamp for the current tax period;
- (24) 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;
- (25) 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, and paid all applicable fees for said photographing and fingerprinting; provided that any member of a partnership, any officer, manager, or director of a corporation, or any stockholder or stockholders owning in the aggregate more than five (5) percent of the stock of such corporation, may opt to submit a sworn affidavit regarding his criminal background in lieu of photographing and fingerprinting, except as provided in Section 3-59.
- (26) Any person not eligible for a state retail liquor dealer's license.
- (27) A person who intends to sell alcoholic liquors for use or consumption on his or her licensed retail premises who does not have liquor liability insurance coverage for that premises in an amount that is at least equal to the maximum liability amounts set out in subsection (a) of section 6-21 of the Illinois Liquor Control Act of 1934 (235 ILCS 5/6-21(a)). A person applying for a license under this chapter shall provide proof of such insurance coverage which is satisfactory to the local liquor control commissioner including the policy number.

(Code 1969, § 16-25; Ord. of 6-9-05; Ord. of 3-12-15)

State Law reference— Authorized reasons for denial of license, 235 ILCS 5/4-1, 5/6-2, 5/6-11, 5/6-12, 5/6-25.

Sec. 3-27. - Retail sales near churches, schools, hospitals, etc.

- (a) 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.
- (b) 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.

- (c) 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.
- (d) No person shall furnish or suffer to be furnished any alcoholic liquors to any prisoner confined in any jail, reformatory, prison or house of correction except upon a physician's prescription for medicinal purposes.
- (e) 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.
- (f) The prohibitions contained in this section do not pertain to temporary licenses under section 3-22.

(Code 1969, § 16-5)

State Law reference— Authorized reasons for denial of license, 235 ILCS 5/4-1, 5/6-2, 5/6-11, 5/6-12 5/6-25.

Sec. 3-28. - Zoning requirements.

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 or distribution of alcoholic liquors or beer or wine is permitted under Chapter 24 of the Peoria Code Zoning Ordinance, which uses shall include sexually oriented adult businesses.

(Code 1969, § 16-6; Ord. of 11-15-83; Ord. of 6-9-05)

State Law reference— Authorized reasons for denial of license, 235 ILCS 5/4-1, 5/6-2, 5/6-11, 5/6-12 5/6-25.

Sec. 3-29. - 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.

(Code 1969, § 16-8.1)

State Law reference— Authorized reasons for denial of license, 235 ILCS 5/4-1, 5/6-2, 5/6-11, 5/6-12 5/6-25.

Sec. 3-30. - Display.

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

(Code 1969, § 16-8.3)

Sec. 3-31. - Revocation or suspension.

- (a) The local liquor control commissioner may, after proper hearing, revoke or suspend for not more than thirty (30) days any license issued by him under the terms of this chapter, for any of the following reasons:
- (1) Violation of any of the provisions of this chapter or any violation of any provision of the laws of the state relating to the sale of alcoholic liquors.
 - (2) 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.
 - (3) 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.
- (b) 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 citation and notice to appear to be issued to the licensee. Such citation and 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.
- (c) 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.
- (d) 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.
- (e) The commissioner shall report in writing to the Illinois Liquor Control Commissioner within the same ten (10) days after any order has been entered for a violation by any retail alcoholic liquor licensee of any state law or county ordinance. The report shall specify the date and place where the hearing was had, or whether the licensee waived a hearing; whether a suspension or revocation order was entered therein, or what other disposition was made or entered, in the commissioner's records.

(Code 1969, § 16-28; Ord. of 6-9-05)

State Law reference— License revocation, suspension, etc., 235 ILCS 5/7-5 et seq.

Sec. 3-32. - Denial of license or subclass license; hearing; rehearing.

The local liquor control commissioner may deny any liquor license or subclass license authorized under this article and the state law. Such denial shall be in writing specifying the reason therefore. The applicant may request a hearing to dispute the commissioner's denial of a liquor license and subclass license. Such hearing shall be public and held upon notice to all interested parties, and such other persons or entities required to be notified by this article. The decision of the liquor commissioner shall be rendered in a written order granting or denying the license or subclass. A copy of the order shall be mailed to the applicant and all interested parties appearing at the hearing.

