

Chapter 6

ALCOHOLIC BEVERAGES*

* **Cross References:** Amusements and entertainments, ch. 10; businesses generally, ch. 22; traffic and motor vehicles, ch. 90.

State Law References: Authority of city to regulate all retail sales of alcoholic beverages, 65 ILCS 5/11-20-2; state regulation of alcoholic beverages, 235 ILCS 5/1-1 et seq.; city control over retail liquor sales established, 235 ILCS 5/4-1 et seq.

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ARTICLE I.

IN GENERAL

Sec. 6-1. Purpose and construction of chapter.

This chapter shall be liberally construed to the end that the health, safety and welfare of the residents of the city shall be protected and that temperance in the consumption of alcoholic beverages shall be fostered by sound and careful control and regulation of the sale of alcoholic beverages and alcoholic liquor.

(Code 1982, § 3-1)

Sec. 6-2. Definitions.

(a) All words and phrases used in this chapter are to be taken and construed as the same words that are taken and construed in 235 ILCS 5/1-3.01--5/1-3.35, as amended.

(b) The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Bar means a relatively long, evenly shaped piece of some solid substance used to separate the general area utilized by patrons or customers from the area utilized by employees, that is elevated above floor level approximately 32 to 36 inches, with or without seating for patrons, and over which the licensee serves alcoholic beverages for consumption at the bar without such consumption being accompanied by the consumption of food.

Club means a corporation organized under the laws of this State, not for pecuniary profit, solely for the promotion for 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, owning, hiring or leasing a building or space in a building, of such extent and character as may be suitable and adequate for the reasonable and comfortable use and accommodation of its members and their guests and provided with suitable and adequate kitchen and dining room space and equipment and maintaining a sufficient number of servants and employees for cooking, preparing and serving food and meals for members and their guests; provided, that such club files with the local liquor control commissioner at the time of its application for a license under this Act, two copies of a list of names and residences of its members, and similarly files within 10 days of the election of any additional member his or her name and address; and, provided further, that its affairs and management are conducted by a board of directors, executive committee, or similar body chosen by the members at their annual meeting and that no member or any officer, agent, or employee of the club is paid, or directly or indirectly receives, in the form of salary or other compensation any profits from the distribution or sale of alcoholic liquor to the club or the members of the club or its guests introduced by members beyond the amount of such salary as may be fixed and voted at any annual meeting by the members or by its board of directors or other governing body out of the general revenue of the club.

Grocery or general merchandise store means any public place kept, used or maintained for the

principal business of selling at retail packaged food, produce, dairy products, health, beauty, personal care, and related items, whose annual earnings shall be derived in the majority from the sale of such items, and which consists of an area of not less than 10,000 square feet, including the area for the display of items held for resale and the area for the storage of items held for resale. (Code 1982, § 3-2) **Cross References:** Definitions generally, § 1-2.

Manager means any individual employed by any licensed place of business, provided said individual possesses the same qualification required of the licensee. Satisfactory evidence of such employment will be furnished to the Commission in the form and manner as such Commission shall from time to time prescribe. Manager shall live within a 20-mile radius of Sterling.

Meal means food that is prepared and served on the licensed premises and excludes the serving of snacks.

Restaurant means any public place kept, used, maintained, advertised and held out to the public as a place where meals are served, and where meals are actually and regularly served, without sleeping accommodations, such space being provided with adequate and sanitary kitchen and dining room equipment and capacity and having employed therein a sufficient number and kind of employees to prepare, cook and serve suitable food for its guests. A restaurant classification shall be issued to any applicant or licensee when at least 60 percent of the gross receipts or anticipated gross receipts of the licensee or applicant are attributable to the sale of food or nonalcoholic beverages. Upon request of the liquor control commissioner, the licensee shall produce the necessary records or financial data to verify that 60 percent of gross receipts of the licensee are attributable to the sale of food or nonalcoholic beverages.

Special Event means an event conducted by an educational, fraternal, political, civic, religious, or non-profit organization.

Sec. 6-3. Local liquor control commissioner.

(a) The mayor shall be the local liquor control commissioner and shall be charged with the administration of the appropriate provisions of this chapter and such other provisions of this Code relating to alcoholic liquor as may be enacted. He may appoint persons to assist him in the exercise of the powers and the performance of the duties provided in this chapter for the local liquor control commissioner.

(b) The local liquor control commissioner, with the approval of a majority of the council, may adopt rules and regulations for hearings to determine whether any license should be suspended, terminated or revoked.

(c) The local liquor control commissioner shall have all of the powers as provided by the laws of the state.

(Code 1982, § 3-3)

Cross References: Administration, ch. 2; city officers generally, § 2-51 et seq.

State Law References: Local liquor control commissioner, 235 ILCS 5/4-2 et seq.

Sec. 6-4. Liquor control board.

(a) There is hereby created a liquor control board, the members of which are appointed deputy liquor commissioners by the mayor.

(b) The liquor control board shall hear violations of this chapter and shall be advisory to the mayor, who is the local liquor commissioner.

(c) The liquor control commissioner and the deputy liquor commissioners will sit as a board for hearing violations of this chapter.

(d) The liquor control board may establish such rules and regulations as it deems advisable.

(e) The liquor commissioner may suspend or revoke the license of any licensee for any violation of this chapter. The suspension of any license for failure to conform with the building or fire codes of the city shall continue so long as a violation of the building or fire code exists.

(Code 1982, § 3-4)**Cross References:** Administration, ch. 2; boards, commissions and committees generally, § 2-186 et seq.

Sec. 6-5. Time of sale.

Class A-1 Package Only	Class A-2 Sunday Sales
Class B-1 Beer and Wine Class B-3 Specialty Beverage Stores	Class B-2 Sunday Sales
Class C-1 Hotels, Motels, Restaurants, Banquet Halls Class C-3 Package Sales	Class C-2 Sunday Sales Class C-4 Banquet Halls
Class D-1 Clubs	Class D-2 Club, open to public
Class E-1 Taverns Class E-3 Package Sales	Class E-2 Sunday Sales
Class F-1 Bowling Alleys Class F-3 Sunday Sales	Class F-2 Pool Halls
Class G-1 Grocery/General Merchandise Stores Class G-3 Specialty Retail Shops	Class G-2 Sunday Sales
Class H-1 Convenience Stores (beer and wine)	Class H-2 Sunday Sales

No alcoholic liquor shall be sold, delivered, transferred, distributed or given away upon or about any licensed premises by anyone at any time except those times permitted by this section.

No commercial/retail business shall permit a patron to bring alcoholic beverages onto premises for the patron's consumption.

