

CHAPTER 4

ALCOHOLIC LIQUOR

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ARTICLE I. IN GENERAL

SEC. 4-1100. DEFINITIONS.

For the purpose of this chapter, the following words and phrases shall have the meanings respectively ascribed to them:

- (1) **Alcohol.** The product of distillation of any fermented liquid, whether rectified or diluted, whatever may be the origin thereof, and includes synthetic ethyl alcohol. It does not include denatured alcohol or wood alcohol.
- (2) **Alcoholic liquor.** Includes the four (4) varieties of liquor defined in this section, i.e., alcohol, spirits, wine and beer and every liquid or solid, patented or not, containing alcohol, spirits, wine or beer, and capable of being consumed as a beverage by human beings.
- (3) **Bar.** A counter or place where alcoholic liquor is served, poured, and/or mixed.
- (4) **Beer.** A beverage obtained by alcoholic fermentation of an infusion or concoction of barley, or other grain, malt and hops in water, and includes among other things, beer, ale, stout, lager beer, porter and the like.
- (5) **Caterer Retailer.** A person who serves alcoholic liquors for consumption off-site of the licensed premises, whether the location is licensed or unlicensed, as an incidental part of food service. Prepared meals and alcoholic liquors are sold at a package price agreed upon under contract, which may include a cash bar.
- (6) **Civic Center.** One or more buildings or structures, within the same site, complex or campus, having a gross seating capacity of 8,000 persons or more, in each of which space is regularly rented or licensed for the viewing of or participation in conventions, exhibitions, sporting events, concerts or performances of plays, circuses or similar presentations.
- (7) **Club.** A corporation organized under the laws of the 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.
- (8) **Entertainment/Recreational/Service Facility.** A business conducted in any indoor building, room, space or area whose principal purpose is as an entertainment venue for activities such as live

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musical or theatrical performances, art exhibitions or oral presentations; a facility for recreational activities such as bowling, arcade games, simulated golf, and billiards or pool; or a service establishment that offers and provides services for sale to its patrons. An entertainment/recreational/service facility shall not include a civic center, as defined in this chapter as having a gross seating capacity of 8,000 persons or more. Video gaming shall not be considered as an entertainment or recreational activity under this definition.

Additionally, for bowling, the activity shall be conducted in any indoor building, room, space or area with a minimum of 3,000 square feet dedicated to bowling, which is open or frequented by the public and operated for gain. For a billiards or pool hall, a pool table is a billiard table or other table for playing billiards, pool, bumper pool, eight-ball or similar games.

- (9) **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 travelers and guests, whether transient, permanent or residential, in which twenty-five (25) or more rooms are used for the 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 conducted in the same building or buildings, structure or structures being provided with adequate and sanitary kitchen and dining room equipment and capacity.
- (10) **Live entertainment**. The offering or permitting of any amusement feature, including music, vaudeville, singing, acting, dancing or contests, whether by personal performance or instrumental device. In no instance shall live entertainment include nude or semi-nude conduct.
- (11) **Minor**. Any person under the age of twenty-one (21) years except for persons under eighteen (18) years of age through twenty (20) years of age who are acting in pursuance of their employment at and with an establishment that is licensed in accordance with this chapter.
- (12) **Motel**. See definition of hotel.
- (13) **Original package**. 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.
- (14) **Private Function**. A prearranged private party, function or event, for a specific social or business occasion, either by invitation or reservation or paid admittance, and not open to the general public, where the guests and attendants are served in a room, rooms, or area designated and used exclusively for the private party, function, or event.
- (15) **Rental Hall Business**. A business that provides a place available for rental by members of the general public for a private function by invitation, reservation or paid admittance of attendees only, such as a wedding celebration, open house, banquet, performance or similar event. The building housing the business must be designed to accommodate a minimum of two hundred fifty (250) persons safely and may include kitchen facilities for the preparation of food and areas for dancing, dining and other entertainment activities that customarily occur in association with such functions. The liquor licensee/lessor is paid a fee by the lessee for the use of the rental hall and for providing alcoholic liquor for the private function as an incidental part of food service. Prepared meals and alcoholic liquors are sold at a package price agreed upon under contract, which may include a cash bar.
- (16) **Restaurant**. Any public place kept, used, maintained, advertised and held out to the public as a place where the sale of food is the principal business purpose and where meals are actually prepared and regularly served, and without sleeping accommodations, the space being provided with adequate and sanitary kitchen and dining room equipment and capacity and having employed therein sufficient number and kind of employees to prepare, cook and serve suitable food for its guests. A

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restaurant for purposes of this chapter shall also be considered a Category I facility pursuant to the Illinois Food Service Sanitation Code.

- (17) **Retail sale.** The sale for use or consumption and not for resale in any form.
- (18) **Salon.** Any public place kept, used, maintained, advertised and held out to the public as a business that offers and provides services including hair care, nail care, esthetics and/or barber services per the Barber, Cosmetology, Esthetics, Hair Braiding, and Nail Technology Act of 1985, 225 ILCS 410/1-1 et. seq.
- (19) **Spirits.** Any beverage that contains alcohol obtained by distillation, mixed with water or other substance in solution and includes brandy, rum, whiskey, gin or other spirituous liquors and such liquors when rectified, blended or otherwise mixed with alcohol or other substances.
- (20) **Tavern.** Any public place kept, used, maintained or advertised and held out to the public as a place where sale of alcoholic liquors is the principal business carried on, primarily for consumption on the premises.
- (21) **Video Gaming Establishment.** Any public place kept, used, maintained, advertised and held out to the public as a “licensed establishment” per the Illinois Video Gaming Act, 235 ILCS 40/1 et. seq., where alcoholic liquor is sold for consumption on the premises and whose principal purpose is the operation of video gaming terminals as defined under the Act and Chapter 5 of this Code. The sale of alcoholic liquor and/or food at a video gaming establishment shall be incidental to the operation of video gaming terminals.
- (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 or spirits, as defined in this section.

(Ord. No. 3026-2017; Sec. 4-1100(11) repealed; new Sec. 4-1100(11) enacted; 10/10/17)

SEC. 4-1101. MISBRANDING.

No person shall knowingly possess, sell or in any way dispose of any alcoholic liquor under any name other than the proper name or brand known to the trade as designating the kind and quality of the contents of the package or other container of alcoholic liquor. All misbranded packages and containers are contraband.

SEC. 4-1102. POSSESSION OF ALCOHOLIC LIQUOR ON PUBLIC RIGHT-OF-WAY; IN MOTOR VEHICLE.

- (a) No person shall carry, transport, possess or have any alcoholic liquor in or upon or about such person on a street, alley or public right-of-way, with the following exceptions:
 - (1) When in attendance at a special event approved by the City for which a special event liquor license has issued to the event sponsor.
 - (2) It shall not be a violation for any owner of a residence or such owner’s lawful guest(s) to possess any alcoholic liquor on a public right-of-way immediately adjacent to said residence; provided, however, that such owner or guest(s), and each of them, are twenty-one (21) years old or older. For purposes of this Sec. 4-1102, the term “owner of a residence” shall include tenants in control of the premises.
- (b) No person shall carry, transport, possess or have any alcoholic liquor in or upon or about any motor vehicle in the City except in the original package with the seal unbroken or in accordance with Illinois state law regarding the removal of open wine bottles from a restaurant pursuant to 235 ILCS 5/6-33.

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SEC. 4-1103. REMEDIES FOR VIOLATION OF THE CHAPTER.

(a) The local liquor control commissioner or a law enforcement officer shall issue or cause to be issued to any person in violation of the specified sections of this chapter a notice of ordinance violation. A person receiving a notice of ordinance violation will be adjudicated through the City’s administrative adjudication system, MUNICES, or through circuit court.

(b) Any violation of the provisions of this chapter shall be punishable by a fine of not less than two hundred dollars (\$200.00) nor more than seven hundred fifty dollars (\$750.00), except for Section 4-5104, which shall be punishable by a fine of not less than one hundred dollars (\$100.00) nor more than seven hundred fifty (\$750.00). A separate offense shall be deemed committed on each day during or on which a violation occurs or continues.

(c) The above violation fees are directed at the person who committed the ordinance violation and are separate and apart from the administrative proceedings against the licensee for such a violation. The administrative proceedings may include administrative fees and provisions for the suspension, revocation or forfeiture of a license issued pursuant to this chapter, and payment of said violation fee shall not constitute an admission of guilt or innocence for purposes of such administrative proceedings for administrative fees, and/or suspension, revocation, or forfeiture of license.

ARTICLE II. LOCAL LIQUOR CONTROL COMMISSIONER

SEC. 4-2100. MAYOR TO BE LOCAL LIQUOR CONTROL COMMISSIONER; ENFORCEMENT RESPONSIBILITIES.

The mayor shall be the local liquor control commissioner for the City and shall be charged with the administration within the City of the laws of the state as they relate to liquor licenses within the City, and with the provisions of this Code and other ordinances of the City relating to liquor. The mayor shall serve in such position ex officio and without any additional compensation.

SEC. 4-2101. APPOINTMENT OF ASSISTANTS.

The local liquor control commissioner may appoint a qualified person or persons to assist in the exercise of the powers and performance of the duties imposed on the local liquor control commissioner by law and the provisions of this Code or other City ordinances.

SEC. 4-2102. COMPENSATION.

The City Council may fix the compensation of the assistants and deputies of the local liquor control commissioner as may be deemed necessary for the proper performance of the duties vested in them by law.

SEC. 4-2103. POWERS.

The local liquor control commissioner shall have the following powers, functions and duties with respect to licenses, other than licenses of manufacturers, importing distributors, non-beverage users, railroads, airplanes and boats:

- (1) To issue or refuse to issue licenses or options connected therewith in accordance with the provisions of this chapter.
- (2) To renew or refuse to renew licenses or options connected therewith in accordance with the provisions of this chapter.
- (3) To suspend not more than thirty (30) days or revoke for cause all local licenses issued to persons for premises within the City.

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- (4) To enter or to authorize any law enforcing officer to enter at any time upon any premises licensed pursuant to this chapter to determine whether any of the provisions of this chapter or state law or any rules or regulations adopted by the local liquor control commissioner or by the state commission have been or are being violated and at such time to examine said premises of the licensee in connection therewith.
 - a. That upon determination that provisions identified in subparagraph (4) have been or are being violated, powers are hereby granted to the local liquor control commissioner, any designee, and/or any authorized law enforcing officer, to order the licensed premises to cease and automatically suspend any and all sales of alcohol, and is automatically subject to a hearing on revocation or suspension of liquor license.
 - b. Violations of subsection (4) above include, but are not limited to, operating with an invalid State of Illinois liquor license, and failure to provide dram shop insurance or other proof of financial responsibility on file to the local liquor control commissioner's office.
- (5) To receive complaints from any resident within the City that any of the provisions of the state law or this chapter or any rules or regulations adopted pursuant hereto have been or are being violated and to act upon such complaints in the manner prescribed in this chapter.
- (6) To reduce or rescind the privilege for cause and after a local liquor control commission hearing, any local option issued to persons for premises within the City. Any reduction or rescission shall be effective upon the annual renewal period of the license.
- (7) To grant a variance to Class E licensees or holders of an Option 3 Caterer's Retailer to extend their hours of business to 1:00 a.m. for certain events, but no more than three (3) times per year per licensee. Such a request must be made in writing no less than ten (10) days prior to the event.
- (8) To grant a variance to Class A and Class AA licensees to allow up to three (3) private events per calendar year at the licensed premises during which time the entire premises may be closed to the general public. Such a request must be made in writing no less than ten (10) days prior to the event.

SEC. 4-2104. AUTHORITY TO EXAMINE APPLICANTS FOR LIQUOR LICENSES AND LICENSEES.

The local liquor control commissioner shall have the right to examine or cause to be examined under oath any applicant for a license required by this chapter or for renewal thereof or any licensee upon whom notice of revocation or suspension has been served in the manner provided in this chapter and to examine and cause to be examined the books and records of any such applicant or licensee and to hear testimony and take proof for said commissioner's information in the performance of the commissioner's duties and, for such purpose, to issue subpoenas which shall be effective in any part of the state. For the purpose of obtaining any of the information desired by the local liquor control commissioner under this section, said commissioner may authorize said commissioner's deputies or designees to act on the commissioner's behalf.

SEC. 4-2105. RECORDS.

- (a) The local liquor control commissioner shall keep a separate file for each license issued pursuant to this chapter, which file shall contain the following material:
 - (1) A duplicate original of the license certificate;
 - (2) Certificate of dram shop insurance or other proof of financial responsibility;
 - (3) The application and attached documents;

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- (4) A receipt or verification of payment of the application fee, annual license fee and any options fees;
- (5) Property consents, if required;
- (6) A duplicate City of Moline certificate of occupancy showing zoning, occupancy load, use, and compliance with building and related Codes, if applicable;
- (7) A duplicate City of Moline food license and, for Class A and Class AA liquor licensees, a duplicate of a current Illinois Food Service Sanitation Manager Certification or a duplicate of a current ANSI accredited Certified Food Protection Manager certification for each applicable employee as required for a Category I facility under Illinois state law;
- (8) If licensee is an Illinois corporation, a duplicate original of its articles of incorporation, documentation showing the percentage of ownership, and subsequent certificates of good standing issued by Secretary of State of Illinois; if licensee is a foreign corporation, the file shall also contain a duplicate original of the corporation's Authority to Transact Business in Illinois or similar documentation;
- (9) If licensee is a limited liability company, a duplicate original of its articles of organization and fully executed operating agreement listing ownership by percentage or by membership units;
- (10) If licensee is a partnership, a duplicate original of the partnership agreement and Illinois Certificate of Assumed Name, if applicable;
- (11) If licensee is a sole proprietorship, a duplicate original of its Illinois Certificate of Assumed Name, if applicable;
- (12) A copy of any charges, transcripts of administrative hearings, and disposition of charges, if any, against the licensee or applicant;
- (13) A duplicate copy of the State of Illinois liquor license within ten (10) days of issuance.

