

Council Bill/General Ordinance No. 3027-2023

Sponsor: \_\_\_\_\_

AN ORDINANCE

AMENDING Chapter 4, "ALCOHOLIC LIQUOR," Article III, "RETAIL LICENSES," Division 1, "IN GENERAL," Section 4-3103, "LICENSES TO BE USED ONLY FOR PREMISES FOR WHICH ISSUED: NON-TRANSFERRABLE" and Division 2, "LICENSING PROCEDURE," Section 4-3208, "LICENSE FEES."

WHEREAS, the City of Moline is a home rule unit of government under Article VII, Section 6 of the 1970 Illinois Constitution with the authority to exercise and power and perform any function pertaining to its government and affairs; and

WHEREAS, the Mayor and City Council wish to encourage liquor licensees to stay in the City of Moline by waiving application and license fees when they relocate to a new licensed premises in the City; and

WHEREAS, the Mayor and City Council determined that it is in the best interests of the citizens of the City of Moline to amend the Code of Ordinances as provided in this Ordinance.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MOLINE, ILLINOIS, as follows:

**Section 1** – The foregoing recitals are hereby incorporated into this Ordinance as though fully set forth in this Section 1.

**Section 2** – That Section 4-3103 of the Moline Code of Ordinances shall be amended as follows (additions in **bold and underline**; deletions in ~~**bold and strikethrough**~~):

**"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) **In the event a licensee wishes to relocate to a new premises, the licensee must submit a new application under Section 4-3201 and, if the number of licenses is decreased upon relocation under subsection 4-3104(b), the City Council may adopt an ordinance to increase the number of licenses in that class. There is no application fee for a relocating licensee to file an application for a license in the same class at a new premises during**

**the term of an existing license and, if eligible, there is no license fee for the initial license term in the new premises.”**

**Section 3-** That Section 4-3208 of the Moline Code of Ordinances shall be amended as follows (additions in **bold and underline**; deletions in **~~bold and strikethrough~~**):

**“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. For all licenses other than Class I, II, III, the application fee shall be paid in full at the time of filing. Upon a determination of eligibility for a license, all other fees shall be paid. Upon a determination that an applicant is not eligible for a license and the application is withdrawn, then all but \$250 of the paid application fee shall be refunded. Two hundred fifty dollars of 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, including but not limited to criminal background checks, as well as serving other regulatory purposes. **Notwithstanding any other provision of this section, there shall be no application fee for a relocating licensee to file an application for a license in the same class at a new premises during the term of an existing license.**
- (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 Eligible" in the table set forth below in this section. The annual license fee and any selected option fee may be pro-rated based upon the month of issuance. **Notwithstanding any other provision of this section, when a relocating licensee successfully applies for a license in the same class at a new premises, there shall be no license fee for the initial term.**

[ . . . ]”

**Section 4 – Superseder.** The specific terms and conditions of this Ordinance shall prevail against other existing ordinances of the City to the extent of any conflicts.

**Section 5: Effective Date.** This ordinance shall be in full force and effect from and after passage, approval, and if required by law, publication in the manner provided for by law.

Council Bill/General Ordinance No. 3027-2023  
Page 3 of 3

CITY OF MOLINE, ILLINOIS

DocuSigned by:  
*S. Kaypat*  
\_\_\_\_\_  
Mayor

\_\_\_\_\_  
July 18, 2023  
Date

Passed: \_\_\_\_\_  
July 18, 2023

Approved: \_\_\_\_\_  
July 25, 2023

Attest: \_\_\_\_\_  
DocuSigned by:  
*Jessica L. Hill*  
\_\_\_\_\_  
1A0D2384 City Clerk