- (1) *General restrictions.* No alcoholic liquor shall be sold, delivered, transferred, distributed or given away upon or about any licensed premises by anyone, at any time, except as follows:

In the case of Class A-1 (Package), B-1 (Beer and Wine), B-3 Specialty Beverage Store, C-1, C-3 (Restaurant and Restaurant/package), C-4 (Banquet Halls) D-1, D-2 (Club), E-1, E-3 (Tavern and Tavern/package), F-1 (Bowling Alley), F-2 (Pool Hall), G-1 (Grocery), G-3 Specialty Retail Stores, and H-1 (Convenience):

- Between 6:00 a.m. and 1:00 a.m. the following day, Monday through Saturday
- New Year's Eve between 6:00 a.m. and 1:30 a.m. the following day

In the case of Sunday sales for Class A-2(Package), Class B-2 (Beer and wine), B-3 (Specialty Beverage Store), C-2 (Restaurant), C-4 (Banquet Halls), D-1, D-2 (Club), E-2 (Tavern), F-3 (Bowling Alley/Pool Hall), G-2 (Grocery), G-3 (Specialty Retail Stores), and H-2 (Convenience):

- Between 6:00 a.m. and 1:00 a.m. on Sunday
- New Year's Eve between 6:00 a.m. and 1:30 a.m. the following day

- (2) *Sign.* At the time no alcoholic liquor may be sold, distributed, transferred or given away, the bar or liquor section in retail stores must remain closed and a sign, pedestal, curtain or identification marked "CLOSED" must be placed adjacent to it so any patron may see the sign.

- (3) *Special Event licenses.* The restrictions on time and days of sale of alcoholic beverages for special event licenses shall be established by section 6-40.

(Code 1982, § 3-5; Ord. No. 94-6-23, 6-21-94; Ord. No. 95-4-14, 4-4-95; Ord. No. 95-11-44, 11-21-95; Ord. No. 2003-10-38, 10-6-03; Ord. No. 2003-11-41, 11-17-03; Ord. No. 2004-05-13, § 1, 5-3-04; Ord. No. 2004-09-24, § 1, 9-7-04)

State Law References: Municipal restrictions on hours of sale, 235 ILCS 5/6-14.

Sec. 6-6. Closing hours.

- (a) *Generally*

- (1) No licensee under this chapter, or his agent or employee, shall sell or deliver any alcoholic beverage after 1:00 a.m. on any day of any week. No person shall consume nor a licensee, employee or agent of a licensee permit the consumption of alcoholic beverages after 1:15 a.m. on any day of the week.

- (2) No person other than a licensee or an employee or agent of a licensee shall remain upon any licensed premises after 1:15 p.m. on any day of any week.

- (3) No person, including a licensee shall remain upon any licensed premises after

2:15 a.m. on any day of any week; except New Year's Day at 2:45 a.m. Also all the bars and tables upon the licensed premises shall be cleared and the glasses removed not later than such times, except as provided in section 6-6(d).

(b) *Licensees selling food, bowling alleys, pool halls.* Licensees holding a class B or C (Restaurant) or F (Bowling Alley/Pool Hall) license may remain open after the time designated in subsection (a) of this section, but only for the sale of food or food and beverages other than alcoholic liquor, for the purposes of bowling, or playing pool. During such time, the area of the bar or other area of primary dispensing operation shall be secure from any sale or dispensing or consumption of alcoholic liquor.

(c) *Special events in clubs.* Licensees holding class D licenses may be open and allow club members and their guests to be upon the licensed premises for special events provided the area where liquor is dispensed is secure and closed off from the persons on the premises. No alcoholic liquors are to be sold, given, distributed, consumed or possessed by any person on the licensed premises after the hour of closing. The regulations for securing the liquor dispensing areas from the general area of the club will be determined by the liquor control commissioner with the advice of the liquor control board.

(d) *Exception for persons, other than routine cleaning, redecorating or repairing premises.* Licensees and their agents, employees or independent contractors hired by the licensee to render services to the licensee, not otherwise authorized by exceptions set forth in this Code, may be upon the licensed premises for the purpose of other than routine cleaning, redecorating or repairing the licensed premises during prohibited hours. At no time while licensees or their agents, employees or independent contractors employed by the licensees are upon the premises for the purpose of other than routine cleaning, redecorating or repairing shall the licensee, employee, agent or independent contractor consume, sell, deliver, transfer, distribute or give away any alcoholic beverage on the licensed premises. Further, during the prohibited hours, all doors and entrances to the licensed premises shall be continuously locked except to permit ingress and egress to the licensed premises by the authorized person. Further, the licensee is required to notify the Sterling Police Department, prior to the initiation of other than routine cleaning, redecorating or repairing the licensed premises during prohibited hours, that the licensees, their agents, employees or independent contractors hired by the licensee shall be upon the licensed premises for the purpose of other than routine cleaning, redecorating or repairing the licensed premises during prohibited hours, setting forth specifically the time and date for the cleaning, redecorating or repairing the licensed premises.

(Code 1982, § 3-6; Ord. No. 94-6-23, 6-21-94; Ord. No. 95-4-14, 4-4-95; Ord. No. 2003-10-38, 10-6-03) **State Law References:** Municipal restrictions on hours of sale, 235 ILCS 5/6-14.

Sec. 6-7. Unlawful sales.

(a) *Sale to certain persons prohibited.* No licensee under this chapter, or any officer, associate member, representative, agent or employee of a licensee, shall sell, give, supply or deliver or permit any alcoholic liquor to be sold, supplied or given to any person under the age of 21 years, nor to any intoxicated person or to any person known by him to be under legal disability or in need of mental treatment. No person, after purchasing or otherwise obtaining

alcoholic liquor, shall sell, give or deliver such alcoholic liquor to another person under the age of 21 years.

(b) *Employment of underage persons.* It shall be unlawful for any licensee under this chapter, or any officer, associate, member, representative, agent or employee of such licensee, to engage, employ or permit any person under the age of 21 years to tend bar and/or to draw, pour, or mix, or sell any alcoholic liquor in any licensed premises; provided that the provision of this section shall not be construed to prevent persons who are at least 18 years of age and employed as waiters or waitresses from serving or cashiers in retail stores from selling alcoholic liquor on licensed retail premises in the ordinary course of such employment.

(c) *Duty of licensee to demand proof of age.* If a licensee or his agent or employee believes or has reason to believe that a sale or delivery of alcoholic liquor is prohibited because of the non-age of the prospective recipient, he shall, before making such sale or delivery, demand presentation of some form of positive identification, containing proof of age, issued by a public officer in the performance of his official duties.