(b) The records of the local liquor control commissioner shall be public unless otherwise exempt pursuant to the Illinois Freedom of Information Act. All proceedings of the local liquor control commissioner shall be open to the public.

ARTICLE III. RETAIL LICENSES

DIVISION 1. IN GENERAL

SEC. 4-3100. WHEN REQUIRED.

(a) It shall be unlawful for any person to sell alcoholic liquor at retail or to make any sale of liquor at retail within the City without first having obtained a liquor license as provided by this article.

- (1) A "sale at retail" or "to sell at retail" means sales for use or compensation, and not for resale, in any form.
- (2) A "sale" means any transfer, exchange or barter, in any manner or by any means whatsoever for a consideration, and includes and means all sales made by any person, whether as principal, proprietor, agent, servant, or employee, and includes, but is not limited to, all of the following acts when done for consideration:
 - a. The selling of liquor;
 - b. The "giving away" of liquor;
 - c. The dispensing of liquor;

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- d. The providing of mix, ice, water or glasses for the purposes of mixing drinks containing alcoholic liquor for consumption on the same premises;
- e. The pouring of liquor;
- f. The providing of "set-ups" containing alcoholic liquor;
- g. The maintaining of a private or public club which serves liquor on its premises to its patrons or members;
- h. The maintaining of a restaurant, which serves liquor on its premises to its patrons;
- i. The possessing in any business or commercial establishment alcoholic liquor to be served to patrons on the premises.

(3) Salon Exception: A license is not required for salons to serve alcoholic liquor for consumption on the premises only to customers receiving paid salon service. The service of alcoholic liquor shall be limited to beer and wine only. The service of beer and wine shall be limited to one (1) drink per hour and no customer shall be served more than two (2) servings of beer and/or wine within a twenty-four (24) hour period. The serving size for each glass of wine shall be no more than six (6) ounces and for each beer shall be no more than twelve (12) ounces. The service of beer and wine shall be limited to the hours of operation of the salon.

(b) It is the intent of this section to require a license for the sale of liquor at retail within the City for any consideration, whether direct or indirect, regardless of the form that the sale takes. If an establishment allows patrons to bring their own alcoholic liquors or "BYOB," such allowance shall be presumed to be valid consideration for purposes of this section and thus subjects the establishment to the requirements of this ordinance.

SEC. 4-3101. THE CLASSES OF LICENSES ESTABLISHED.

There shall be the following classes of liquor licenses available to qualified applicants in the City of Moline, Illinois.

Class	Description
Class A	Restaurant
Class AA	Restaurant-Beer & Wine Only
Class B	Tavern
Class C	Packaged Sales Only-Primary
Class CC	Packaged Sales Only-Secondary
Class CCC	Packaged Sales of Wine and Beer Only-Secondary
Class D	Clubs/Fraternal or Veterans Organization
Class E	Rental Hall
Class F	Hotel/Motel
Class FF	Hotel/Motel Limited
Class G	Entertainment/Recreational/Service Facility
Class H	Civic Center
Class I	Special Event Not for Profit
Class II	Special Event Hosted Bar
Class III	Special Event Homebrewer
Class J	Park Concession
Class K	Video Gaming Establishment

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SEC. 4-3102. FEES TO BE PAID TO THE ACCOUNTS AND FINANCE OFFICE.

All fees to be paid under the provisions of this article shall be paid to the accounts and finance office, unless otherwise provided by law, and shall be forthwith deposited in the City treasury.

SEC. 4-3103. LICENSES TO BE USED ONLY FOR PREMISES FOR WHICH ISSUED; NON-TRANSFERRABLE.

(a) No licensee under this article shall use said licensee's license to engage in the alcoholic liquor business at any location other than the one named in the license.

(b) The use or attempted use of a license issued pursuant to this article at any premises other than the one for which the license was issued shall be cause for revocation of the license.

(c) That the above subsections do not apply to a Caterer's Retail or a Retailer's Off-Site Special Use (Public Property) license option.

DIVISION 2. LICENSING PROCEDURE

SEC. 4-3200. PREREQUISITES TO OBTAINING INITIAL LICENSE.

The local liquor control commissioner shall issue an original license required by this article where the applicant therefor is eligible for the license under this article, and has completed all of the following acts:

- (1) Fully completed the application prescribed in this division and submitted all required documents as set forth in Section 4-2105.
- (2) Filed a certificate of insurance protecting dram shop operators or other proof of financial responsibility satisfactory to the local liquor control commissioner.
- (3) Paid the fees required by this division.

SEC. 4-3201. APPLICATION.

(a) No license of any class required by this article shall be issued prior to the time that an application is wholly completed and verified by the person desiring the license. A license issued in violation of this section shall be void. The application form shall contain, at a minimum, the following information:

- (1) Full legal name (including alias, maiden name, nickname, *etc.*) of applicant(s) and birth date(s);
- (2) Address and telephone numbers of applicant(s);
- (3) Address and telephone number (must be a land line) of premises to be used by applicant(s);
- (4) Name of business under which premises will be operated;
- (5) Name of owner or landlord of premises to be used by applicant(s);
- (6) Address of owner or landlord of premises to be used by applicant(s);
- (7) Class of license applied for, additional option(s) applied for and application fee, annual license fee and any option fees;
- (8) If a restaurant, the hours of kitchen operation;

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- (9) Date on which the business is to commence;
- (10) Whether the applicant owns the premises or has the consent of the owner to use the premises for the purpose allowed in the license;
- (11) Whether the premises is leased;
- (12) Whether the applicant is a citizen of the United States;
- (13) Whether the applicant is a resident of the City of Moline, Illinois, and/or County of Rock Island, Illinois;
- (14) Whether the applicant has ever been convicted of a felony under the laws of the State of Illinois or any of the United States or under federal law; if so, when, and what crime;
- (15) Whether the applicant has ever been arrested for a felony under the laws of the State of Illinois or any of the United States or under federal law and posted bail and then forfeited said bail;
- (16) Whether the applicant has ever been convicted of any crime or misdemeanor involving moral turpitude;
- (17) Whether the applicant has ever had a liquor license issued under the laws of the State of Illinois or any of its political subdivisions revoked for cause;
- (18) Whether the applicant has ever had a liquor license issued under the laws of any other state or any of its political subdivisions revoked for cause; if so, in what state or political subdivision;
- (19) Whether applicant is a co-partnership or limited partnership and the partners' full legal names (including alias, maiden name, nickname) and birth dates;
- (20) Whether the applicant is a limited liability company and the members' full names (including alias, maiden name, nickname) and birth dates;
- (21) Whether the applicant is a corporation or is the general partner of a limited partnership or corporation, and all stockholders including full legal name (including alias, maiden name, nickname) and birth date(s) of those who own more than five percent (5%) of the stock of the corporation;
- (22) A signed statement from all stockholders owning more than five percent (5%) of the corporation's stock, all partners in a partnership, or all members of a limited liability company acknowledging their ownership and assuming financial responsibility for all City fees, taxes or other monies owing;
- (23) Whether the applicant plans to actively manage the business and, if not, who will be named the liquor manager;
- (24) Eligibility of the individual to be named liquor manager;
- (25) Whether any of the following persons is in any way connected with the applicant in connection with the business for which this license is sought:
 - Mayor of Moline, Illinois
 - A council member of the City of Moline, Illinois
 - Any city attorney of the City of Moline, Illinois
 - Any police officer of the City of Moline, Illinois
 - Any building official of the City of Moline, Illinois
 - Any zoning administrator of the City of Moline, Illinois;

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- (26) The length of current residence of each owner, partner, or stockholder owning more than five percent (5%) of the business, and manager listed;
- (27) Proof of adequate dram shop insurance as required by the Illinois Liquor Control Act of 1934, as it is now or may hereafter be amended, prior to being issued such license, including issuing company, policy number, and a certificate of insurance;
- (28) For Class A Restaurant and Class AA Restaurant-Beer & Wine Only License: a duplicate of a current Illinois Food Service Sanitation Manager Certification(s) or a duplicate of a current ANSI accredited Certified Food Protection Manager certification for each applicable employee as required for a Category I facility under Illinois state law;
- (29) A statement signed by owner of the premises acknowledging and certifying that if license is revoked for cause, no new license will be issued at the premises for a period of one (1) year from the date of revocation.

(b) The liquor manager shall also submit an application containing the information set forth in subsection (a)(1-2 and 12-18) above and an affidavit as set forth in subsection (c) below.

(c) All applicants shall sign an affidavit stating that the statements made in the application form are true and are material to the question of whether the applicants are entitled to a liquor license in the City of Moline and State of Illinois. The applicants shall further state under oath that they understand that making a false affidavit constitutes perjury where a false answer is made knowingly to a material question, that they have personally prepared the answers to the above questions, and that they have re-read them, and find them to be wholly true, and they wholly understand them. Said affidavit shall include a statement that the applicants agree to observe all laws of the United States, State of Illinois and the City of Moline in the conduct of their business.

SEC. 4-3202. PROPERTY CONSENTS REQUIRED FOR A LICENSE; EXCEPTION.

(a) No license of any class sought to be issued pursuant to this division, except a special event license, shall be issued unless the application therefor shall be accompanied by a consent to the granting of the license sought, signed by a majority of the property owners within one hundred fifty (150) feet in radius from the center of the front of the premises for which the license is sought are located. If any portion of any property falls within the one hundred fifty (150) foot radius, that property owner shall be included in obtaining the consent required herein.

(b) If the property for which a license is requested abuts a residentially zoned parcel, or parcels, and the distance from the building housing that requested use is less than five hundred (500) feet from the residentially zoned parcel, the owner or owners of record of those residential parcels shall be included in the consent survey as required by subsection (a) above.

(c) Property owners' consents are not required for renewals of licenses or for any original license if the premises for which the license is sought has been licensed within one hundred eighty (180) days prior to the application being made as long as the license being renewed or sought is of the same classification as the license that existed at the premises within the prior one hundred eighty (180) days. The local liquor control commissioner may extend said one hundred eighty (180) day period for purposes of remodeling or rehabilitation under the following conditions:

- (1) Application for license is made prior to the expiration of the one hundred eighty (180) days from the last valid license for said premises;
- (2) Building permits are issued prior to the expiration of the one hundred eighty (180) days from the last valid license for said premises;

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(3) The value of construction authorized by the building permits exceeds ten thousand dollars (\$10,000.00); and

(4) The extension shall not exceed one hundred eighty (180) days.

(d) A property owner's consent is valid for one (1) year from the date of signature unless the property owner submits a request to withdraw the consent to the office of the local liquor control commissioner, in writing, within ninety (90) days of the signed consent or upon issuance of the license, whichever occurs first. Said request to withdraw shall include the reason(s) for the request.

SEC. 4-3203. PHOTOGRAPHING AND FINGERPRINTING OF CERTAIN PERSONS PREREQUISITE TO FILING APPLICATION.

(a) Prior to filing an application for a license required by this article, the applicant, all partners of the applicant partnership, all members of the applicant limited liability company, or all persons of the applicant corporation who own more than five percent (5%) of its stock, and the person to be named as liquor manager, shall be photographed and fingerprinted by the Moline police department.

(b) No application for license required by this article shall be considered, and no license issued until such time as the photographing and fingerprinting has been completed. The fee for such background checks is covered by the license application fee if an application is submitted and the application fee is paid. In the event that no license is issued, the fee for each background check performed shall be paid by the applicant within 30 (thirty) days of the date of the invoice for said payment.

(c) If at any time after the issuance of a license pursuant to this division, or during the course of the consideration by the local liquor control commissioner of an application filed pursuant to this division, the composition of a partnership, limited liability company, or corporation changes, or if a new liquor manager is employed, the applicant or licensee shall submit a signed and notarized affidavit stating the change in the composition of the partnership, limited liability company or corporation, if applicable, and cause the new persons to be photographed and fingerprinted by the Moline police department within fourteen (14) days, and such fingerprints and photographs submitted to the local liquor control commissioner.

(d) Notice of any change contemplated by subsection (c), after the issuance of a license shall be given in writing to the local liquor control commissioner within fourteen (14) days of the change. Failure to give the notice shall be grounds for revoking or suspending the license.

SEC. 4-3204. PERSONS INELIGIBLE FOR LICENSE.

