

Council Bill/General Ordinance No. 3019-2021

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

AN ORDINANCE

AMENDING Chapter 4, "ALCOHOLIC LIQUOR," of the Moline Code of Ordinances.

WHEREAS, the City is an Illinois municipal corporation possessing home rule powers under Section 6 of Article VII of the Illinois Constitution; and

WHEREAS, the City has the power by general ordinance or resolution to determine the number, kind and classification of licenses, for sale at retail of alcoholic liquor not inconsistent with the Liquor Control Act and to establish such further regulations and restrictions upon the issuance of and operations under local licenses not inconsistent with law as the public good and convenience may require, 235 ILCS 5/4-1; and

WHEREAS, the City may regulate the hours of operation for package liquor retailers (Class C, Class CC, and Class CCC); and

WHEREAS, a cocktail, mixed drink, or single serving of wine placed in a sealed container by a retail licensee at the retail licensee's location or a manufacturer's original container may be transferred and sold for off-premises consumption, subject to local ordinances and statutory conditions, 235 ILCS 5/6-28.8; and

WHEREAS, the City has determined that it is desirable and in the City's best interests to regulate the retail sale of alcoholic liquor in the manner set forth herein.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MOLINE, ILLINOIS, as follows with the foregoing recitals incorporated herein as if fully set forth herein:

**Section 1** – Section 4-1100 of the Moline Code of Ordinances is hereby amended as follows, and with the following definitions renumbered in consecutive order (additions in **bold and underline**; deletions in ~~**bold and strikethrough**~~):

SEC. 4-1100. DEFINITIONS.

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

[...]

(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) **Package sale.** A licensed retailer's sale of alcoholic liquor in the manufacturer's unopened original package for off-premises consumption.

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**(15)** 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.

**Section 2** – Section 4-1102 of the Moline Code of Ordinances is hereby amended as follows (additions in **bold and underline**; deletions in ~~**bold and strikethrough**~~):

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 **open** 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:~~

~~(1) in the original package with the seal unbroken; ~~or~~~~

~~(2) in accordance with Illinois state law regarding the removal of open wine bottles from a restaurant pursuant to 235 ILCS 5/6-33;~~

~~(3) **in accordance with Illinois state law regarding the to-go mixed drinks, cocktails, and single-servings of wine pursuant to 235 ILCS 5/6-28.8; or**~~

~~(4) **in compliance with Section 11-502 of the Illinois Vehicle Code, 625 ILCS 5/11-502.**~~

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**Section 3** – Section 3-104 of the Moline Code of Ordinances is hereby amended as follows (additions in **bold and underline**):

SEC. 4-3104. NUMBER OF LICENSES.

The total number of liquor licenses and options to be issued at any time is limited to:

[...]

|   |                        |
|---|------------------------|
| <b><u>Option 9: Cocktails and Single-Serve Wine To-Go</u></b> | <b><u>No limit</u></b> |
|---|------------------------|

[...]

**Section 4** – Section 4-3208 of the Moline Code of Ordinances is hereby amended as follows (additions in **bold and underline**; deletions in **~~bold and strikethrough~~**):

SEC. 4-3208. LICENSE FEES.

[...]

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

[...]

| Options                | Description   | Application Fee   | Annual Fee                            | Class Eligible              |
|------------------------|---|-------------------|---------------------------------------|-----------------------------|
| Option 1               | Outdoor Use   | N/A               | <del>\$400.00</del> <b><u>N/A</u></b> | A, AA, B, D, E, F, FF, G, H |
| [...]                  |   |                   |                                       |                             |
| <b><u>Option 9</u></b> | <b><u>Cocktails and Single Serve Wine To-Go</u></b> | <b><u>N/A</u></b> | <b><u>N/A</u></b>                     | <b><u>A, AA, B</u></b>      |

[...]

**Section 5** – Section 4-3302 of the Moline Code of Ordinances is hereby amended as follows (additions in **bold and underline**; deletions in **~~bold and strikethrough~~**):

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

[...]