(d) *Sign.* Every licensee shall display at all times in a prominent place on the licensed premises a printed card which shall be issued by the city clerk and which shall read substantially as follows:

WARNING TO PERSONS UNDER 21

You are subject to a fine of up to \$750.00 under an ordinance of the City of Sterling if you purchase or attempt to purchase alcoholic liquor, or misrepresent your age for the purpose of purchasing or obtaining or attempting to purchase or obtain alcoholic liquor. Code 1982, § 3-7; Ord. No. 95-12-46, 12-19-95)

State Law References: Similar provisions, 235 ILCS 5/6-16.

Sec. 6-8. Restrictions on persons of non-age.

(a) No person under the age of 21 years shall purchase, attempt to purchase or consume any alcoholic liquor or beverage.

(b) Persons under the age of 21 years are authorized to be on the premises with a class B and C (Restaurants), D (Club), F (Bowling Alley/Pool Hall), G (Grocery and General Merchandise), H (Convenience Store) license for the purpose of purchasing and/or consuming food, or food and nonalcoholic beverages, for bowling, or for playing pool.

(c) No person under the age of 21 years shall loiter or remain in or around any licensed premises other than for the purposes described in subsection (b) of this section unless accompanied by his parent or guardian or being the age of 16 years or older and employed by the licensee in any employment that does not involve the sale, solicitation for sale, delivery or distribution of alcoholic liquor.

(d) Persons under the age of 21 years may not sit at the bar or primary place where alcoholic liquor or beverages are dispensed.

(e) No person shall transfer, alter or deface an identification card as described in section 6-7(c), use the identification card of another, carry or use a false or forged identification card, or obtain an identification card by means of false information. No person shall purchase, accept delivery or have possession of alcoholic liquor in violation of this section. The consumption of alcoholic liquor by any person under 21 years of age is forbidden.

(f) The possession and dispensing, or consumption, by a person under 21 years of age of alcoholic liquor in the performance of a religious service or ceremony, or the consumption by a person of non-age under the direct supervision and approval of the parents of such person in the privacy of a home, is not prohibited by this section.
(Code 1982, § 3-8; Ord. No. 95-4-14, 4-4-95)

Sec. 6-9. Inspection of premises.

(a) The premises used by each licensee under this chapter and any adjacent premises occupied or controlled by the licensee or his agent, for the purpose of the sale or consumption of alcoholic liquors, shall conform in all respects to the applicable building and fire codes of the city heretofore or hereafter adopted. The mayor, the liquor control board, the building official and the director of the fire prevention bureau, or their delegates, may enter and inspect the premises of each licensee under this chapter, including any adjacent premises occupied or controlled by the licensee or his agent, to determine compliance with such building or fire codes.

(b) The mayor, members of liquor control board, the chief of police and all members of the police force may enter and inspect the premises of each licensee under this chapter or any adjacent premises occupied or controlled by the licensee or his agent at any time, and they may take possession of and remove any alcoholic liquors found upon the premises in violation of any provision of this Code.

(c) All licenses now in force or hereafter issued under this chapter shall be subject to the reservation of the authority to enter and inspect, and refusal by the licensee or his agent to permit such action shall constitute sufficient grounds for the immediate suspension or revocation of the license by the liquor control commissioner.

(d) No license issued under this chapter shall be issued to any applicant to be used for any premises which are not in conformance with the building and fire codes of the city. An annual inspection shall be conducted prior to reissuance of a liquor license.
(Code 1982, § 3-9)

Sec. 6-10. Dancing on licensed premises.

(a) It shall be unlawful for any licensee of a class A(Package Store), G (Grocery and General Merchandise) and H (Convenience Store) license to permit dancing on a licensed premises.

(b) It shall be unlawful for any licensee of a class B, C, D, E, or F license to allow dancing except in an area of at least 100 square feet and which is clearly designated for dancing,

and which is open and unobstructed. The dancing area must not interfere with the operation of and conduct of the business, and shall not obstruct the movement of customers within the establishment and shall not be permitted between tables, in aisles or in pathways to exits.

(c) It shall be unlawful to permit dancing in any area or building without having sufficient and adequate exits as prescribed by the fire prevention code of the city.

(d) Subject to the provisions of subsection (c) of this section, dancing may be permitted by the liquor control commissioner on premises with a Special Event license issued under section 6-40.

(Code 1982, § 3-10)

Sec. 6-11. Gambling in licensed premises.

Every sale or purchase wherein any part of the article or thing received or to be received, either as to quantity or value, shall in any manner depend upon any chance or hazard, whether by means of checks, cards, envelopes, dice or punchboard or by any means whatever, shall be prohibited in or about the licensed premises or place controlled by a licensee under this chapter, except at those premises where the licensee obtains the applicable state license or permit to conduct or allow others to conduct the game commonly known as "Bingo" or has been issued the applicable state license or permit to sell what are commonly referred to as "pull tabs." Every clock, machine, slot machine, punchboard or other machine or device for the reception of money or chance or upon the action of which money is staked, hazarded, bet, won or lost is hereby declared a gambling device, and such devices shall be seized, confiscated and destroyed by the police of the city wherever found upon the licensed premises or place controlled by the licensee, except where applicable state or City licenses exist.

(Code 1982, § 3-11; Ord. No. 2004-05-13, § 2, 5-3-04; Ord. No. 2004-09-24, § 2, 9-7-04)

Sec. 6-12. Consumption in public places prohibited.

It shall be unlawful for any person to consume or possess in any open container any alcoholic liquor in the public parks, streets, municipal buildings, alleys or highways or other places of public assemblage, except by Special Event License.

(Code 1982, § 3-12)

Sec. 6-13. Transporting in motor vehicles.

(a) It shall be unlawful for any person to transport, carry, possess or have any alcoholic liquor in or upon or about any motor vehicle except in the original package and with the seal unbroken.

(b) This section shall not apply to the passengers in a limousine when it is being used for purposes for which a limousine is ordinarily used, the passengers on a chartered bus when it is being used for purposes for which chartered buses are ordinarily used or on a motor home or mini motor home as defined in 625 ILCS 5/1-145.01. However, the driver of any such vehicle is prohibited from consuming or having any alcoholic liquor in or about the driver's area. Any

evidence of alcoholic consumption by the driver shall be prima facie evidence of such driver's failure to obey this section. For the purposes of this section, a limousine is a motor vehicle of the first division with the passenger compartment enclosed by a partition or dividing window used in the for-hire transportation of passengers and operated by an individual in possession of a valid Illinois driver's license of the appropriate classification pursuant to 625 ILCS 5/6-104.

(c) The exemption applicable to chartered buses under subsection (b) of this section does not apply to any chartered bus being used for school purposes.
(Code 1982, § 3-13) **State Law References:** Similar provisions, 625 ILCS 5/11-502(b)--(d).