No license of any kind shall be issued pursuant to this article to:

(1) A person who has not met the residency requirements as set forth in the Illinois Liquor Control Act of 1934, specifically 235 ILCS 5/6-2;

(2) A person who is not of good character and reputation in the community in which such person resides;

(3) A person who is not a citizen of the United States;

(4) A person who has been convicted of a felony under any federal or state law, unless the local liquor control commissioner determines that such person has been sufficiently rehabilitated to warrant the public trust after considering matters set forth in such person's application and the commissioner's investigation; the burden of proof of sufficient rehabilitation shall be on the applicant;

(5) A person who has been convicted of any crime or misdemeanor involving moral turpitude;

(6) A person whose license issued under this article has been revoked for cause;

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- (7) A person who at the time of application for renewal of any license issued pursuant to this article would not be eligible for the license upon a first application;
- (8) A sole proprietor applicant unless said applicant is a resident of Rock Island County and is otherwise qualified to obtain a license;
- (9) A co-partnership unless one of the partners of the co-partnership is a resident of Rock Island County and each of the partners of the co-partnership is otherwise qualified to obtain a license;
- (10) A limited liability company if any member of the company would not be eligible to receive a license under this article for any reason other than citizenship and residence within Rock Island County; or a corporation, if any officer, manager or director thereof, or any stockholder or stockholders, owning in the aggregate more than five percent (5%) of the stock of such corporation, would not be eligible to receive a license under this article for any reason other than citizenship and residence within Rock Island County;
- (11) A limited liability company unless it is formed in Illinois and is in good standing or unless it is a foreign limited liability company that is qualified under Illinois law to transact business in the state; or a corporation unless it is incorporated in Illinois and is in good standing or unless it is a foreign corporation which is qualified under Illinois law to transact business in the state;
- (12) 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, including the residency requirements as set forth in the Illinois Liquor Control Act of 1934, specifically 235 ILCS 5/6-2, and this article;
- (13) 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 has forfeited a bond to appear in court to answer charges for any such violation;
- (14) A person who does not beneficially own the premises for which a license is sought, or does not have a lease thereon for the full period for which the license is to be issued;
- (15) Any law enforcing City official, any mayor, alderman or other member of the City Council, any building official of the City of Moline, or zoning administrator of the City of Moline; and no such official shall be directly interested in the manufacture, sale or distribution of alcoholic liquor;
- (16) A person who is not a beneficial owner of the business to be operated by the licensee;
- (17) A person who has been convicted by a gambling offense as prescribed by 720 ILCS 5/28-1 through 720 ILCS 5/28-9, as heretofore or hereafter amended or as prescribed by statute replaced by any of the aforesaid statutory provisions, or any ordinance provisions similar in nature to said provisions;
- (18) A person or other entity recognized under Illinois law to whom a federal gaming device stamp or a federal wagering stamp has been issued by the federal government for the current tax period, unless person or other entity is eligible to be issued a license under the Illinois Raffles Act or the Illinois Pull Tabs and Jar Games Act or has obtained stamp pursuant to the Illinois Video Gaming Act, 230 ILCS 40/1 *et. seq.*, and local ordinance allowing same;
- (19) Any premises for which a federal gaming device stamp or a federal wagering stamp has been issued by the federal government for the current tax period unless stamp was issued pursuant to the Illinois Video Gaming Act, 230 ILCS 40/1 *et. seq.*, and local ordinance allowing same;
- (20) 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.

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SEC. 4-3205. PREMISES INELIGIBLE FOR LICENSE.

Except in the case of hotels, motels and clubs, no alcoholic liquor shall be sold at retail upon any premises which has any access which leads from such premises to any other portion of the same building or structure used for dwelling or lodging purposes and which is permitted to be used or kept accessible for use by the public. This section shall not prevent any connection between such premises and such other portion of the building or structure which is used only by the licensee, such licensee's family and personal guests.

SEC. 4-3206. LOCATIONS INELIGIBLE FOR LICENSE.

No license required by this article shall be issued for use in any of the following locations:

- (1) In any district under an ordinance entitled "Moline Zoning Ordinance," where the sale of liquor is not permitted by that ordinance;
- (2) In any area that is restricted geographically as set forth for specific license types in this ordinance.

SEC. 4-3207. CHANGE IN LICENSE CLASSIFICATION OR NAME CHANGE.

(a) Any licensee issued a license pursuant to this chapter may request to change the type of license issued to it as long as the licensee obtains property consents as set forth in Sec. 4-3202, meets all of the requirements of the requested license and there is a license of the requested classification available.

- (1) To change licenses, a licensee must complete the application form and pay the application fee as if it were a new license. No additional annual fee need be paid for the change in classification until the next renewal date.
- (2) A licensee may only change classification of license once during the year following issuance of the license.

(b) If at any time after the issuance of a license pursuant to this division, or during the course of the consideration by the local liquor control commissioner of an application filed pursuant to this division, the business name or corporate name of a partnership or corporation changes, the applicant or licensee shall submit a change of business name form and a signed and notarized affidavit stating the change along with a thirty dollar (\$30.00) fee. Notice of any such name change shall be given in writing to the local liquor control commissioner within fourteen (14) days of the change. Failure to give the notice shall be grounds for revoking or suspending the license or application.

SEC. 4-3208. LICENSE FEES.

(a) Before any class of license or additional use option thereto is issued pursuant to this division, the license applicant or licensee shall pay the application fee, annual license fee and/or option fees prescribed in this section as well as any outstanding fines, fees, taxes, bills, or invoices due and owing the City by the applicant or licensee, by its partners if the applicant or licensee is a partnership or limited liability company, or by its stockholders if the applicant or licensee is a corporation.

(b) **Application Fee.** The application fee is not refundable and is intended to cover the costs of preparing and reviewing property consents when applicable pursuant to Section 4-3202 and reviewing the applicant and application as well as serving other regulatory purposes.

(c) **License Fee and Option Fees.** The annual license fee and option fees are in addition to the application fee and are not refundable. The option fees are available only for those licenses as listed under "Class

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Eligible” in the table set forth below in this section. The annual license fee and any selected option fee may be prorated based upon the month of issuance.

(d) All annual licenses and their options expire on September 30 of each year. All annual license and option fees must be paid in full on or before September 30 at 5:00 p.m. or on or before a date and time determined by the local liquor control commissioner and set forth in the annual renewal notice to licensees.

(e) The fees for the various classes of licenses to be issued pursuant to this division shall be as follows:

Class	Description	Application Fee	Annual Fee
Class A	Restaurant	\$3,000.00	\$1,400.00
Class AA	Restaurant-Beer & Wine Only	\$3,000.00	\$1,400.00
Class B	Tavern	\$3,000.00	\$1,400.00
Class C	Packaged Sales Only-Primary	\$3,000.00	\$1,400.00
Class CC**	Packaged Sales Only-Secondary	\$3,000.00	\$1,400.00
Class CCC	Packaged Sales Beer and Wine Only-Secondary	\$3,000.00	\$1,400.00
Class D	Clubs/Fraternal or Veterans Organization	\$1,000.00	\$1,400.00
Class E	Rental Hall	\$3,000.00	\$1,400.00
Class F	Hotel/Motel	\$3,000.00	\$1,400.00
Class FF	Hotel/Motel Limited	\$3,000.00	\$1,400.00
Class G	Entertainment/Recreational/Service Facility	\$3,000.00	\$1,400.00
Class H	Civic Center	\$3,000.00	\$6,800.00
Class I	Special Event Not for Profit *	\$25.00/Event	N/A
Class II	Special Event Hosted Bar *	\$25.00/Event	N/A
Class III	Special Event Homebrewer *	\$25.00/Event	N/A
Class J	Park Concession	N/A	N/A
Class K	Video Gaming Establishment	\$3,000.00	\$1,400.00

Options	Description	Application Fee	Annual Fee	Class Eligible
Option 1	Outdoor Use	N/A	\$400.00	A, AA, B, D, E, F, FF, G, H
Option 2	Additional Bar Station	N/A	\$400.00	A, AA, B, D, E, G
Option 3	Caterer's Retail **	N/A	\$400.00	A, AA, CC, E
Option 4	Restaurant Alternate	N/A	\$400.00	A, AA
Option 5	Extended Hours-3 a.m. ***	N/A	\$1,000.00	A, AA, B
Option 6	Retailer's Off-Site Special Use (Public Property) *	\$25.00/Event	\$100.00	A, AA, B, D, E, F, FF, G, H
Option 7	Retailer's On-Site Outdoor Special Use *	\$25.00/Event	N/A	A, AA, B, D, E, F, FF, G, H

* Special Event / Special Use – for purposes of this fee, an event may cover multiple days as long as it is at the same location and for the same purpose and is submitted under one special event license application.

** Class CC licenses premises must be over 10,000 square feet.

*** Class A or Class AA license must include an Option 4 Restaurant Alternate to qualify for this Option 5.

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(f) In the case of renewal of a license issued pursuant to this article, the licensee shall pay a penalty of one percent (1%) for each day payment is late.

(g) **Duplicate License Fee.** A fee of twenty-five dollars (\$25.00) shall be paid by any licensee for any duplicate license for licenses that have been lost, stolen or destroyed.

SEC. 4-3209. TERM AND CONTENTS OF LICENSE.

A license issued pursuant to this division shall exist for a term of one (1) year from the first day of October. At the end of the license term, the license shall expire and cease to be a license. The license certificate issued by the local liquor control commissioner pursuant to this division shall show the following:

- (1) The name of licensee and the name under which the licensee does business, if applicable;
- (2) The class of the license and any options attached thereto;
- (3) The address of the licensed premises;
- (4) The signature of the local liquor control commissioner, attestation by the city clerk and the City seal;
- (5) The term of the license.

SEC. 4-3210. RENEWAL OF LICENSE; PROCEDURES.

(a) A license of a licensee under this chapter may be renewed at the expiration thereof, if said licensee is then qualified to receive a license and if the premises for which the renewal license is sought are suitable for the purpose. The renewal privilege provided for in this section shall not be construed as a vested right.

(b) The holder of a license issued pursuant to this article, who is eligible for an initial license pursuant to this chapter and who desires to procure renewal of such license, shall perform the following acts as part of the renewal process:

- (1) Pay the annual fees required by this chapter as well as any outstanding fines, fees, taxes, bills, or invoices due and owing the City by the licensee, by its partners if the licensee is a partnership, by its members if licensee is a limited liability company or by its stockholders if the licensee is a corporation.
- (2) File a copy of licensee’s current certificate of dram shop insurance.
 - a. Seven (7) days advance notice shall be required of the expiration of a licensee’s dram shop insurance. Failure to provide said notification is in violation of this chapter and is subject to a hearing on revocation or suspension of liquor license, and costs associated thereto.
- (3) File a copy of licensee’s certificate of good standing or printed documentation from the Secretary of State of Illinois if licensee is a corporation or limited liability company.
- (4) File a copy of licensee’s current State of Illinois liquor license and a copy of licensee’s City of Moline food license.
- (5) Amend application of licensee to show any change in any of the matters stated in the first application.
- (6) For licensees of a Class A Restaurant and Class AA Restaurant-Beer & Wine Only license: Provide a copy of a current Illinois Food Service Sanitation Manager Certification(s) or a copy of a current

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ANSI accredited Certified Food Protection Manager certification for each applicable employee as required for a Category I facility under Illinois state law.

(c) Licenses issued pursuant to this ordinance shall be renewed annually in September to be effective October 1.

(d) Upon granting the renewal of a license issued pursuant to this chapter, the local liquor control commissioner shall issue a new license.

(e) Upon renewal of a license hereunder, the local liquor control commissioner or deputy shall notify the Moline police department which shall review and update all background checks performed at the time of the first application.

SEC. 4-3211. NATURE OF PRIVILEGE GRANTED BY LICENSE.

A license issued pursuant to this chapter shall be purely a personal privilege, extending for its stated term only unless sooner revoked for cause, and shall not constitute property; and it shall not be subject to attachment, garnishment, or execution. The license shall not be alienable or transferable, voluntarily or involuntarily, or be subject to being encumbered or hypothecated. The license shall not descend by the laws of testate or intestate devolution, but it shall cease upon the death of the licensee; provided, that executors 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 an alcoholic beverage license, may continue the business of the sale of alcoholic liquor under order of an appropriate court, and may exercise the privileges of the deceased or insolvent or bankrupt licensee after said licensee's death or declaration of insolvency or bankruptcy by a court, but not longer than six (6) months after the death, bankruptcy or insolvency of the licensee.

DIVISION 3. PRIVILEGES CONFERRED BY VARIOUS CLASSES OF LICENSES

SEC. 4-3300. IN GENERAL.

The privileges authorized by the issuance of one of the various classes of licenses or the options connected therewith shall be as prescribed in this division.

SEC. 4-3301. COMPLIANCE REQUIRED.

No licensee under this chapter shall engage in any conduct allowable under any license except as specifically allowed by said licensee's own license or engage in any conduct otherwise prescribed by law or this chapter except as specifically allowed by said licensee's license.

SEC. 4-3302. CLASS A RESTAURANT LICENSE AND CLASS AA RESTAURANT-BEER & WINE ONLY LICENSE.

(a) A Class A Restaurant license or a Class AA Restaurant-Beer & Wine Only license may be issued only to those restaurants as defined in Section 4-1100. The sale of alcoholic liquor and revenues derived from the sale of alcoholic liquor and/or video gaming activity at a restaurant shall be incidental to the principal purpose of the sale of food. Class A and Class AA Restaurant licensees shall not include grocery stores, supermarkets, drugstores, or other retail stores.

(b) A Class A or a Class AA license issued pursuant to this chapter shall entitle the licensee to make the following sales of alcoholic liquor from one (1) bar room only:

- (1) Sales for consumption on the premises, with allowance for the removal of open wine bottles from a restaurant pursuant to 235 ILCS 5/6-33;

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(2) Package sales of alcoholic liquor in sealed packages of fifty one milliliters (51 ml) or larger for off-premises consumption.

(c) A Class A or a Class AA licensee may sell and serve alcoholic liquor during the following hours of business:

<u>Day</u>	<u>Hours</u>
Sunday	10:00 a.m. until 1:00 a.m. the next day
Monday through Thursday	For each day: 6:00 a.m. until 1:00 a.m. the next day
Friday and Saturday	For each day: 6:00 a.m. until 2:00 a.m. the next day.

(d) A Class A or a Class AA licensee may provide live entertainment.

(e) A Class AA license permits the sale of beer and wine only. No other alcoholic liquors may be sold at a Class AA licensed establishment.