(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:

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(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;

(2) Package sales of alcoholic liquor in ~~sealed~~original packages for off-premises consumption.

[...]

**Section 6** – Section 4-3303 of the Moline Code of Ordinances is hereby amended as follows (additions in **bold and underline**; deletions in ~~**bold and strikethrough**~~):

SEC. 4-3303. CLASS B TAVERN LICENSE.

[...]

(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~~original packages for off-premises consumption.

[...]

**Section 7** – Section 4-3304 of the Moline Code of Ordinances is hereby amended as follows (additions in **bold and underline**; deletions in ~~**bold and strikethrough**~~):

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~~original packages for off-premises consumption.

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

| Day | Hours |
|-----|-------|
|-----|-------|

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Sunday ~~106~~:00 a.m. until 1:00 a.m. the next day

[ . . . ]

**Section 8** – Section 4-3305 of the Moline Code of Ordinances is hereby amended as follows (additions in **bold and underline**; deletions in ~~**bold and strikethrough**~~):

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

[ . . . ]

(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~~**original** packages for off-premises consumption.

**Section 9** – Section 4-3306 of the Moline Code of Ordinances is hereby amended as follows (additions in **bold and underline**; deletions in ~~**bold and strikethrough**~~):

SEC. 4-3306. CLASS E RENTAL HALL.

[ . . . ]

(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~~**original** packages for off-premises consumption.

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**Section 10** – Section 4-3307 of the Moline Code of Ordinances is hereby amended as follows (additions in **bold and underline**; deletions in ~~**bold and strikethrough**~~):

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 of alcoholic liquor in ~~sealed~~**original** packages for off-premises consumption.

[ . . . ]

**Section 11** – Section 4-3309 of the Moline Code of Ordinances is hereby amended as follows (additions in **bold and underline**; deletions in ~~**bold and strikethrough**~~):

SEC. 4-3309. CLASS G ENTERTAINMENT/RECREATIONAL/SERVICE FACILITY 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~~**original** packages for off-premises consumption.

[ . . . ]

**Section 12** – Section 4-3310 of the Moline Code of Ordinances is hereby amended as follows (additions in **bold and underline**; deletions in ~~**bold and strikethrough**~~):

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~~original packages for off-premises consumption.

[...]

**Section 13** – Section 4-3315 of the Moline Code of Ordinances is hereby amended as follows (additions in **bold and underline**; deletions in ~~**bold and strikethrough**~~):

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

[...]

(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~~original packages for off-premises consumption.

[...]

**Section 14** – Chapter 4 of the Moline Code of Ordinances is hereby amended as follows, with the addition of new Section 4-3325 (additions in **bold and underline**):

**SEC. 4-3325. OPTION 9 COCKTAILS AND SINGLE-SERVE WINE TO-GO**

**(a) The following classes of licenses are eligible for the cocktails, mixed drinks, and single-serve wine to-go option: Class A, AA, and B.**

**(b) Option 9 shall allow an eligible licensee to sell and deliver cocktails, mixed drinks, or single servings of wine placed in a retailer's sealed container or a manufacturer's original container subject to the conditions provided by ordinance and 235 ILCS 5/6-28.8.**

**(c) In the event that 235 ILCS 5/6-28.8 is repealed, this section shall be repealed and any options granted hereunder will no longer be valid.**

**Section 15** –All ordinances and parts of ordinances in conflict with this Ordinance are hereby repealed to the extent necessary to give effect to the provisions of this Ordinance.

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**Section 16** – This Ordinance and every provision thereof shall be considered severable. If any word, phrase, clause, sentence, paragraph, provision, section, or part of this Ordinance is found to be void, unconstitutional, or otherwise unenforceable, all remaining portions of this Ordinance not so declared void, unconstitutional, or unenforceable shall remain in full force and effect.

**Section 17** – This Ordinance will be in full force and effect upon passage, approval and publication in pamphlet form in the manner provided by law.

CITY OF MOLINE, ILLINOIS

DocuSigned by:  
  
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July 27, 2021  
Date

Passed: July 27, 2021

Approved: August 10, 2021

Attest:   
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