Sec. 6-14. Prohibited conduct on licensed premises.

The following conduct is prohibited on licensed premises:

- (1) The performance of acts, or simulated acts, of sexual intercourse, masturbation, sodomy, bestiality, oral copulation, flagellation, or any sexual acts which are prohibited by law.
 - (2) The actual or simulated touching, caressing or fondling on or of the breast, buttocks, anus or genitals.
 - (3) The actual or simulated displaying of the breast, pubic hair, anus, vulva or genitals.
 - (4) The permitting by a licensee of any person to remain in or upon the licensed premises who exposes to public view any portion of his or her breasts, pubic hair, anus, vulva or genitals.
 - (5) The displaying of obscene films or pictures as prohibited by 720 ILCS 5/11-20.
 - (6) The permitting or allowing of any prostitution, soliciting for prostitution, or other acts of prostitution.
- (Ord. No. 94-6-23, § 3-15, 6-21-94)

Secs. 6-15. Outdoor seating area; permit required.

Licensees holding Class “B” and “C” (Restaurant), “E” (Tavern), or “F” (Bowling Alley) licenses to sell alcoholic liquor may make application to the City’s Liquor Commissioner for a permit to serve alcoholic liquor at an outdoor seating area by first obtaining a permit, as provided herein. No permit shall be issued from the Liquor Commissioner unless the requirements set forth in this section are met. All such sales of alcoholic liquor shall in all respects be in conformance with the class of license held.

An outside seating area shall be defined as a privately owned outdoor location adjacent to the premises licensed for consumption on the premises, excluding any private parking area, where liquor may be sold and consumed subject to the provisions governing outdoor seating permits herein. An outside seating area shall be considered an accessory use to the operation of the principle establishment and owned or leased by the licensee.

The outdoor seating area shall be clearly designed with a permanent fence and/or barrier, not less than four feet in height above the final grade of the outside seating area, consistent with the existing zoning and building ordinances of the City Code. The permanent fence or barrier cannot

be constructed of plantings, i.e. shrubs or hedges. The permanent fence and/or barrier shall allow viewing of the area from the street.

The location of any outdoor seating area shall comply with all setback requirements in the applicable zoning district, shall not obstruct pedestrian or vehicular traffic and shall comply with all existing provisions of the city code.

Access to the outdoor seating area shall be limited through the licensed premises, or, if not practicable, through monitored entrances that are controlled by employees and/or reasonable fencing of the licensed premises during all operating hours and/or while alcohol is being served.

A permit application is required which shall include a detailed site plan showing all existing buildings, structures, and objects on the licensed property and the proposed location of each item to be placed within the outdoor seating area, including, but not limited to: permanent fences and/or barriers, partitions, chairs, tables, and serving stations. Area shall be lighted to provide not less than three lumens in all areas, per Section 102-22. Further, that lighting shall be directed away from adjoining properties. The outdoor seating area shall be maintained in compliance with the approved site plan. The site plan submitted for the outdoor seating area is not a substitution for any plans or documents required by the City staff or any other requirements as set forth in the City Code. The issued permit shall be posted in a conspicuous place inside the licensed premises.

An inspection of the outdoor seating shall be performed by the City prior to the issuance of an outdoor seating permit.

Amplified music performances, live or recorded, shall be subject to other City ordinances pertaining to time and volume.

Sec. 6-16 . Bottles of Wine for Class “B” and “C” Restaurants only.

A patron may remove one unsealed and partially consumed bottle of wine for off premise consumption provided that the patron has purchased a meal and consumed a portion of the bottle of wine with the meal on the restaurant premises. A partially consumed bottle of wine that is to be removed from the premises pursuant to this Section shall be securely sealed by the licensee or an agent of the licensee prior to removal from the premises and placed in a transparent one-time use tamper-proof bag. The licensee or agent of the licensee shall provide a dated receipt for the meal and bottle of wine to the patron. Wine that is resealed in accordance with the provisions of this Section and not tampered with and transported in accordance with the restrictions of subsections (a) and (b) of Section 11-502 of the Illinois Vehicle Code shall not be deemed to violate Section 11-502 of the Illinois Vehicle Code.

A bottle of wine may be brought into a restaurant, holding a liquor license, to be uncorked by wait staff, for a fee determined by the restaurant. After uncorking, the wine cannot be shared outside your immediate party, given away or sold to others, or held by the restaurant until your next visit.

Sec. 6-17 - 35. Reserved.

ARTICLE II.

RETAIL LICENSE*

* **Cross References:** Business licenses generally, § 22-26 et seq.

State Law References: Authority of city to license retail sales of alcoholic liquor, 235 ILCS 5/4-1; state licenses, 235 ILCS 5/5-1 et seq., 5/7-1 et seq.

Sec. 6-36. Required.

No person shall sell at retail or offer for sale at retail any alcoholic liquor for beverage purposes without first having a valid license to do so, issued in pursuance of the provisions of this article. No license shall be issued without the approval of the local liquor control commissioner, who, by the virtue of his office, is the mayor of the city.
(Code 1982, § 3-26)

Sec. 6-37. Application; minimum age of applicant and manager.

(a) Application for a license or renewal of a license under this article shall be made to the mayor on application blanks furnished by the city clerk. Such application shall contain sufficient information to enable the mayor to determine the eligibility of each applicant for such license. Each application for renewal of the license issued under this article shall be filed with the city clerk by April 1 of each year.

(b) No license shall be issued to any applicant who is under the age of 21 years or to any applicant whose manager is under the age of 21 years. Any licensee who employs a person under the age of 21 years as the manager of the premises subject to the license for the sale of alcoholic beverages shall be subject to immediate suspension of his license.
(Code 1982, § 3-27)

Sec. 6-38. Bond, Insurance, and payment of fee.

(a) Each application for a license or renewal thereof under this article shall be accompanied by a bond in the penal sum of \$5,000.00 payable to the city, with good and sufficient surety, acceptable to the mayor, conditioned on the applicant's faithful compliance with the laws of the state and the provisions of this Code.

(b) Liquor Liability Insurance as set forth in the Illinois Dram Shop Act.

(c) Each application for a license or renewal thereof under this article shall be accompanied by the payment of the annual fee.
(Code 1982, § 3-28; Ord. No. 2004-05-13, § 3, 5-3-04; Ord. No. 2004-09-24, § 3, 9-7-04)

Sec. 6-39. Classification; amount of fee; transfer.