(f) Pursuant to Section 4-2103(8), a Class A or a Class AA licensee may make a variance request to the local liquor control commissioner to allow a private event at the licensed premises during which time the entire premises may be closed to the general public. Such a request must be made in writing to the local liquor control commissioner no less than ten (10) days prior to the event and is limited to three (3) events in a calendar year.

(g) A “minor” is as defined in Section 4-1100. Minors may be allowed on premises licensed as a Class A or Class AA licensee pursuant to this chapter for purposes other than the purchase, possession or consumption of alcoholic liquor; however, no minor may be allowed to sit at a bar. No minor may be allowed to use or operate a video gaming terminal located on licensee’s premises, and video gaming terminals shall be placed in an area restricted to individuals aged twenty-one (21) and over.

(h) A Class A or Class AA licensee may have a maximum of five (5) video gaming terminals on its premises if it meets all rules and regulations for video gaming licensing through the State of Illinois and the City and remains compliant with said rules and regulations.

(i) There is no limit to the number of Class A or AA licenses issued within the City.

SEC. 4-3303. CLASS B TAVERN LICENSE.

(a) A Class B Tavern license may be issued only to those taverns as defined in Section 4-1100. The sale of alcoholic liquor shall be the principal purpose of a tavern and the revenues derived from the sale of food and/or video gaming activity, if applicable, shall be incidental.

(b) A Class B license issued pursuant to this chapter shall entitle the licensee to make the following sales of alcoholic liquor from one (1) bar room only:

- (1) Sales for consumption on the premises;
- (2) Package sales of alcoholic liquor in sealed packages of fifty one milliliters (51 ml) or larger for off-premises consumption, effective January 1, 2010.

(c) A Class B licensee may sell and serve alcoholic liquor during the following hours of business:

<u>Day</u>	<u>Hours</u>
Sunday	10:00 a.m. until 1:00 a.m. the next day
Monday through Thursday	For each day: 6:00 a.m. until 1:00 a.m. the next day
Friday and Saturday	For each day: 6:00 a.m. until 2:00 a.m. the next day.

(d) A Class B licensee may provide live entertainment.

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(e) A “minor” is as defined in Section 4-1100. No minor shall be on any premises licensed as a Class B licensee, and a Class B licensee must post a sign provided by the City and visible at the entrance to its premises stating that no minors are permitted on said premises per City ordinance.

(f) A Class B licensed premises may not be located within three hundred (300) 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, any military or naval station. The distance of three hundred (300) feet shall be measured from the nearest part of the licensee’s building to the nearest part of a 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.

(1) **Exception:** If a proposed premises for a Class B license is located within one hundred (100) to three hundred (300) feet of any establishment listed in Sec. 4-3303(f), the property owner shall be included in the property consents required for a license per Sec. 4-3202 of the Code, and the license applicant may seek the consent(s) as part of the majority of property owners necessary to proceed with the license application.

(g) A Class B licensee may have a maximum of five (5) video gaming terminals on its premises if it meets all rules and regulations for video gaming licensing through the State of Illinois and the City and remains compliant with said rules and regulations.

(h) There shall be no more than thirty (30) Class B licenses issued at any one time within the City.

**SEC. 4-3304. CLASS C PACKAGED SALES ONLY- PRIMARY LICENSE;
CLASS CC PACKAGED SALES ONLY- SECONDARY LICENSE
AND CLASS CCC PACKAGED SALES BEER AND WINE ONLY-
SECONDARY.**

(a) A Class C Packaged Sales Only-Primary license, a Class CC Packaged Sales Only-Secondary license, and a Class CCC Packaged Sales Beer and Wine Only-Secondary license issued pursuant to this chapter shall entitle the licensee to make the following sales of alcoholic liquor only:

(1) Package sales of alcoholic liquor in sealed packages of fifty one milliliters (51 ml) or larger.

(b) A Class C, Class CC and Class CCC licensee may sell alcoholic liquor during the following hours of business:

<u>Day</u>	<u>Hours</u>
Sunday	10:00 a.m. until 1:00 a.m. the next day
Monday through Thursday	For each day: 6:00 a.m. until 1:00 a.m. the next day
Friday and Saturday	For each day: 6:00 a.m. until 2:00 a.m. the next day.

(c) A Class C, Class CC or Class CCC license may not be located within one hundred (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, any military or naval station. The distance of one hundred (100) feet shall be measured from the nearest part of the licensee’s building to the nearest part of a church, school, other than an institution of higher learning, hospital, home for aged or indigent persons or for veterans, their spouses or children, any military or naval station.

(d) A Class C Packaged Sales Only-Primary license shall be issued when the sale of alcoholic liquors is the primary business of the licensee. “Primary business” shall mean that twenty-five percent (25%) or more of the square footage of the store available for sales is dedicated to the displays or promotion of alcoholic liquors.

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(e) A Class CC Packaged Sales Only-Secondary license shall be issued when less than twenty-five percent (25%) of the square footage of the store available for sales is dedicated to the displays or promotion of alcoholic liquors.

(f) A Class CCC Packaged Sales Beer and Wine Only-Secondary license shall be issued when less than twenty-five percent (25%) of the square footage of the store available for sales is dedicated to the displays or promotion of alcoholic liquors and the licensee sells only beer and wine.

(g) **Minors.** A “minor” is as defined in Sec. 4-1100.

(1) No minor shall be on any premises licensed as a Class C licensee, and a Class C licensee must post a sign provided by the City and visible at the entrance to its premises stating that no minors are permitted on said premises per City ordinance.

(2) Minors are allowed in a Class CC or Class CCC licensed premises except where a Class CC or Class CCC licensee has a specific section or department dedicated to the sale of alcoholic liquor; no minor shall be permitted in said section or department unless accompanied by an individual twenty-one (21) years or older.

(Ord. No. 3035-2013; Sec. 4-3304(c) repealed; new Sec. 4-3304(c) enacted; 10/15/13) (Ord. No. 3017-2012; Sec. 4-3304(d)(2), (e)(2), (f)(2) repealed in entirety; 07/17/12)

SEC. 4-3305. CLASS D CLUBS/FRATERNAL OR VETERANS ORGANIZATION LICENSE.

(a) A Class D Club/Fraternal or Veterans Organization license may be issued only to a club as defined in Section 4-1100. The principal purpose of a club is as a fraternal or veterans organization and the revenues derived from the sale of alcoholic liquor or food and/or video gaming activity, if applicable, shall be incidental.

(b) A Class D license issued pursuant to this chapter shall entitle the licensee to make the following sales of alcoholic liquor from one (1) bar room only:

- (1) Sales for consumption on the premises;
- (2) Package sales of alcoholic liquor in sealed packages of fifty one milliliters (51 ml) or larger for off-premises consumption.

(c) A Class D licensee may sell and serve alcoholic liquor during the following hours of business:

<u>Day</u>	<u>Hours</u>
Sunday	10:00 a.m. until 1:00 a.m. the next day
Monday through Thursday	For each day: 6:00 a.m. until 1:00 a.m. the next day
Friday and Saturday	For each day: 6:00 a.m. until 2:00 a.m. the next day.

(d) A Class D licensee may provide live entertainment.

(e) A “minor” is as defined in Section 4-1100. Minors may be allowed on premises licensed as a Class D licensee pursuant to this chapter for purposes other than the purchase, possession or consumption of alcoholic liquor; however, no minor may be allowed to sit at a bar. No minor may be allowed to use or operate a video gaming terminal located on licensee’s premises, and video gaming terminals shall be placed in an area restricted to individuals aged twenty-one (21) and over.

(f) A Class D licensee may have a maximum of five (5) video gaming terminals on its premises if it meets all rules and regulations for video gaming licensing through the State of Illinois and the City and remains in compliance with said rules and regulations.

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SEC. 4-3306. CLASS E RENTAL HALL.

(a) A Class E Rental Hall license may be issued only to a rental hall business as defined in Section 4-1100.

(b) A Class E licensee issued pursuant to this chapter shall entitle the licensee to make the following sales of alcoholic liquor from one (1) bar room only:

(1) Sales for consumption on the premises used exclusively for private functions. Hors d'oeuvres, meals or other food from the licensee or a licensed food establishment must be served continually at every private function.

(2) Package sales of alcoholic liquor in sealed packages of fifty one milliliters (51 ml) or larger for off-premises consumption.

(c) A Class E licensee may sell and serve alcoholic liquor during the following hours of business unless a variance is otherwise granted by the local liquor control commissioner:

<u>Day</u>	<u>Hours</u>
Sunday	10:00 a.m. until 12:00 a.m. the next day.
Monday through Saturday	For each day: 6:00 a.m. until 12:00 a.m. the next day.

Pursuant to Section 4-2103(7), a Class E licensee may request a variance to extend its hours of business to 1:00 a.m. for certain events, but no more than three (3) times per year per licensee. Such a request must be made in writing to the local liquor control commissioner no less than ten (10) days prior to the event.

(d) A Class E licensee may provide live entertainment.

(e) A “minor” is as defined in Section 4-1100. Minors may be allowed on premises licensed as a Class E licensee pursuant to this chapter for purposes other than the purchase, possession or consumption of alcoholic liquor; however, no minor may be allowed to sit at a bar.

(f) There is no limit to the number of Class E licenses issued within the City.

SEC. 4-3307. CLASS F HOTEL/MOTEL LICENSE.

(a) A Class F Hotel/Motel license issued pursuant to this chapter shall entitle the licensee, a hotel or motel as defined in Section 4-1100, to make the following sales of alcoholic liquor:

(1) Sales for consumption on the premises, whether for private events or public consumption in tavern, lounge area or banquet rooms;

(2) Package sales in sealed packages of fifty one milliliters (51 ml) or larger effective January 1, 2010.

(b) A Class F licensee may sell and serve alcoholic liquor during the following hours of business:

<u>Day</u>	<u>Hours</u>
Sunday	10:00 a.m. until 1:00 a.m. the next day
Monday through Thursday	For each day: 6:00 a.m. until 1:00 a.m. the next day
Friday and Saturday	For each day: 6:00 a.m. until 2:00 a.m. the next day.

(c) A Class F licensee may provide live entertainment.

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(d) A “minor” is as defined in Sec. 4-1100. Minors may be allowed on premises licensed as a Class F licensee pursuant to this chapter for purposes other than the purchase, possession or consumption of alcoholic liquors; however, no minor may be allowed to sit at a bar.

(e) There is no limit to the number of Class F licenses issued within the City.

SEC. 4-3308. CLASS FF HOTEL/MOTEL LIMITED.

(a) A Class FF Hotel/Motel Limited license issued pursuant to this chapter shall entitle the licensee, a hotel or motel as defined in Section 4-1100, to make the following sales of beer and wine only as part of a hotel package:

(1) Sales for consumption on the premises in the area specifically designated in the license application for the hours of 4:00 p.m. through 8:00 p.m. each day.

(2) The licensee need not have a manager on the premises, but a person of the minimum age of twenty-one (21) years must be present in the designated area at all times while the beer and wine is available to the public.

(3) Hors d’oeuvres or other food must be served continually between 4:00 p.m. and 8:00 p.m. while beer and wine is being sold.

(b) A Class FF licensee may provide live entertainment.

(c) A Class FF license permits the sale of beer and wine only. No other alcoholic liquors may be sold as part of a hotel package at a Class FF licensed establishment.

(d) A “minor” is a defined in Sec. 4-1100. Minors may be allowed on premises licensed as a Class FF licensee pursuant to this chapter for purposes other than the purchase, possession or consumption of alcoholic liquors; however, no minor may be allowed to sit at a bar.

(e) There is no limit to the number of Class FF licenses issued within the City.

SEC. 4-3309. CLASS G ENTERTAINMENT/RECREATIONAL/SERVICE FACILITY LICENSE.

(a) A Class G Entertainment/Recreational/Service Facility license may be issued only to entertainment/recreational/service facilities as defined in Sec. 4-1100. The principal purpose of a Class G license is as an entertainment venue for live performances or for recreational activities or as a service establishment, and the revenue derived from the sale of alcoholic liquor or food shall be incidental. A business whose principal purpose is not the entertainment or recreational activity or the provision of a service or services but rather the sale of alcoholic liquor shall obtain a Class B Tavern liquor license and follow the requirements of the Class B license.

(b) A Class G license issued pursuant to this chapter shall entitle the licensee to make the following sales of alcoholic liquor from one (1) bar room only and only during times when the premises is being used for the entertainment or recreational activities or services:

(1) Sales for consumption on the premises;

(2) Package sales of alcoholic liquor in sealed packages of fifty one milliliters (51 ml) or larger for off-premises consumption.

(c) A Class G licensee may sell and serve alcoholic liquor during the following hours of business:

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<u>Day</u>	<u>Hours</u>
Sunday	10:00 a.m. until 1:00 a.m. the next day
Monday through Thursday	For each day: 6:00 a.m. until 1:00 a.m. the next day
Friday and Saturday	For each day: 6:00 a.m. until 2:00 a.m. the next day.

- (d) A “minor” is as defined in Section 4-1100. Minors may be allowed on premises licensed as a Class G licensee pursuant to this chapter for purposes other than the purchase, possession or consumption of alcoholic liquor; however, no minor may be allowed to sit at a bar.
- (e) There is no limit to the number of Class G licenses issued within the City.

SEC. 4-3310. CLASS H CIVIC CENTER LICENSE.