(Ord. of 6-9-05)

Sec. 3-33. - Appeal; record of hearings.

All decisions of the liquor commissioner to deny, revoke or suspend a liquor license or subclass license may be appealed to the State of Illinois Liquor Commissioner as provided by 235 ILCS 5/7-9.

An official record of proceedings of all public hearings before the local liquor commissioner or any person appointed to conduct liquor investigations and disciplinary hearings shall be made by sound or sound and video recording: any party to the hearing desiring an official court reporter to take the records, shall bear the expense thereof. Any appeal of any order or action taken by the commissioner shall be limited to a review of such official record.

(Ord. of 6-9-05)

Secs. 3-34—3-45. - Reserved.

ARTICLE III. - OPERATIONAL RULES AND REGULATIONS^[2]

Footnotes:

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

Sec. 3-46. - Hours of sale generally.

- (a) 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.
- (b) 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.
- (c) 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.

(Code 1969, § 16-7.1; Res. of 6-8-82, §§ 1, 2; Ord. of 5-12-92)

State Law reference— Retail sales on Sundays, 235 ILCS 5/6-14.

Sec. 3-47. - Hours of sale on New Year's Eve.

- (a) 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 chapter.
- (b) 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.

(Code 1969, § 16-7.2)

Sec. 3-48. - 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 county regulating the condition of premises.

(Code 1969, § 16-8.1)

Sec. 3-49. - Warning to minors.

The county 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 up to Five Hundred Dollars (\$500.00) and criminal prosecution, under the laws of the State of Illinois and the Ordinance of the County of 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 county clerk in a prominent place in any location which he uses for the sale or serving of alcoholic liquor.

(Code 1969, § 16-8.2)

State Law reference— Similar provisions, 235 ILCS 5/6-15.

Sec. 3-50. - 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. The term "obscene" and the interpretation of the evidence of obscene matter for purposes of this chapter shall be and have the same definition as is set forth in the "Criminal Code of 1961" (720 ILCS 5/1-1 et seq.) as it is now or is hereafter amended.

(Code 1969, § 16-8.4)

Sec. 3-51. - Reporting of incidents to the sheriff; telephone on premises.

- (a) 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 chapter, 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.
- (b) 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.

(Code 1969, § 16-9)

Sec. 3-52. - 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 county or law of the state or the United States.

(Code 1968, § 16-10)

Sec. 3-53. - Employment of minors.

- (a) 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.
- (b) 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; provided 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.

(Code 1969, § 16-11; Ord. of 7-10-90)

Sec. 3-54. - 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 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.

(Code 1969, § 16-12)

Sec. 3-55. - 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, clubs, package liquor stores, drug 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.

(Code 1969, § 16-14)

State Law reference— Sales to persons under 21, drunkards, etc., 235 ILCS 5/6-16.

Sec. 3-56. - Solicitation of patrons by employees.

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

(Code 1969, § 16-15)

Sec. 3-57. - 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.

(Code 1969, § 16-17.1)

Sec. 3-58. - Peddling.

It shall be unlawful for any person to peddle alcoholic liquor in the areas of the county outside any incorporated city, village or town.

(Code 1969, § 16-17.2)

Sec. 3-59. - Managers.

- (a) Each licensee shall have at least one manager on record with the commissioner. Any person in charge of the day to day operations of a licensed establishment shall be considered a manager of said establishment. Any person acting as a manager of a licensed establishment shall submit to photographing and fingerprinting by the sheriff's department, or by another law enforcing agency with the approval of the sheriff, and pay all applicable fees for said photographing and fingerprinting.
- (b) No licensee shall employ any person to manage his licensed liquor establishment unless such person possesses the same qualifications required of a licensee by this chapter. No licensee shall permit any person to act as a manager of his liquor establishment unless proper notification has been made to the commissioner, and compliance with the requirements for a manager has been determined by the local liquor control commissioner.

(Code 1969, § 16-26; Ord. of 3-12-15)

Sec. 3-60. - 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.

(Code 1969, § 16-27)