(a) *Classification; amount of fee.* The number, kind and classification of licenses

under this article shall be as follows:

- (1) *Class A licenses (package sales).*
 - a. *Class A-1 license.* The class A-1 license shall entitle the licensee to make package sales only of alcoholic liquor at retail in original packages displaying the federal alcohol tax stamp. It shall be unlawful to consume alcoholic liquor, or permit alcoholic liquor to be consumed, on the premises described in the license except as set forth in this subsection. It shall be unlawful for any licensee to sell alcoholic liquor in any container other than in original packages except as set forth in this subsection. The initial fee for the issuance of the class A-1 license shall be the sum of \$7,500.00, payable in advance. The license fee for the annual renewal of such license shall be \$1,000.00, payable in advance. Class A-1 licensees may conduct beverage tastings on the licensee's premises one day each calendar month but no more frequently than once every four weeks. The licensee shall obtain a tasting license from the city clerk prior to the day on which the tasting occurs and shall pay a fee of \$20.00 for each tasting. Tastings shall be limited to beer, wine and cordials.
 - b. *Class A-2 license.* The class A-2 license shall entitle the licensee to sell alcoholic liquor at retail in original packages displaying the federal alcohol tax stamp on Sundays. No such license shall be issued unless the applicant therefore is the holder of a class A-1 license. The class A-2 license fee shall be an annual fee of \$500.00, payable in advance.
- (2) *Class B licenses (beer and wine) Restaurants.*
 - a. *Class B-1 license. Restaurant.* The class B-1 license shall be issued only to those licensees who conduct a business primarily for the sale of food for consumption on the premises. The class B-1 license shall entitle the licensee to sell at retail draught and bottled beer, wine and wine coolers, for consumption on the premises where sold. It shall be unlawful for such licensee to sell any other alcoholic beverage on the licensed premises in any manner or form. A class B-1 licensee shall not maintain what is commonly referred to as a "bar" or counter, the primary and predominant use of which is the sale or consumption of alcoholic beverages. The fee for the issuance or renewal of a class B-1 license shall be \$650.00, payable annually in advance.
 - b. *Class B-2 license. Restaurant.* The class B-2 license shall entitle the licensee to sell at retail draught or bottled beer, wine and fermented spirits, for consumption on the premises where sold, on Sundays. The class B-2 license fee shall be an annual fee of \$250.00, payable annually in advance.
 - c. *Class B-3 license. Specialty beverage stores.* The Class B-3 license shall

entitle the licensee to sell at retail bottled beer (beer in containers), wine, and wine coolers for consumption on the premises and to make package sales of beer, wine and wine coolers in original packages, displaying the federal alcohol tax stamp. No sales shall be made of draft beer. Licensees are not required to serve food as is required of B-1 and B-2 licensees as set forth in Section 6-16. The fee for the issuance of a Class B-3 license is \$2,000.00. The annual renewable fee thereafter shall be \$1000.00, all payable in advance.

(3) *Class C licenses (hotels, motels, restaurants, and banquet halls).*

- a. *Class C-1 license.* The class C-1 license shall entitle the licensee to sell at retail all alcoholic beverages by the drink for consumption on the premises only. It shall be unlawful for such licensee to sell alcoholic liquor in any other manner. The initial fee for the issuance of the class C-1 shall be the sum of \$7,500, payable in advance. The license fee for the annual renewal of such license shall be \$1,000.00, payable in advance. The class C-1 license shall be issued only to hotels, motels, and restaurants.
- b. *Class C-2 license.* The class C-2 license shall entitle the licensee to sell at retail on Sundays all alcoholic liquors by the drink only for consumption on the premises where sold. It shall be unlawful for such licensee to sell alcoholic liquor in any other manner. No such license shall be issued unless the applicant therefore is the holder of a class C-1 license. The class C-2 license fee shall be an annual fee of \$500.00, payable annually in advance.
- c. *Class C-3 license.* The class C-3 license shall entitle the licensee to make package sales of alcoholic beverages at retail in original packages displaying the federal alcohol tax stamp. It shall be unlawful to consume such alcoholic beverages purchased at package sales on the licensed premises. No such license shall be issued unless the applicant therefore is the holder of a class C-1 license. No such license shall be issued for Sunday sales unless the Applicant therefore is the holder of a Class C-2 license. The fee for a class C-3 license shall be \$500.00 annually, payable in advance.
- d. *Class C-4 license.* Banquet halls shall authorize the sale of any alcoholic beverage by the drink for consumption only on the premises. Such license shall be issued only to a person operating a banquet hall. "Banquet hall" means a building used for the service of food and beverages to groups of persons attending for planned events or occasions, which building is not open for the general service of food and beverages to the public at large on a regular basis, and from which the service of food and beverages is to persons or groups who have a common, shared or affinitive relationship to

the other members of the group for the planned event or occasion. The annual renewal fee for such license shall be \$500.

(4) *Class D licenses (clubs).*

- a. *Class D-1 license.* The class D-1 license shall entitle the licensee to sell at retail all alcoholic liquors by the drink only, and any such drink so sold must be consumed on the premises. It shall be unlawful for the licensee to sell alcoholic liquor in any other manner. A club holding a class D license may operate a facility in more than one location. A class D-1 license may be issued for each location and an annual fee of \$500.00, payable in advance, shall be charged for each location. Such license shall be issued only to clubs as defined in section 6-2 of this chapter.
- a. *Class D-2 license.* The class D-2 license shall entitle the licensee to sell at retail all alcoholic beverages by drink only and any drinks sold must be consumed on premises but only in a hall separate from the members and open for public use. No such license shall be issued unless the applicant is the holder of a D-1 License. A Class D-2 License may be issued for each location and an annual fee of \$1000.00 payable in advance, shall be charged for each location.

(5) *Class E licenses (taverns).*

- a. *Class E-1 license.* The class E-1 license shall entitle the licensee to sell at retail all alcoholic beverages by the drink only for consumption on the premises where sold. It shall be unlawful for such licensee to sell alcoholic beverages in any other manner. The initial fee for the issuance of the class E-1 license shall be the sum of \$7,500.00, payable in advance. The license fee for the annual renewal of such license shall be \$1,000.00, payable in advance.
- b. *Class E-2 license.* The class E-2 license shall entitle the licensee to sell at retail on Sundays all alcoholic beverages by the drink only for consumption on the premises where sold. It shall be unlawful for such licensee to sell alcoholic liquor in any other manner. No such license shall be issued unless the applicant therefore is the holder of a class E-1 license. The holder of a class E-2 license may sell alcoholic beverages by the drink only on Sundays. The license fee for the class E-2 license shall be \$500.00 payable annually in advance.
- c. *Class E-3 license.* The class E-3 license shall entitle the licensee to make package sales of alcoholic beverages at retail in original packages displaying the federal alcohol tax stamp. It shall be unlawful to consume alcoholic beverages purchased at package sales on the licensed premises. No such license shall be issued unless the applicant therefore is the holder

of a class E-1 license. The holder of a class E-3 license may sell alcoholic liquors at package sales on Sundays. No such license shall be issued for Sunday sales unless the Applicant therefore is the holder of a Class E-2 license. The fee for a class E-3 license shall be \$500.000 annually, payable in advance.