- (a) A Class H Civic Center license issued pursuant to this chapter shall entitle the licensee, a civic center as defined in Section 4-1100, to make the following sales of alcoholic liquor:
 - (1) Sales for consumption on the premises, whether for private events or public consumption in bar or lounge area, banquet rooms, or event area;
 - (2) Package sales of alcoholic liquor in sealed packages of fifty one milliliters (51 ml) or larger for off-premises consumption.
- (b) A Class H licensee may sell and serve alcoholic liquor during the following hours of business:

<u>Day</u>	<u>Hours</u>
Sunday	10:00 a.m. until 1:00 a.m. the next day
Monday through Thursday	For each day: 6:00 a.m. until 1:00 a.m. the next day
Friday and Saturday	For each day: 6:00 a.m. until 2:00 a.m. the next day.

- (c) A Class H licensee may provide live entertainment.
- (d) Minors may be allowed on premises licensed as a Class H Licensee pursuant to this chapter for purposes other than the purchase, possession or consumption of alcoholic liquor; however, no minor may be allowed to sit at a bar.
- (e) There is no limit to the number of Class H licenses issued within the City.

SEC. 4-3311. CLASS I SPECIAL EVENT NOT FOR PROFIT LICENSE.

- (a) A Class I Special Event Not for Profit license shall be issued only to organized clubs, societies, associations, fraternal organizations, duly constituted churches, municipal governmental entities, or benevolent organizations organized not for pecuniary profits. An applicant shall provide proof of its not for profit status as part of the license application.
- (b) A Class I license fee is twenty-five dollars (\$25.00) for each event. For purposes of this section, an event may cover multiple days as long as it is at the same location and for the same purpose and is submitted under one special event license application.
- (c) A Class I license issued pursuant to this chapter shall entitle the licensee to sell alcoholic liquor for consumption on the premises at any banquet, picnic, bazaar, fair, or similar special event.

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(d) A Class I licensee may sell and serve alcoholic liquor for a special event during the following hours:

<u>Day</u>	<u>Hours</u>
Sunday	10:00 a.m. until 1:00 a.m. the next day
Monday through Thursday	For each day: 6:00 a.m. until 1:00 a.m. the next day
Friday and Saturday	For each day: 6:00 a.m. until 2:00 a.m. the next day.

Exception: Any Class I special event that takes place outside of an enclosed building shall cease the sale of alcoholic liquor at 11:00 p.m. of the same day upon which sales commenced.

(e) A Class I license shall require proof of dram shop (liquor liability) insurance on behalf of the City 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 or one million dollars (\$1,000,000.00) if the event is to be located on City property or public right-of-way.

(f) If the special event will be on City property or public right-of-way, the Class I license also requires an approved licensing agreement executed by the licensee, which agreement shall require proof of insurance on behalf of the City insuring for use of the City property or public right-of-way in one of the following amounts per Section 6-2104 of the Code: one million dollars (\$1,000,000.00) if less than five thousand (5,000) persons are expected to be in attendance or five million dollars (\$5,000,000.00) if more than five thousand (5,000) persons are expected to be in attendance.

(g) If the sale of alcoholic liquor is to be conducted outside of an enclosed building, the following requirements must be met:

- (1) Adequate lighting must be maintained at all times such that law enforcement personnel may visually identify patrons.
- (2) Sound amplification is allowed only if the event location is more than five hundred (500) feet from any residentially zoned parcel, which shall be measured from the nearest part of the event location premises to the nearest part of any residentially zoned parcel. If sound amplification is allowed based on this distance, such sound may not cause alarm or disturb the public peace and quiet as set forth in Sec. 22-1100(7), "Noises," of the Code of Ordinances, which references noise measurement limits in Sec. 35-5409(d) of the Code. If the amplified sound exceeds the noise measurements of Sec. 35-5409(d) from any point at or within the property line of the residentially zoned parcel, it will be considered a nuisance violation of Sec. 22-1100(7) and the sound amplification must cease immediately.
- (3) Security provided by Moline police department and paid for by licensee if the city administrator or designee deems it necessary.
- (4) Only non-glass containers may be used.
- (h) A Class I licensee may provide live entertainment.

(i) A "minor" is as defined in Section 4-1100. Minors may be allowed on premises licensed as a Class I licensee pursuant to this chapter for purposes other than the purchase, possession or consumption of alcoholic liquor; however, no minor may be allowed to sit at a bar.

(j) A Class I license application shall be received in the office of the local liquor control commissioner not fewer than ten (10) business days prior to the event and include the following information:

- (1) Full legal name of authorized representative of organized club, society, association, fraternal organization, duly constituted church, municipal governmental entity, or benevolent organization organized not for pecuniary profit;

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- (2) Copy of the articles of organization or other proof indicating the not for profit status of the organization referenced in (j)(1) above;
- (3) Mailing address, email address and telephone number to be reached during the hours of event;
- (4) Copy of government issued photo identification of authorized representative of the organization referenced in (j)(1) above;
- (5) Type of event, location, date, and beginning and ending times.

(k) Following issuance of a Class I Special Event Not for Profit liquor license by the City, a licensee shall submit an Application for State of Illinois Special Event Retailer’s Liquor License (Not-for-Profit) to the Illinois Liquor Control Commission and obtain a state liquor license for the event.

SEC. 4-3312. CLASS II SPECIAL EVENT HOSTED BAR LICENSE.

(a) A Class II Special Event Hosted Bar license shall be issued only for a private event to be held at City property known as Bass Street Landing Plaza or the Historic Block Courtyard, by invitation to attendees and not open to the general public, including but not limited to wedding ceremonies, wedding receptions, graduation celebrations, or similar events. As the host of a special event, the licensee may be an individual, corporation, limited liability company or partnership who will be providing alcoholic liquor free of charge to attendees of the event.

(b) A Class II license fee is twenty-five dollars (\$25.00) for each event. For purposes of this section, an event may cover multiple days as long as it is at the same location and for the same purpose and is submitted under one special event license application.

(c) A Class II licensee may serve alcoholic liquor at a special event during the following hours:

<u>Day</u>	<u>Hours</u>
Monday through Thursday	For each day: 5:00 p.m. until 10:00 p.m.
Friday and Saturday	For each day: 10:00 a.m. until 11:00 p.m.

(d) A Class II licensee may provide live or recorded entertainment including amplified sound during the same hours listed in 4-3312(c) above.

(e) A Class II license shall require proof of dram shop (liquor liability) insurance on behalf of the City in the amount of one million dollars (\$1,000,000.00).

(f) The Class II license also requires an approved licensing agreement executed by the licensee, which agreement shall require proof of insurance on behalf of the City, insuring for the use of public property known as Bass Street Landing Plaza or the Historic Block Courtyard, in the amount of one million dollars (\$1,000,000.00).

(g) A Class II licensee shall only serve alcoholic liquor in non-glass containers.

(h) A “minor” is as defined in Section 4-1100. Minors may be allowed on premises licensed as a Class II licensee pursuant to this chapter for purposes other than the purchase, possession or consumption of alcoholic liquor; however, no minor may be allowed to sit at a bar.

(i) A Class II license application shall be received in the office of the local liquor control commissioner not fewer than ten (10) business days prior to the event and include the following information:

- (1) Full legal name of individual or authorized representative of corporation, limited liability company or partnership;
- (2) Mailing address, email address and telephone number to be reached during the hours of event;

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- (3) Copy of government issued photo identification of individual, authorized representative of corporation, limited liability company or partnership members applying for the license;
- (4) Type of event, location, date, beginning and ending times.

(j) A State of Illinois liquor license is not required following issuance of a Class II Special Event Hosted Bar liquor license by the City if the applicant will only be providing alcoholic liquor free of charge to attendees of the event. If the applicant wishes to also provide a cash bar where alcoholic liquor will be sold to the attendees, the applicant must select either a City liquor licensee that holds a licensing agreement with the City for the sale of alcoholic liquor at Bass Street Landing Plaza or the Historic Block Courtyard, or a City liquor licensee that is licensed for retailer’s off-site special use (Class 6 license option). Information on these liquor licensees may be obtained from the office of the local liquor control commissioner.

SEC. 4-3313. CLASS III SPECIAL EVENT HOMEBREWER LICENSE.

(a) A Class III Special Event Homebrewer license issued pursuant to this chapter shall entitle the licensee, a homebrewer as defined by 235 ILCS 5/6-36, to provide homebrew product samples as defined by 235 ILCS 5/2-1 for consumption at a special event open to the public to persons over the age of twenty-one (21) as outlined by 235 ILCS 5/6-36. A Class III licensee shall only serve homebrewed samples free of charge.

(b) A Class III license fee is twenty-five dollars (\$25.00) for each event. For purposes of this section, an event may cover multiple days as long as it is at the same location and for the same purpose and is submitted under one special event license application.

(c) A Class III licensee may serve homebrewed samples at a special event during the following hours:

<u>Day</u>	<u>Hours</u>
Sunday	10:00 a.m. until 1:00 a.m. the next day
Monday through Thursday	For each day: 6:00 a.m. until 1:00 a.m. the next day
Friday and Saturday	For each day: 6:00 a.m. until 2:00 a.m. the next day.

Exception: Any Class III event that takes place outside of an enclosed building shall cease the service of homebrewed samples at 11:00 p.m. of the same day of the event.

(d) A Class III license shall require proof of dram shop (liquor liability) insurance on behalf of the City 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 or one million dollars (\$1,000,000.00) if the event is to be located on City property or public right-of-way.

(e) If the special event will be on City property or public right-of-way, the Class III license also requires an approved licensing agreement executed by the licensee, which agreement shall require proof of insurance on behalf of the City insuring for use of the City property or public right-of-way in one of the following amounts per Section 6-2104 of the Code: one million dollars (\$1,000,000.00) if less than five thousand (5,000) persons are expected to be in attendance or five million dollars (\$5,000,000.00) if more than five thousand (5,000) persons are expected to be in attendance.

(f) If the service and/or sampling of homebrewed samples is to be conducted outside of an enclosed building, the following requirements must be met:

- (1) Adequate lighting must be maintained at all times such that law enforcement personnel may visually identify patrons.
- (2) Sound amplification is allowed only if the event location is more than five hundred (500) feet from any residentially zoned parcel, which shall be measured from the nearest part of the event location premises to the nearest part of any residentially zoned parcel. If sound amplification is allowed

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based on this distance, such sound may not cause alarm or disturb the public peace and quiet as set forth in Sec. 22-1100(7), “Noises,” of the Code of Ordinances, which references noise measurement limits in Sec. 35-5409(d) of the Code. If the amplified sound exceeds the noise measurements of Sec. 35-5409(d) from any point at or within the property line of the residentially zoned parcel, it will be considered a nuisance violation of Sec. 22-1100(7) and the sound amplification must cease immediately.

(3) Security provided by Moline police department and paid for by licensee if the city administrator or designee deems it necessary.

(4) Only non-glass containers may be used.

(g) A “minor” is as defined in Section 4-1100. Minors may be allowed on premises licensed as a Class III licensee pursuant to this chapter for purposes other than the purchase, possession or consumption of alcoholic liquor; however, no minor may be allowed to sit at a bar.

(h) A Class III license application shall be received in the office of the local liquor control commissioner not fewer than ten (10) business days prior to the event and include the following information:

(1) Full legal name of individual or authorized representative of corporation, limited liability company or partnership;

(2) Mailing address, email address and telephone number to be reached during the hours of event;

(3) Copy of government issued photo identification of individual, authorized representative of corporation, limited liability company or partnership applying for license;

(4) Type of event, location, date, and beginning and ending times.

(i) Following issuance of a Class III Special Event Homebrewer liquor license by the City, a licensee shall submit an Application for a State of Illinois Homebrewer Special Event Liquor License to the Illinois Liquor Control Commission and obtain a State liquor license for the event.

SEC. 4-3314. CLASS J PARK CONCESSION LICENSE.

(a) A Class J Park Concession license issued pursuant to this chapter shall entitle the licensee, the City of Moline, to make the following sales of alcoholic liquor:

(1) Sales for consumption on the premises at Green Valley Sports Complex excluding parking areas.

(b) A Class J licensee may sell and serve alcoholic liquor during the following hours of business:

<u>Day</u>	<u>Hours</u>
Sunday	10:00 a.m. until 1:00 a.m. the next day
Monday through Thursday	For each day: 6:00 a.m. until 1:00 a.m. the next day
Friday and Saturday	For each day: 6:00 a.m. until 2:00 a.m. the next day.

(c) A Class J licensee may provide live entertainment.

(d) Minors may be allowed on premises licensed as a Class J licensee pursuant to this chapter for purposes other than the purchase, possession or consumption of alcoholic liquor; however, no minor may be allowed to sit at a bar.

(e) Certain requirements for the sale of alcoholic liquor at Green Valley Sports Complex must be met as set forth below:

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- (1) Adequate lighting must be maintained at all times such that law enforcement and park personnel may visually identify patrons;
- (2) A Class J licensee may provide live or recorded entertainment including amplified sound during the same hours listed in Section 4-3314(b) above;
- (3) Security provided by Moline police department and paid for by licensee if the city administrator or designee deems it necessary; and
- (4) Only non-glass containers may be used.

(f) To ensure compliance with all requirements of the ordinance, at least one (1) employee of the premises must physically frequent such premises where park patrons are present at least once every thirty (30) minutes to monitor and require such compliance; provided, however, that such requirement is only effective when park patrons or other individuals are present on the premises.

SEC. 4-3315. CLASS K VIDEO GAMING ESTABLISHMENT LICENSE.

(a) A Class K Video Gaming Establishment license may be issued only to those video gaming establishments as defined in Section 4-1100, whose principal business is the operation of video gaming terminals. The sale of alcoholic liquor and the revenue derived from the sale of alcoholic liquor and/or food at a video gaming establishment shall be incidental to the principal purpose and activity of video gaming.

(b) A Class K licensee must comply with all requirements of this Section 4-3315 as well as the rules and regulations adopted by the Illinois Gaming Board pursuant to the Illinois Video Gaming Act, 230 ILCS 40/1 et. seq.