(6) *Class F licenses (bowling alleys/pool halls).*

- a. *Class F-1 license (bowling alley).* The class F-1 license shall entitle the licensee to sell at retail all alcoholic beverages by the drink only for consumption on the premises where sold. It shall be unlawful for such licensee to sell alcoholic beverages in any other manner. The initial fee for the issuance of a class F-1 license shall be the sum of \$7,500.00, payable in advance. The license fee for the annual renewal of such license shall be \$1,000.00, payable in advance.
- b. *Class F-2 license (pool/billiard hall).* The class F-2 license shall entitle the licensee to sell at retail all alcoholic beverages by the drink only for consumption on the premises where sold. It shall be unlawful for such licensee to sell alcoholic beverages in any other manner. The initial fee for the issuance of a class F-2 license shall be the sum of \$7,500.00, payable in advance. The license fee for the annual renewal of such license shall be \$1,000.00, payable in advance. An F-2 may be granted with the approval of the Sterling Liquor Commission. Applicants shall submit to the Commission a written plan detailing specific measures to prevent persons under the age of 21 from obtaining alcoholic beverages from the licensed premises or patrons thereof. The plan shall include a system by which persons under the age of 21 are readily distinguishable from persons who are not, and shall include safeguards to minimize subversion of the system. Applicants must demonstrate that pool or billiards are a substantive portion of the business and comply with the provisions of Section 10 of the Sterling City Code.
- c. *Class F-3 license.* The class F-3 license shall entitle the licensee to sell at retail on Sundays all alcoholic liquors by the drink only for consumption on the premises where sold. It shall be unlawful for such licensee to sell alcoholic liquors in any other manner. No such license shall be issued unless the applicant therefore is the holder of a class F-1 or F-2 license. The class F-2 license fee shall be an annual fee of \$500.00, payable annually in advance.

(7) *Class G licenses (grocery or general merchandise stores).*

- a. *Class G-1 license.* The class G-1 license shall entitle the licensee to sell at retail all alcoholic beverages in original packages displaying the federal alcohol tax stamp, commonly referred to as "package sales." It is unlawful

to consume alcoholic liquor or to permit alcoholic liquor to be consumed on the premises described in the license. It shall be unlawful for any licensee to sell alcoholic liquor in any container other than in the original packages. Class G-1 licensees may conduct beverage tastings on the licensee's premises one day each calendar month but no more frequently than once every four weeks. The licensee shall obtain a tasting license from the city clerk prior to the day on which the tasting occurs and shall pay a fee of \$20.00 for each tasting. Tastings shall be limited to beer, wine and cordials. The initial fee for a class G-1 license shall be \$7,500.00, payable in advance. The license fee for the annual renewal of such license shall be \$1,000.00, payable in advance.

- b. *Class G-2 license.* The class G-2 license shall entitle the licensee to sell at retail all alcoholic beverages in original packages displaying the federal alcohol tax stamp. It shall be unlawful to consume alcoholic beverages purchased at package sales on the licensed premises. The holder of a class G-2 license may sell alcoholic liquors at package sales on Sundays. The license fee for a class G-2 license shall be \$500.00 annually, payable in advance. No such license shall be issued unless the applicant therefore is the holder of a class G-1 license.
- c. *Class G-3 license.* The class G-3 license shall entitle the licensee to sell at specialty retail shops, wines in their original packaging, manufactured in Illinois for off premise consumption. The licensee's premises must be within an appropriately-zoned retail location, and at least 70 percent of the gross receipts of the business must be derived from the sale of art, floral, specialty gifts such as souvenirs, and specialty food items intended for off premise consumption. It shall be unlawful for such licensee to sell alcoholic beverages in any other manner. Wine tastings are allowed on premises provided written approval is granted by the liquor commissioner. A fee of \$20.00 shall be payable for each wine tasting event authorized by the liquor commissioner. The initial fee for the issuance of a class G-3 license shall be the sum of \$2,000.00 payable in advance. The license fee for the annual renewal of such license shall be \$1,000.00 payable in advance.

(8) *Class H licenses (automobile service stations, convenience stores).*

- a. *Class H-1 license.* The class H-1 license shall entitle the licensee to sell at retail, beer, wine, wine coolers, and malt beverages in original packages displaying the federal alcohol tax stamp, commonly referred to as "package sales". It is unlawful to consume alcoholic beverages or permit alcoholic beverages to be consumed on the premises described in the license. The initial fee for a class H-1 license shall be \$4,000.00 payable in advance. The license fee for the annual renewal of such license shall be \$1,000.00 payable in advance.

- b. *Class H-2 license.* The class H-2 license shall entitle the licensee to sell at retail on Sundays, beer, wine, wine coolers, and malt beverages in original packages displaying the federal alcohol tax stamp, commonly referred to as "package sales". It is unlawful to consume alcoholic beverages or to permit alcoholic beverages to be consumed on the premises described in the license. It shall be unlawful for any licensee to sell alcoholic beverages in any container other than in the original package. The fee for a class H-2 license shall be \$500.00 payable in advance. The class H-2 license shall entitle the licensee to sell alcoholic beverages as package sales on Sundays. No such license shall be issued unless the applicant therefore is the holder of a class H-1 license.

(b) *Initial fee and renewal fee.* In those instances where the license classification sought by the applicant requires an initial fee, the initial fee shall be for the period of 12 months from the date of issuance of any such license and shall be paid in full prior to the issuance of any such license. The annual renewal fee required by this Code after the payment of the initial fee may be prorated on a monthly basis from the date of expiration of the initial 12-month period to May 1 immediately following such expiration period. Thereafter, the annual renewal fee shall be in accordance with this Code.

(c) *Transfer.* No license shall be transferable by any licensee to any other person. Licenses issued under this chapter are a purely personal privilege to the licensee only, and exist for a period not to exceed one year after issuance unless sooner suspended or revoked. The license shall not constitute property nor shall it be subject to attachment, garnishment or execution, nor shall it be transferable voluntarily or involuntarily, nor subject to be encumbered. Such license shall not descend by the laws of testate or intestate devolution, but shall cease upon the death of the licensee; provided that the personal representative of the estate of any deceased licensee, and the trustee of any insolvent or bankrupt licensee, may continue the business of the sale of alcoholic liquors under the order of an appropriate court and may exercise the privileges of the deceased or insolvent or bankrupt licensee after the death, insolvency or bankruptcy of such licensee, until the expiration of the license, but not longer than six months after the death, bankruptcy or insolvency of such licensee. No refund shall be made of any portion of the license fee paid.

(d) *Change in ownership of business.*

- (1) Any of the following events shall be deemed an attempt to transfer a license and the license shall be void following that event:
 - a. In the case of a partnership, the sale or transfer of more than 50 percent of the partnership interest to another person, firm or corporation.
 - b. In the case of a corporation, the sale or transfer of more than 50 percent of the voting stock or voting rights of the corporation to any other person, firm or corporation.

- c. In the case of a corporation owned or controlled by a holding company, the sale or transfer of more than 50 percent of the voting stock or voting rights of the holding company to any other person, firm or corporation.
- (2) The sale or transfer of voting stock or voting rights of a corporate licensee, or of a holding company of a corporation licensee, pursuant to a transfer as a result of death, insolvency or bankruptcy shall not be deemed a transfer.
- (3) Nothing shall prohibit the transfer of a license by an individual or partnership licensee to a corporation formed by the licensee, or partners of the partnership; provided that the ownership of the stock, including all voting rights hereunder in the corporation, are held by the same persons in the same proportion as was held by the individual or partnership prior to such transfer and provided that, after formation of the corporation, the corporation shall comply with all of the provisions regarding licenses.

(Code 1982, § 3-29; Ord. No. 94-6-23, 6-21-94; Ord. No. 95-4-14, 4-4-95; Ord. No. 2004-05-13, §§ 4--8, 5-3-04; Ord. No. 2004-09-24, §§ 3--9, 9-7-04; Ord. No. 2005-11-33, § 1, 12-5-05)

Sec. 6-40. Special Event license.

(a) *Purpose.* A special event liquor license may be issued for a limited period of time for the purpose of allowing the licensee to raise funds for charitable, educational or civic purposes.

(b) *Eligibility; application generally.* A special event license may be issued to not-for-profit corporations organized and operating under the laws of the state for charitable, educational or civic purposes. No license shall be issued unless the applicant has been incorporated for a period of not less than five years prior to making application for such license. Application shall be made with the mayor at least 60 days prior to the date of intended sale or distribution of alcoholic beverages and shall be made in accordance with the provisions of section 6-37.

(c) *Additional information required.* In addition to the requirements contained in section 6-37 the applicant shall include the following information:

- (1) The location for which the license is sought.
- (2) A copy of the written, signed lease or rental agreement or other written authority for the use of the location if the applicant is not the owner of the location.
- (3) A statement setting forth the purpose for the issuance of the license.
- (4) A statement setting forth the applicant's arrangements for crowd control.
- (5) A certificate of insurance showing evidence of dram shop and liability insurance coverage.

- (6) A request for specific times and dates for the term of the license.
- (7) If liquor is provided by a current liquor license holder, proof of a Special Use Permit by that licensee to provide alcohol at the location of the Special Event. Or up to \$500 of alcoholic liquor may be purchased from another retail license.
- (d) *Fee.* The fee for a special event license shall be \$50.00 for each calendar day or part thereof for which the license is issued and shall be paid in full at the time the license is issued.
- (e) *Term.* A special event license may be issued for a period not to exceed seven consecutive calendar days. The holder of a special event license may serve alcoholic beverages daily during the term of the license from 10:00 a.m. to 10:00 p.m. Sundays through Thursdays, and 10:00 a.m. to 12:00 midnight Fridays and Saturdays. If the seven-day period includes a Sunday immediately preceding a national holiday on the following Monday, the Monday being included within the seven days for the license, alcoholic beverages may be sold until Sunday at 12:00 midnight. The sale of alcoholic beverages shall cease at 10:00 p.m. on Monday, the national holiday. The sale of alcoholic beverages pursuant to a special event license issued in accordance with this Code is restricted to the sale of beer and wines.
(Code 1982, § 3-30)

Sec. 6-40-1. A Special Use Permit

- (a) Purpose. To allow the licensee to sell alcohol up to 15 days per off-site location per year.
- (b) Eligibility. Special Use Permit Licenses will be issued to a licensee only for use in connection with a Special Event License
- (c) Additional information required shall coordinate with the Special Event License
 - (1) The location for which the license is sought.
 - (2) A copy of the written, signed lease or rental agreement or other written authority for the use of the location if the applicant is not the owner of the location.
 - (3) A statement setting forth the purpose for the issuance of the license.
 - (4) A statement setting forth the applicant's arrangement for crowd control.
 - (5) A certificate of insurance showing evidence of dram shop and liability insurance coverage.
 - (6) A request for specific time and dates for the term of the license.
- (d) Fee. No additional fee, other than the Special Event license.

Sec. 6-41. Limitation on number issued.

No more than an aggregate total of 32 classes A, C, E and F licenses shall be issued and in full force and effect at any time. There shall be no numerical limit on class B, D,G, or H licenses.
(Code 1982, § 3-31; Ord. No. 2003-08-32, 8-4-03)

Sec. 6-42. Restrictions on issuance generally.

(a) No liquor license shall be issued to any person or for any location where the issuance of such license is prohibited by the statutes of the state or by this Code.
(Code 1982, § 3-32)

Sec. 6-43. Location of premises--Minimum distance from certain uses; zoning requirements.

(a) No license shall be issued for the sale at retail of any alcoholic liquor within 100 feet of any church, school, hospital, home for the aged or indigent persons or for veterans, and no license shall be issued hereafter, except in locations where licenses have been previously granted, authorizing the sale of alcoholic liquor in any building located in a block where over 50 percent of the property, according to street frontage of the block (or the blocks of both streets if a corner lot), and a like amount of property in the block opposite such location (or in the blocks opposite if a corner lot) is, at the time of filing the application for such permits, used for residential purposes, or used in part for residential purposes and the rest is vacant property.

(b) No license shall be issued to any premises unless the sale or distribution of alcoholic liquor at such premises complies with the applicable zoning ordinance for the city.
(Code 1982, § 3-33)

Sec. 6-44. Same--Certain license classes restricted to designated areas.

(a) Licenses shall be granted for sale of alcoholic liquor at retail in the areas as designated by the city council through a current zoning map.

(b) The provisions of this section restricting area shall not apply to Special Event licenses as provided for in section 6-40.
(Code 1982, § 3-34)

Sec. 6-45. Issuance; records.

(a) All licenses issued under this article shall be issued by the mayor and attested by the clerk under the corporate seal, and no license shall be issued until the application is approved by the local liquor control commissioner.