(c) A Class K license issued pursuant to this chapter shall entitle the licensee to make the following sales of alcoholic liquor from one (1) bar room only:

- (1) Sales for consumption on the premises;
- (2) Package sales of alcoholic liquor in sealed packages of fifty one milliliters (51 ml) or larger for off-premises consumption.
- (d) All operations must be conducted indoors.
- (e) A Class K licensee may sell and serve alcoholic liquor during the following hours of business:

<u>Day</u>	<u>Hours</u>
Sunday	10:00 a.m. until 1:00 a.m. the next day
Monday through Thursday	For each day: 6:00 a.m. until 1:00 a.m. the next day
Friday and Saturday	For each day: 6:00 a.m. until 2:00 a.m. the next day.

No video gaming terminal may be used, operated, or played except during the licensee’s hours of business.

(f) A Class K licensed premises may not be located within three hundred (300) 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, any military or naval station. This restriction does not apply if one of the listed organizations moves within the restricted distance following the issuance of a Class K license.

The distance of three hundred (300) feet shall be measured from the nearest part of the licensee’s building to the nearest part 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, any military or naval station. When a proposed Class K licensee will be located within a subsection of a property by virtue of a lease, deed, or other arrangement (e.g., a tenant in a

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shopping center or commercial condominium), the distance of three hundred (300) feet shall be measured from the subsection of the property (i.e., boundaries of the establishment's leased building premises).

(g) A Class K license must have at least one (1) employee over the age of twenty-one (21) on the licensed premises at all times and the entrance to the establishment must be within view of said employee.

(h) A “minor” is as defined in Section 4-1100. No minor shall be on any premises licensed as a Class K licensee, and a Class K licensee must post a sign provided by the City and visible at the entrance to its premises stating that no minors are permitted on said premises per City ordinance.

(i) Following issuance of a Class K license, in order to operate video gaming on its premises, the licensee must apply for and maintain a current State of Illinois liquor license from the Illinois Liquor Control Commission, a video gaming location license from the Illinois Gaming Board and a video gaming license from the City of Moline.

(j) No video gaming terminal may be used, operated, or played at a licensed establishment where alcoholic liquor is sold when the liquor license for that establishment has been suspended or revoked. A licensee’s video gaming license shall be suspended for the same period of time as the suspension or revocation of the liquor license.

(k) There shall be no more than five (5) Class K licenses issued at any one time within the City.

SEC. 4-3316. OPTIONS GENERALLY.

(a) All of the options permitted by this ordinance are granted in conjunction with a license and are not granted unless the specific class of license held by the licensee is eligible for such an option.

(b) An option may be granted only if the licensee meets all requirements for the option requested and said request is approved by the local liquor control commissioner and the fees set forth for each option are paid.

(c) The purchase of an option shall not enlarge the licensee's privileges and limitations under the license except as specified by the option purchased.

(Ord. No. 3020-2015; prior Sec. 4-3316 “Option II Additional Bar Station” consecutively renumbered to Sec. 4-3318; 05/12/15)

SEC. 4-3317. OPTION 1 OUTDOOR USE.

(a) The following classes of licenses are eligible for the outdoor use option: Class A, AA, B, D, E, F, FF, and G, and H.

(b) The outdoor use option allows a licensed premises to conduct activities licensed under the provisions of this chapter outside of an enclosed building for the purpose of serving patrons when no residential neighborhood will be adversely affected; provided, however, that all activities take place on the licensed premises or, if the outdoor use is to operate on public right-of-way or public property, the outdoor use option may be granted only with a City Council approved licensing agreement executed by the licensee which licensing agreement shall require proof of insurance on behalf of the City in appropriate amounts, insuring for the use of right-of-way or public property. In addition, no outdoor use option shall be granted by the liquor control commissioner unless all of the following terms are included within the permitted option:

(1) Adequate lighting must be maintained at all times such that law enforcement personnel may visually identify patrons from the public right-of-way;

(2) The maximum hours of operation for outdoor use shall be the exact hours of operation of the licensee if the outdoor use is on private property; if the outdoor use is to operate on public right-of-way or public property, the hours of operation shall be daily from 10:00 a.m. to 11:00 p.m.;

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- (3) All parking requirements of City ordinances must be satisfied;
- (4) No sound amplification equipment will be used outside; provided, however, that ambient background music is permissible; for purposes of this subsection, “ambient background music” shall mean quiet music played at a minimal volume such that it is not audible from adjoining property or public rights-of-way;
- (5) That appropriate demarcation elements shall be required herein to identify the outside premises licensed hereunder and the proposed demarcation elements shall be approved as set forth in Section 6-2106, “Use of Public Right-of-Way for Sidewalk Food and Beverage Service,” of the Moline Code of Ordinances;
- (6) Only non-glass containers may be used if the outdoor premises are located on public property or public right-of-way;
- (7) Live animals shall be excluded from all areas under the control of the licensed establishment both inside and outside of an enclosed building for the purpose of serving patrons on private property, public right-of-way or public property. This exclusion does not apply to edible fish, crustacean, shellfish, or to fish in aquariums. Patrol dogs accompanying security or police officers and support animals trained to assist handicapped persons accompanying such persons shall be permitted in dining areas.

(c) To ensure compliance with all requirements of the ordinance, at least one (1) employee of the premises must physically frequent such outside portion at least once every five (5) minutes to monitor and require such compliance; provided, however, that such requirement is only effective when patrons or other individuals are present at the outdoor portion of the licensee.

(Ord. No. 3020-2015; prior Sec. 4-3317 “Option III Caterer’s Retail” renumbered to Sec. 4-3319; 05/12/15)

SEC. 4-3318. OPTION 2 ADDITIONAL BAR STATION.

- (a) The following classes of licenses are eligible for the additional bar station option: Class A, AA, B, D, E, and G.
- (b) The additional bar station option permits the licensee to maintain two (2) or more bar rooms or dispensing points.
- (c) For purposes of this section, a licensee maintains separate bar rooms when two (2) or more bars are separated by walls, ceilings, or floors so that access from one bar to another can only be had by going through a door or doorway or by going up or down a flight of stairs.
- (d) Any applicant desiring to purchase an additional bar station option shall supply the local liquor control commissioner with the number of bar rooms and the specific location of the bar rooms in the building or on the premises in addition to any other information required by this ordinance. The fee for this option is assessed for each additional bar station requested.

(Ord. No. 3028-2011; Sec. 4-3318(a) repealed; new Sec. 4-3318(a) enacted; 07/19/11)

(Ord. No. 3020-2015; prior Sec. 4-3318 “Option IV Restaurant Alternate” consecutively renumbered to Sec. 4-3320; 05/12/15)

SEC. 4-3319. OPTION 3 CATERER’S RETAIL.

(a) The following classes of licenses are eligible for the caterer’s retail option if licensee meets the definition of a caterer retailer as set forth in Section 4-1100: Class A, AA, CC (if the square footage of the Class CC premises is greater than 10,000 square feet), and E.

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(b) A licensee may select the caterer’s retail option to authorize the licensee to provide catering services at an off-site catering location during the following hours of business, unless a variance is otherwise granted by the local liquor control commissioner pursuant to Section 4-2103(7):

<u>Day</u>	<u>Hours</u>
Sunday	10:00 a.m. until 12:00 a.m. the next day
Monday through Saturday	For each day: 6:00 a.m. until 12:00 a.m. the next day.

(c) Catering location is defined as a location that is used for a private party or function by invitation or reservation or paid admittance of attendees only and is not open to the general public, such as a wedding celebration, open house, live performance or similar event where, pursuant to an agreement with the event sponsor, the licensee is providing prepared food for serving to attendees in a room, rooms, or areas designated and used exclusively for the private party or function.

(d) To exercise this option, a licensee must provide verification to the local liquor control commissioner that its dram shop (liquor liability) insurance covers catering events and locations.

SEC. 4-3320. OPTION 4 RESTAURANT ALTERNATE.

(a) If a Class A or AA licensee elects to close its kitchen or otherwise ceases to serve the same menu served prior to the times identified in Section 4-3302, but remains open to serve beverages, including alcoholic liquor, said licensee must select the restaurant alternate option and comply with the following regulations concerning minors and hours of operation:

<u>Day</u>	<u>Hours</u>
Sunday	10:00 a.m. until 1:00 a.m. the next day
Monday through Thursday	For each day: 6:00 a.m. until 1:00 a.m. the next day
Friday and Saturday	For each day: 6:00 a.m. until 2:00 a.m. the next day.

(b) A “minor” is as defined in Sec. 4-1100. Minors must be dismissed or otherwise barred from the premises of an Option 4 licensee no later than 11:00 p.m. daily.

(c) There shall be no more than fifteen (15) Option 4 licenses issued at any one time within the City. (Ord. No. 3020-2015; prior Sec. 4-3320 “Option VI Off-Site Retailer’s Special Use” consecutively renumbered to Sec. 4-3322; 05/12/15)

SEC. 4-3321. OPTION 5 EXTENDED HOURS 3 A.M.

(a) The following classes of licenses are eligible for the extended hours option: Class A Restaurant and Class AA Restaurant-Beer & Wine Only, if said license includes an Option 4, and Class B Tavern.

(b) The extended hours option permits Class A and Class AA licensees with an Option 4 and Class B licensees to remain open to 3:00 a.m. daily to serve alcoholic liquor for consumption on the premises only.

- (c) The following shall be considered in determining whether to grant an application for Option 5:
 - (1) The number of off-street parking places available to the licensee;
 - (2) The distance from the licensed premises and any off-street parking to residentially zoned property;
 - (3) The hours live entertainment will be provided;
 - (4) Whether any other licensed premises exists within the vicinity of the licensee;

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(5) Whether conditions exist that are conducive to disturbing the quiet of residential neighborhoods or to producing blight in commercial neighborhoods.

(d) There shall be no more than fifteen (15) Option 5 licenses issued at any one time within the City.
(Ord. No. 3020-2015; this section was previously 4-3319; consecutively renumbered to Sec. 4-3321; 05/12/15)

SEC. 4-3322. OPTION 6 RETAILER’S OFF-SITE SPECIAL USE (PUBLIC PROPERTY).

(a) The following classes of licenses are eligible for the retailer’s off-site special use option: Class A, AA, B, D, E, F, FF and H.

(b) The retailer’s off-site special use option shall allow an eligible licensee to sell alcoholic liquor for an off-site special event on any approved City property or right-of-way in accordance with the requirements of an Illinois Special Use Permit Liquor License. Off-site means a premises other than the establishment premises covered by the existing license.

(c) An Option 6 licensee may sell and serve alcoholic liquor for an off-site special event during the following hours:

<u>Day</u>	<u>Hours</u>
Sunday	10:00 a.m. until 12:00 a.m. the next day
Monday through Saturday	For each day: 6:00 a.m. until 12:00 a.m. the next day.

Exception: Any such special event that takes place outside of an enclosed building shall cease the sale of alcoholic liquor at 11:00 p.m. of the same day upon which sales commenced.

(d) If the sale of alcoholic liquor is to be conducted outside of an enclosed building, the following requirements must be met:

- (1) Adequate lighting must be maintained at all times such that law enforcement personnel may visually identify patrons.
- (2) Sound amplification is allowed only if the event location is more than five hundred (500) feet from any residentially zoned parcel, which shall be measured from the nearest part of the event location premises to the nearest part of any residentially zoned parcel. If sound amplification is allowed based on this distance, such sound may not cause alarm or disturb the public peace and quiet as set forth in Sec. 22-1100(7), “Noises,” of the Code of Ordinances, which references noise measurement limits in Sec. 35-5409(d) of the Code. If the amplified sound exceeds the noise measurements of Sec. 35-5409(d) from any point at or within the property line of the residentially zoned parcel, it will be considered a nuisance violation of Sec. 22-1100(7) and the sound amplification must cease immediately.
- (3) Security provided by Moline police department and paid for by licensee if the city administrator or designee deems it necessary.
- (4) Only non-glass containers may be used.

(e) Application for the retailer’s off-site special use option along with the annual option fee of one hundred dollars (\$100.00) may be made to the local liquor control commissioner no less than ten (10) business days prior to the special event. To exercise this option, a licensee must provide verification to the local liquor control commissioner that its dram shop (liquor liability) insurance covers the special event. The licensee must also pay the special event license fee of twenty-five dollars (\$25.00) for each event. For purposes of this section, an event may cover multiple days as long as it is at the same location and for the same purpose and is submitted under one special event application.

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(f) This option also requires an approved licensing agreement executed by the licensee, which agreement shall require proof of insurance on behalf of the City insuring for use of the City property or public right-of-way in one of the following amounts per Section 6-2104 of the Code: one million dollars (\$1,000,000.00) if less than five thousand (5,000) persons are expected to be in attendance or five million dollars (\$5,000,000.00) if more than five thousand (5,000) persons are expected to be in attendance.

(g) The licensee shall immediately cease the sale and serving of alcoholic liquor at a special event if the City of Moline police department informs the licensee that a violation of any of the City ordinances or state law has occurred at the event.

(h) Following issuance of a special event liquor license by the City under the Retailer’s Off-Site Special Use option, a licensee shall submit an Application for State of Illinois Special Use Permit Liquor License to the Illinois Liquor Control Commission and obtain a State liquor license for the event.

SEC. 4-3324. OPTION 7 RETAILER’S ON-SITE OUTDOOR SPECIAL USE.

(a) The following classes of licenses are eligible for a retailer’s on-site outdoor special use: Class A, AA, B, D, E, F, FF and H.