(b) All applications for licenses shall remain on file in the office of the clerk to be listed in a record to be kept for this purpose.
(Code 1982, § 3-35)

Sec. 6-46. Termination.

(a) Every license issued under this article shall be valid from the date of issuance to May 1 next succeeding the date of issue.

(b) *Reserved.*

(c) If a license is not used by a licensee within a period of 60 days from the date of its issuance, the license is subject to revocation in the discretion of the local liquor control commissioner; provided, further, that if the use of a license lapses for a period of 60 days the license is subject to revocation in the discretion of the local liquor control commissioner. (Code 1982, § 3-36; Ord. No. 2004-05-13, § 9, 5-3-04; Ord. No. 2004-09-24, §§ 10, 11, 9-7-04)

Sec. 6-47. Telephone required.

All liquor licensees shall maintain a telephone in a serviceable condition for the exclusive use of the manager, bartender or responsible employee. Such telephone shall be located behind the bar or liquor service area and shall not be made available for public or patrons' use. (Code 1982, § 3-37)

Secs. 6-48. Grounds for suspension, revocation, appeals; fines.

- (a) The Commissioner may suspend or revoke any license issued under this chapter for any one of the following reasons:
- (1) Violation of the laws of the United States, the laws of this State or any of the ordinances of the City where such violations relate to the operation of a licensed premises;
 - (2) Knowingly, permitting without protest, any violation of this chapter, any disorderly practices upon the premises or violations of any law or ordinance, whether upon the control premises or the service premises, where the licensee is licensed to operate under this chapter; for the purposes of this section "protest" shall mean a formal declaration, whether verbal or written, made by a person interested or concerned in some act or course of conduct about to be done, already performed or being presently done, whereby that person expresses his or her dissent or disapproval or affirms the act is against his or her own will;
 - (3) The willful making of any false statement as to a material fact in the application for the license;
 - (4) Failure to comply with the provisions of Section 6-36;
 - (5) Failure to obtain and keep current at all times at least the minimum amount of dram shop liability insurance required by Section 6-38;
 - (6) Failure to comply with any rules and regulations promulgated by the Commissioner;
 - (7) Failure to pay a fine imposed by the Commissioner or costs imposed by this section within twenty-one (21) days of notice of such costs; or
 - (8) Failure to answer under oath all relevant and material questions propounded to the licensee at a hearing conducted by the Commissioner

In lieu of or in addition to the suspension or revocation of a license, the Commissioner may impose a fine of not less than fifty dollars (\$50.00) and not more than seven hundred fifty (\$750.00) for each such violation.

- (b) Appeals to the State Liquor Control Commission of decisions, orders or actions of the Commissioner shall be provided for as follows:
 - (1) All appeals to the State Liquor Control Commission by a City liquor licensee of a decision, order or action by the Commissioner to suspend or revoke the licensee's City liquor license or of the imposition of a fine against such license shall be limited to review of the official record of the formal proceedings before the Commissioner;
 - (2) Initial costs and hourly fees for the official reporter's attendance at formal hearings before the Commissioner shall be borne and paid by the City.
- (c) All costs of preparing and transcribing the official record on appeal to the State Liquor Control Commission by the licensee shall be borne by the licensee whose license has been suspended or revoked, or against whom a fine has been imposed.
- (d) Upon the decision of the Commissioner adverse to a licensee being upheld or upon failure of a licensee to appeal within the appeal period, the licensee shall be responsible for the payment of all costs borne by the City in relation to bringing the hearing, including but not limited to initial court reporter cost and hourly fees, witness and mileage fees.

Notice of hearing; emergency closure.

- (a) Except as provided in subsection (b) hereof, no such license shall be revoked or suspended or a fine imposed except after a public hearing by the commissioner is held. The licensee shall be given a three-day written notice affording the license an opportunity to appear and defend.
- (b) If the commissioner has reason to believe that the continued operation of a particular licensed premises will immediately threaten the welfare of the community, the commissioner may, upon the issuance of a written order stating the reason for the conclusion and without notice or hearing, order the licensed premises closed for not more than seven (7) days. A hearing shall be held within a seven-day period. Such period shall begin on the date of the closing. The hearing shall give the licensee the opportunity to be heard on the matter. If the licensee is engaged in the conduct of another business on the licensed premises other than the sale of alcoholic liquor, the closure order shall not be applicable to such business.

Use of premises after revocation.

When a license has been removed for any cause, no license shall be granted to any person for the period of one year thereafter for the conduct of the business of selling alcoholic liquor at retail in the premises described in such revoked license.

Forfeiture of fees.

Revocation of a license issued pursuant to this Chapter shall result in the forfeiture of all fees or moneys paid thereof.

ARTICLE III.

CATERER-RETAILER LICENSE

Sec. 6-61. Establishment.

There is hereby established a class "K" liquor license called a "caterer-retailer" license allowing the sale and delivery of alcoholic beverages in conjunction with the sale and delivery of food by a person engaged in the catering of food.

(Ord. No. 95-10-38, § 1, 10-3-95)

Sec. 6-62. Definition.

A caterer-retailer is defined as a person who provides food and service as needed for private social gatherings not open to the general public at a site or sites other than the primary place of business of the caterer, and as further defined by 235 ILCS 5/1-3.34.

(Ord. No. 95-10-38, § 2, 10-3-95)

Sec. 6-63. Eligibility.

A class "K" liquor license shall be issued only to a person who is a caterer-retailer and who presently is a liquor licensee of a license issued by the city under another license classification, and which authorizes the sale and delivery of alcoholic beverages by the drink for consumption either on site at the licensed premises, or off site. Further, that the licensed premises shall be considered the primary place of business of the catering business. All sales of alcoholic beverages made pursuant to the class "K" license shall be deemed to have been made at the premises licensed by the primary license issued by the city.

(Ord. No. 95-10-38, § 3, 10-3-95)

Sec. 6-64. Hours.

The restrictions on the time of sale of alcoholic beverages by a caterer-retailer shall be in accordance with sections 6-5 and 6-6 of this Code,

(Ord. No. 95-10-38, § 4, 10-3-95; Ord. No. 2004-05-13, § 10, 5-3-04; Ord. No. 2004-09-24, § 12, 9-7-04)

Sec. 6-65. Persons of nonage.

The terms of section 6-7 of this Code relating to unlawful sales shall apply to the class "K" license.

(Ord. No. 95-10-38, § 5, 10-3-95)

Sec. 6-66. Fees.

The fee for a class "K" license shall be \$250.00 payable annually in advance.

(Ord. No. 95-10-38, § 6, 10-3-95)