(b) The Option 7 shall allow an eligible licensee to sell alcoholic liquor for an outdoor special event on the licensee’s premises. Such events may include a car show, a holiday celebration, a music fest, or similar event and are typically identified as being held in the parking lot of the licensee.

(c) An Option 7 issued pursuant to this chapter shall entitle the licensee to make the following sales of alcoholic liquor from one (1) bar room only:

(1) Sales for consumption on the premises.

(d) The Option 7 license fee is twenty-five dollars (\$25.00) for each event. For purposes of this section, an event may cover multiple days as long as it is at the same location and for the same purpose and is submitted under one special use application.

(e) An Option 7 licensee may serve alcoholic liquor for an outdoor special use during the following hours:

<u>Day</u>	<u>Hours</u>
Sunday	10:00 a.m. until 11:00 p.m. the same day
Monday through Saturday	For each day: 6:00 a.m. until 11:00 p.m. the same day.

(f) Other requirements for outdoor special events must be followed:

(1) Adequate lighting must be maintained at all times such that law enforcement personnel may visually identify patrons.

(2) Sound amplification is allowed only if the event location is more than five hundred (500) feet from any residentially zoned parcel, which shall be measured from the nearest part of the event location premises to the nearest part of any residentially zoned parcel. If sound amplification is allowed based on this distance, such sound may not cause alarm or disturb the public peace and quiet as set forth in Sec. 22-1100(7), “Noises,” of the Code of Ordinances, which references noise measurement limits in Sec. 35-5409(d) of the Code. If the amplified sound exceeds the noise measurements of Sec. 35-5409(d) from any point at or within the property line of the residentially zoned parcel, it will be considered a nuisance violation of Sec. 22-1100(7) and the sound amplification must cease immediately.

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- (3) Security provided by Moline police department and paid for by licensee if the city administrator or designee deems it necessary.
- (4) Only non-glass containers may be used.
- (g) **Minors.** A “minor” is as defined in Section 4-1100.
- (1) Minors may be allowed on the premises of a Class A, AA, D, E, F, FF or H liquor licensee during an Option 7 special use event for purposes other than purchase, possession or consumption of alcoholic liquor; however, no minor may be allowed to sit at a bar.
- (2) Minors shall not be allowed on the premises of a Class B tavern licensee during an Option 7 special use event pursuant to Sec. 4-3303 of this chapter which prohibits minors from being on any premises licensed as a Class B tavern.

(h) A request for an Option 7 may be made to the local liquor control commissioner no less than ten (10) business days prior to the special use event. To exercise this option, a licensee must provide a site plan and verification to the local liquor control commissioner that its dram shop (liquor liability) insurance covers the event; the proof of insurance should include the event name, location, date and hours. A licensee will be provided a letter of permission for the event upon the local liquor control commissioner’s review and approval of the event.

(i) The licensee shall immediately cease the sale and serving of alcoholic liquor and shut down the special use event if the City of Moline police department informs the licensee that a violation of any of the City ordinances or Illinois state law has occurred at the event.

DIVISION 4. ADMINISTRATIVE PROCEEDINGS

SEC. 4-3400. INITIAL APPLICATIONS.

The local liquor control commissioner may refuse to grant any initial application for a license or options connected thereto without hearing; however, said commissioner shall state in writing any reasons for such refusal and mail same to the applicant at the address on the application. The applicant may request in writing a hearing before the local liquor control commissioner within ten (10) days from the date of refusal and at such hearing be entitled to present evidence on said applicant's behalf as to why said applicant should be entitled to a license and to be represented by counsel at such hearing. The local liquor control commissioner shall make a decision in writing within fifteen (15) days from the close of the hearing which decision shall be appealable to the State of Illinois liquor control commission. If the local liquor control commissioner fails to make a decision within fifteen (15) days from the date an application is completed and all required submissions have been filed or within fifteen (15) days from the close of the hearing, the application shall be considered approved.

SEC. 4-3401. RENEWALS.

The local liquor control commissioner may refuse to renew a license or options connected thereto for cause; however, an applicant for renewal shall first be provided notice in writing of the cause or causes for non-renewal mailed to said applicant at the address of the applicant and be afforded a hearing where said applicant may confront witnesses against said applicant, be represented by counsel, and present evidence on said applicant's own behalf. Said hearing shall be held within ten (10) days of the notice, and the local liquor control commissioner shall render a decision in writing within five (5) days after the close of the hearing. Said decision shall be appealable to the State of Illinois liquor control commission. Except for nonpayment of fees, no applicant for renewal shall be denied the right to continue operation of the business as provided in the expired license until the local liquor control commissioner has rendered a decision in writing and the time for appeal has expired and no appeal has been taken.

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SEC. 4-3402. ADMINISTRATIVE FEES, REVOCATION AND SUSPENSION.

(a) If a licensee or its agents, officers, or employees commit any violation of the provisions of this Chapter of the Moline Code of Ordinances, Chapter 235 of the Illinois Compiled Statutes, as it is now or may hereafter be amended, or any provision of the Moline Code of Ordinances relating to the business of the licensee, including but not limited to any payments due and owing the City for services or taxes, or any rule or regulation established by the State of Illinois liquor control commission which is not inconsistent with law, or any criminal offense on the licensee's premises, the local liquor control commissioner shall impose an administrative fee and may suspend or revoke the licensee's license. The amount of the fee to be imposed and whether a license is suspended or revoked is based upon the previous violations committed by the licensee.

- (1) If a licensee commits a first violation, the local liquor control commissioner shall impose an administrative fee of not less than two hundred fifty dollars (\$250.00) up to seven hundred fifty dollars (\$750.00).
- (2) If a licensee commits a second violation, the local liquor control commissioner shall impose an administrative fee of not less than five hundred dollars (\$500.00) up to seven hundred fifty dollars (\$750.00) and may suspend the licensee's license for one (1) business day or longer to be imposed on the same day of the week upon which the violation occurred.
- (3) If a licensee commits a third violation, the local liquor control commissioner shall impose an administrative fee of not less than seven hundred fifty dollars (\$750.00) and may suspend the licensee's license for three (3) consecutive business days or longer, the suspension to begin on the same day of the week upon which the violation occurred.
- (4) If a licensee commits a fourth or subsequent violation, the local liquor control commissioner shall impose an administrative fee of not less than seven hundred fifty dollars (\$750.00) and may suspend the licensee's license for seven (7) consecutive business days or longer, the suspension to begin on the same day of the week upon which the violation occurred.

(b) Notwithstanding subsection (a) above, the local liquor control commissioner may revoke or suspend any license issued if said commissioner determines that the licensee or its agents, officers or employees has violated any of the provisions of this chapter, Chapter 235 of the Illinois Compiled Statutes as it is now or may hereafter be amended, any provision of the Moline Code of Ordinances relating to the business of the licensee, or any rule or regulation established by the State of Illinois liquor control commission which is not inconsistent with law, or any criminal offense on the licensee's premises, and if said commissioner determines that circumstances warrant a greater penalty than those outlined in subsection (a).

SEC. 4-3403. NOTICE AND HEARING.

No license shall be so revoked or suspended except after a public hearing by the local liquor control commissioner upon at least three (3) days' notice in writing to the licensee mailed to the address on file in the local liquor control commissioner's office. Said licensee shall have the opportunity to appear and defend against the violation either personally or through legal counsel and to confront those bringing charges against said licensee.

SEC. 4-3404. WITNESSES.

(a) No natural person may be required at said hearing to present testimony against oneself or against another if such testimony would tend to incriminate the witness unless such person is awarded use immunity from such statements or has already been tried for such conduct or the statute of limitations has run out for such offense. Nothing herein is intended to prevent the local liquor control commissioner from gaining access to business records of a licensee or from drawing an adverse inference from the refusal to testify.

(b) The city attorney only can grant such immunity from municipal prosecution and shall also obtain in writing from the State's Attorney of Rock Island County such immunity if the offense also violates state law.

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SEC. 4-3405. FINAL ORDER OF REVOCATION OR SUSPENSION.

The local liquor control commissioner shall, within five (5) days after the close of a revocation or suspension hearing, render in writing a decision upon the charges stated in the notice stating the facts relied upon and the conclusions drawn therefrom and enter an order of either acquittal or guilt and, if guilty, assess the administrative punishment therefor. A copy of said order shall be mailed to the licensee at the address on file with the local liquor control commissioner within five (5) days of its entry.

(a) It shall be within the authority of the liquor control commissioner to order costs of any hearing which can include, but are not limited to, those associated with reporter costs, administration costs, attorney costs, departmental overtime costs, administrative fines, and any other costs that are deemed appropriate.

(b) That upon receipt of dram shop insurance or other proof of financial responsibility at any hearing for failure to provide same, costs and fines as identified in subsection (a) above shall not be automatically waived.

SEC. 4-3406. ADMINISTRATIVE APPEALS.

(a) All proceedings provided for in this division shall be recorded by a certified court reporter; however, no transcription of such record shall be made unless requested in writing by an interested party who shall also order a copy of said transcription for all other interested parties and one (1) official transcript for filing with the state commission.

(b) Appeals from the decision of the local liquor control commissioner shall be as provided in Chapter 235 of the Illinois Compiled Statutes, or as amended; however, appeals shall not be heard de novo but shall be made upon the record provided for in subsection (a) above all as authorized by said Chapter 235 for appeals originating from home rule units of local government.

(c) An appeal properly and timely taken shall stay the imposition of any administrative punishment.

SEC. 4-3407. REQUIRED TRAINING FOR LICENSEE.

(a) **City Mandatory Training.** The City shall offer mandatory periodic training sessions regarding the rules and regulations of the sale of alcoholic liquor within the City with the following requirements:

- (1) liquor licensees shall be notified of the date of the training sessions via first class mail and electronic mail, if applicable, at least five (5) business days prior to the session dates;
- (2) a designated representative from every business licensed to sell alcoholic liquor within the City shall attend the training sessions per the City's notice of same;
- (3) failure to attend a training session by an alcoholic liquor licensee will be considered a violation of this ordinance and administrative proceedings shall be enforced.

(b) **BASSET Training.** BASSET is the acronym for Beverage Alcohol Sellers and Servers Education Training. Pursuant to the Illinois Liquor Control Act of 1934, specifically, 235 ILCS 5/6-27 and 27.1, any individual who sells or serves alcoholic liquor in an open container at retail in Illinois, defined herein as a "server," must successfully complete a BASSET training program certified by the Illinois Liquor Control Commission ("ILCC"). A list of training providers may be obtained from the ILCC. This training is only required for servers employed by liquor licensees with on-premises consumption.

(1) **Server.** For purposes of this section, a server shall mean:

- a. an individual who sells or serves open containers of alcoholic liquor at retail; and

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- b. an individual who is employed to check the identification of others to determine if they are of lawful age to enter a licensed premises where alcoholic liquor is sold or served for consumption on the premises and/or of lawful age to purchase alcoholic liquor for consumption on the premises.

Exception: For purposes of this section, the definition of server does not include the following:

- a. a volunteer serving alcoholic beverages at a not for profit special event or charitable function;
- b. a distributor or importing distributor conducting product samples as authorized by 235 ILCS 6-31 or a registered tasting representative conducting a tasting; or
- c. an instructor engaged in training or educating on the proper technique for using a system that dispenses alcoholic liquor.

- (2) **BASSET Certificate.** A BASSET certificate shall mean a certificate, card or other written evidence issued by a BASSET training provider who is licensed or certified by the ILCC to provide the training program. Upon a participant’s successful completion of the training program, the training provider will issue a BASSET certificate to the participant and the ILCC will issue a certification letter and BASSET card to the participant. The BASSET certificate issued by the training provider shall be accepted as meeting the training requirements for all server license requirements of the State of Illinois and of the City.

- a. The mandatory training date for Rock Island County is July 1, 2017. Any server, as defined above, who is employed in Rock Island County must possess a BASSET certificate as of July 1, 2017, or within one hundred twenty (120) days of the server’s employment date.
- b. A BASSET certificate is valid for three (3) consecutive years from the date of issue, and a server must maintain the BASSET certification in good standing at all times that he/she is employed as a server by a City liquor licensee.
- c. A BASSET certificate is the property of the server and the server may provide a duplicate to a City liquor licensee upon employment in lieu of the original certificate.
- d. A server may transfer a BASSET certificate to another liquor licensee upon employment, but a server shall not sell, assign or otherwise transfer his/her BASSET certificate to another person.
- e. A server must produce the BASSET certificate upon request of the Illinois liquor control commission or the local liquor control commissioner or designee or any law enforcement officer.

- (3) **Liquor Licensees.** It shall be the responsibility of liquor licensees with on-premises consumption to ensure that all servers employed by licensee have valid BASSET certification. The licensee shall retain a copy of each server’s certificate on licensee’s establishment premises or at such location where licensee sells or serves alcoholic liquor in open containers at retail. The copies must be made available for inspection upon the request of the Illinois liquor control commissioner or the local liquor control commissioner or designee or any law enforcement officer.

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ARTICLE IV. OPERATION

SEC. 4-4100. POSTING.

(a) Every holder of a license issued pursuant to this chapter shall at all times keep the license posted in a conspicuous location on a wall of the business premises.

(1) A copy of valid dram shop insurance or other proof of financial responsibility shall at all times be posted in a conspicuous location on a wall of the business premises.

(b) No person shall post any license issued under this chapter in any premises other than the premises named in the license as issued.

(c) It shall be the duty of any peace officer to seize any license issued pursuant to this chapter which has been posted in any premises other than the premises for which it was issued.

SEC. 4-4101. PERSONS NOT TO REMAIN ON PREMISES AFTER CLOSING HOUR.

(a) Except as otherwise provided in this section, no licensee shall permit other persons to remain on the licensed premises after the closing hours applicable to the class of license held by the licensee. However, the licensee may remain on the premises and a person on the licensee's payroll may remain on the premises solely for the purpose of tallying the day's sales and for cleanup.

(b) All lights must be turned off at the premises licensed pursuant to this chapter at or before the closing hour prescribed for the class of license held, except:

(1) Outside lights;

(2) Inside lights for police protection;

(3) Lighting as necessary for cleanup until said cleanup is complete.

(c) A Class A or Class AA licensee shall cease the sale of alcoholic liquor at the closing hour prescribed in its application or subsequent amendment thereto, but may remain open with persons on the premises for its primary purpose of the sale of food.

(d) A Class CC or Class CCC licensee shall cease the sale of alcoholic liquor at the closing hour prescribed in its application or subsequent amendment thereto, but may remain open with persons on the premises for the sale of the primary goods sold at the premises.

SEC. 4-4102. LICENSED PREMISES SHALL BE PUBLIC ACCOMMODATION.

No person licensed under the provisions of this chapter shall deny or permit said licensee's agents and employees to deny any person the full and equal enjoyment of the accommodations, advantages, facilities, and privileges of any premises in which alcoholic liquor is authorized to be sold subject only to the conditions and limitations established by law and applicable alike to all citizens. All licensed premises under this chapter are required to be open to the public unless provided otherwise in this chapter. Private functions are allowed only in rental halls or other licensed premises that have private party rooms or facilities separate and apart from its public rooms or facilities.

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SEC. 4-4103. CREDIT SALES.

No person shall sell or furnish alcoholic liquor at retail to any person on credit or on a passbook, or order on a store, or in exchange for any goods, wares, or merchandise, or in payment for any services rendered; and, if any person shall extend credit for such a purpose, the debt thereby attempted to be created shall not be recoverable at law. However, nothing in this section shall be construed to prevent any club from permitting checks or statements for alcoholic liquor to be signed by members or bona fide guests of members, or guests according to the bylaws of the club. Nothing contained in this section shall be construed as preventing any hotel from permitting checks or statements for alcoholic liquor to be signed by regular guests residing at said hotel and charged to the accounts of the guests, and nothing contained in this section shall be construed to prevent payment by credit card or other credit device for the purchase of alcoholic liquor for on-premises consumption or in the original package for consumption off the premises.

SEC. 4-4104. RESTRAINT OF TRADE.

No person licensed pursuant to this chapter shall enter into any contract with any manufacturer, distributor, or importing distributor of alcoholic liquor whereby the licensee agrees not to sell any alcoholic liquor manufactured or distributed by any other manufacturer, distributor, or importing distributor.

SEC. 4-4105. PANDERING BY LICENSEE.

No licensee shall in any advertisement state or imply that obscene conduct or immoral conduct, or obscene entertainment or immoral entertainment can be found or seen at the licensed premises. For the purposes of this section, "obscene conduct or immoral conduct, or obscene or immoral entertainment" shall mean the same as the definition of obscenity as contained in Section 22-7200 of the Moline Code of Ordinances.

SEC. 4-4106. SELF SERVICE.

(a) No licensee or agent or employee thereof shall allow any person to serve themselves alcoholic liquor for purposes of consumption on the premises of the licensee except as otherwise provided herein.

(b) The restrictions imposed pursuant to Section 4-4106(a) above concerning the disallowance of self-service of alcoholic liquor shall not apply to licensees or agents or employees thereof as follows:

Upon proper identification and verification of an individual (as required elsewhere in this Code or by Illinois state law), any person who is twenty-one (21) years of age or older who is occupying a separately compartmentalized and separately accessed suite at a sporting or entertainment event where such suites are used, which event takes place in a facility of any sort where the gross seating capacity of such facility is eight thousand (8,000) persons or more, may be furnished with a key to a locked container (such as a refrigerator or a cabinet) located entirely within the suite, for the purposes of serving alcoholic liquor to himself or other suite guests who are twenty-one (21) years of age or older for consumption in the suite only.

To ensure compliance with the age requirements of this section, at least one (1) employee of the licensee must physically frequent such suite not less than once each hour to monitor and require such compliance; provided, however, that such monitoring requirement is only effective when suite holders or other individuals are present at the suite portion of the licensee.

(c) The exemptions specified in Section 4-4106(b) shall be strictly construed.

(d) All other licensing requirements of this Code shall still apply and shall remain in full force and effect.

(e) Under no circumstances shall a suite described in this Section 4-4106 be construed to constitute a "home" pursuant to Section 4-5100, and in no circumstances shall any minor be served or otherwise provided or possess alcoholic liquor in such respective suite during any period of service or consumption.

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SEC. 4-4107. DRIVE-IN OR WALK-IN SERVICE WINDOWS.

No licensee or agent or employee thereof shall allow any person to purchase alcoholic liquor through a "drive-in service window" or "walk-in service window." No licensee or agent or employee thereof shall sell at retail any alcoholic liquor through a "drive-in service window" or "walk-in service window."

For the purposes of this section, a "drive-in service window" or "walk-in service window" shall mean any opening on the premises of the licensee whereby a person may purchase, obtain, or in any other way get alcoholic liquor without physically entering the premises or building of the licensee.

SEC. 4-4108. OPERATION WITHIN ENCLOSED BUILDING.

No licensee or agent or employee thereof shall operate or permit the operation of licensed activities under the terms of this chapter, except within enclosed buildings on licensed premises unless otherwise permitted by this chapter.

SEC. 4-4109. CONDUCT ON PREMISES.

(a) No licensee shall allow or permit any drunken or intoxicated person to be or remain upon the licensed premises. No loud, obscene or boisterous talking, or lewd touching or disorderly conduct shall be permitted upon the licensed premises.

(b) No licensee shall allow or permit any loitering, gathering of unruly individuals or crowds or any unlawful or dangerous or disorderly behavior whether in the premises or in any parking lot or other adjacent area serving the premises; and the licensee shall have primary responsibility for hiring such security personnel and taking other appropriate measures to observe compliance with this subsection.

(c) No licensee under this article, nor any agent or employee of the licensee, shall appear, be present, or perform while nude upon the licensed premises, nor shall any such licensee, or any agent or employee of the licensee, allow or permit any other person on the licensed premises to appear, be present, or perform while nude upon the licensed premises. For the purposes of this subsection, the term "nudity" shall mean the showing of the human male or female genitals, pubic area or buttocks or the human female breast including the nipple or any portion below the nipple with less than a full opaque covering.

(d) No licensee under this article, nor any agent or employee of the licensee, shall conduct or perform any specified sexual activity upon the licensed premises, nor shall any such licensee, or any agent or employee of the licensee, allow or permit any other person to conduct or perform any specified sexual activity upon the licensed premises. For purposes of this subsection, the term "sexual activity" shall mean acts of intercourse, masturbation, sodomy, bestiality, oral copulation, flagellation or any sex act prohibited by law.

(e) In the event a violation of law has occurred on the premises or in any adjacent areas serving the premises, the licensee or its agents shall immediately notify the Moline police department.

ARTICLE V. MINORS

SEC. 4-5100. ACTIVITIES EXEMPT FROM THIS ARTICLE.

The possession and dispensing or consumption of alcoholic liquor by a person under the age of twenty-one (21) years during the performance of a religious ceremony or service, or the consumption of alcoholic liquor by a person under the age of twenty-one (21) years while under the direct supervision and direct approval of the parents or parent or guardian of such person in the privacy of a home is not prohibited by this Article V.

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SEC. 4-5101. PREPARATION OF ALCOHOLIC LIQUOR.

No person under eighteen (18) years of age may tend any bar or pour, draw, mix, sell or serve any alcoholic liquor in or at a premises licensed by the City.

(Ord. No. 3026-2017; Sec. 4-5101 repealed; new Sec. 4-5101 enacted; 10/10/17)

SEC. 4-5102. POSSESSION.

No minor shall have on or about said minor's person, or in said minor's custody, or in said minor's possession, or in said minor's control, any alcoholic liquor, whether the seal is or is not broken.

SEC. 4-5103. PURCHASE.

Any person to whom the sale, gift or delivery of alcoholic liquor is prohibited because of age, shall not purchase or accept a gift of alcoholic liquor or have alcoholic liquor in said person's possession.

SEC. 4-5104. CONSUMPTION.

(a) It shall be unlawful for any person to whom the sale, gift, delivery or service of any alcoholic liquor is prohibited because of age to consume or to possess in any manner, including by consumption, any such alcoholic liquor, except as otherwise provided by law. The violation referred to in this section which relates to the possession of alcohol after it has been consumed may be identified as the "Illegal Possession of Alcohol by Consumption" or by the number of this chapter and section of this article. This violation may be proven by evidence which indicates that the breath of the person charged with such offense had a smell associated generally or specifically with any alcoholic beverage and no additional evidence relating thereto shall be necessary to find the defendant to be in violation of this article. It shall not be necessary to show that the person charged with an offense hereunder was at the time in question under the influence of any alcoholic beverage in any manner, but such evidence shall be admissible to prove a violation of this section.

(b) The defendant in a case brought under subsection (a) above has the duty of producing as affirmative defenses the lawful consumption of alcoholic liquor in a religious ceremony or in the privacy of a home under the direct supervision of the parents or parent or guardian or at a location where consumption by said person under the age of twenty-one (21) years is otherwise permitted by law and once said defendant has met said duty, it shall be the duty of the prosecutor to persuade the trier of fact that said person under the age of twenty-one (21) years consumed or possessed by consumption alcoholic liquor in violation of subsection (a) above by a preponderance of the evidence.

(Ord. No. 3026-2017; Sec. 4-5104(b) repealed; new Sec. 4-5104(b) enacted; 10/10/17)

SEC. 4-5105. GIVING ALCOHOLIC LIQUOR TO MINORS.

No person shall have, sell, or deliver any alcoholic liquor to any minor within the City, including alcoholic liquor in a container with the seal unbroken.

SEC. 4-5106. AUTHORITY AND DUTY OF LICENSEE UNDER THIS CHAPTER TO REQUIRE PROOF OF AGE.

If a person licensed pursuant to this chapter or agent or employee thereof believes or has reason to believe that a sale or delivery of alcoholic liquor is prohibited because of the age of a prospective recipient, the licensee, agent or employee thereof, shall require valid proof of identification and verify the age and identity of the recipient before making the sale or delivery. No attempt at proof of identification shall be considered valid unless said identification contains a picture of the holder thereof.

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SEC. 4-5107. FRAUDULENT IDENTIFICATION CARDS.

(a) No person shall transfer, alter, or deface an identification card issued by a federal, state, county or municipal government or subdivision or agency thereof; use the identification card of another; carry or use any false or forged identification card; or obtain an identification card by means of false identification.

(b) Any person under the age of twenty-one (21) years who presents or offers to any licensee or agent or employee thereof, any written, printed or photostatic evidence of age and identity which is false, fraudulent, or not actually said person's own for the purpose of ordering, purchasing, attempting to purchase, or otherwise procuring or attempting to procure the serving of any alcoholic beverage, or who has in his possession any false or fraudulent written, printed, or photostatic evidence of age and identity, shall be subject to a fine of not less than two hundred fifty dollars (\$250.00).

SEC. 4-5108. PROOF OF AGE NOT A DEFENSE.

No licensee or agent or employee thereof shall raise as a defense to this article the fact that compliance has been had with Section 4-5107 hereof. However, such fact shall be considered by the local liquor control commissioner in way of aggravation or mitigation of the finding of guilt for violation of this article.

SEC. 4-5109. PARENTAL RESPONSIBILITY.

It shall be unlawful for the parents or parent or guardian to suffer or permit a child or ward under their custody and control and under the age of eighteen (18) years to violate any provision of this Article V, except as expressly permitted by Section 4-5100.

SEC. 4-5110. RESPONSIBILITY OF OWNER OR OCCUPANT OF PREMISES.

It shall be unlawful for any owner or occupant of any premises located within the City to knowingly allow any minor to remain on such premises while in possession of alcoholic liquor or while consuming alcoholic liquor in violation of this Article V.

(Ord. No. 3026-2017; Sec. 4-5110 repealed; new Sec. 4-5110 enacted; 10/10/17)

SEC. 4-5111. RESTRICTION ON PREMISES AND VIOLATION THEREOF.

It shall be unlawful for any person under the age of twenty-one (21) years to be on any premises located within the City while in possession of alcoholic liquor or while consuming alcoholic liquor in violation of this Article V. Said action shall be subject to the remedies set forth in Sec. 4-1103.

(Ord., No. 3028-2011; Sec. 4-5111 enacted; 07/19/11)

ARTICLE VI. VICARIOUS LIABILITY

SEC. 4-6100. LICENSEE'S LIABILITY FOR VIOLATIONS OF STATE OR LOCAL LAW.

Every act or omission constituting a violation of Chapter 235 of the Illinois Compiled Statutes, or any of the provisions of this chapter, by any officer, director, manager, agent or employee of any licensee under this chapter shall be deemed and held to be the act or omission of the licensee, even though such act may be done without the knowledge, authorization, or consent of the licensee.

Amendment Reference Notes:

- (1) **Ord. No. 3024-2009; Chapter 4 repealed; new Chapter 4 enacted; 09/22/09;** scrivener's error to Sec. 4-3208(e) corrected by changing Restaurant Alternate from \$200.00 to \$400.00 – 11/02/09
- (2) **Ord. No. 3029-2018; Chapter 4 repealed; new Chapter 4 enacted; 07/17/18**
- (3) **Prior and subsequent ordinance amendments are referenced below the corresponding sections.**