

CHAPTER 3

LIQUOR CONTROL

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Ord. No. 2337 08/11/03; Ord. No. 2339 09/22/03; Ord. No. 2411 02/14/05; Ord. No.2413 02/28/05; Ord. No. 2461 02/27/06; Ord. No. 2466 03/27/06; Ord. No. 2495 10/09/06; Ord. No. 2518 02/26/07; Ord. No. 2545 01/14/08; Ord. No. 2546 01/14/08; Ord. No. 2554 04/28/08; Ord. No 2607 01-25-10; 2700-14/15 05/12/14; Ord. No. 2720-14/15 04/27/15; Ord No. 2721-14/15 04/27/15;Ord. No. 2766-17/18 06/12/17 Ord. No. 2801 08/27/18 Ord. No.2804-18/19 10-18-18

3-3-1: DEFINITIONS: Unless the context otherwise provides, words and phrases used in this Chapter shall be construed as hereinafter set forth, or as used in the Illinois Liquor Control Act, as amended:

ADDITIONAL LICENSE CONDITIONS means conditions imposed by the Local Liquor Commissioner that extend or restrict the circumstances under which alcohol may be supplied or may require certain actions by the licensee. Failure to comply with such conditions will constitute an offense.

ALCOHOLIC LIQUOR shall mean and include any alcohol, spirits, wines, beer, and other vinous or malt products, and every liquid or solid, patented or not, containing alcohol, spirits, wine or beer and capable of being consumed as a beverage by a human being containing more than one-half of one percent (0.005%) of alcohol by volume; provided, however, that this definition shall not be construed to apply to alcohol used in the manufacturing of denatured alcohol or alcohol produced solely for combination with petroleum products for motor fuel and produced in accordance with Acts of Congress and regulations promulgated there under.

ASSEMBLY HALL or STADIUM means a building or structure having a minimum total occupancy as calculated by IFC formula, in which space is regularly rented or licensed for the viewing of or participation in conventions, exhibitions, sporting events, concerts or performances of plays, dances, circuses or similar presentations.

BASSET TRAINING means a State approved training program for all persons who sell or serve alcoholic beverages, all management personnel working on premises, and anyone whose job description entails the checking or identification for the purchases of alcoholic beverages pursuant to that license, as required by 235 ILCS 5/3-12(11.1) and Title 77 of Illinois Administrative Code, Chapter XVI, Section 3500. (Ord. No. 2766-17/19 06/12/17)

BEER means 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.

BEER GARDEN means an additional, designated area, adjoining the licensed premises, enclosed by a permanent barrier with a minimum height of five feet that affords an unobstructed view of the enclosed area with an emergency means of egress. Entry into the Beer Garden must be through the initial licensed premises. Any Beer Garden not currently in compliance with the Code shall be grandfathered in, unless or until there is a change of Licensee. The New Licensee must bring the Beer Garden into compliance within six months of acquiring initial license or 60 days after yearly renewal, whichever is the shorter. No live entertainment or any other unreasonable noise shall be allowed in a Beer Garden. (Ord. No. 2339 09/22/03) (Ord. No. 2461 02/27/06) (Ord. No. 2607 01/25/10)

BREW PUB means a person who manufactures beer only at a designated premises to make sales to importing distributors, distributors, and to non-licensees for use and consumption only, who stores beer at the designated premises, and who is allowed to sell at retail from the licensed premises, provided that a brew pub licensee shall not sell for off-premises consumption more than 50,000 gallons per year.

CATERER RETAILER means a person who serves alcoholic liquors for consumption, whether on-site or off-site, 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.

CLUB means any corporation, organized under the laws of this State, not for pecuniary profit, solely for the promotion of some common object, other than the sale or consumption of alcoholic liquors kept, used and maintained by its members through the payment of dues, and owning, hiring or leasing a building and 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 its members and their guests; provided, that such club files with the Local Liquor Commissioner at the time of its application for a license under the 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.

CONDITIONAL GRANTS means that the Liquor Commission after considering an application, may recommend that the Commissioner grant a liquor license on condition that certain pre-agreed undertakings are met by the applicant. The Commissioner may grant such a license. No license document will be issued at that stage and the license will not come into force until the Commissioner has received from the appropriate authority evidence that all the conditions imposed have been fully met. When such evidence is received, the grant will become unconditional, a license will be issued and trading in liquor may commence. The conditional grant will specify a time frame during which the conditions are to be met. If, at the end of the prescribed period, the conditions have not been met, the applicant must apply to the Liquor Commission for an extension. The Liquor Commission will then send their recommendation to the Liquor Commissioner who will make a final determination on an extension. If no extension is granted, the conditional grant will lapse and a new application will be required. While conditional grants will usually be used to provide commercial certainty where there is a requirement to construct, refurbish or alter proposed licensed premises, they may be used for other purposes at the Commissioners discretion. For example, the grant may be conditional on the applicant obtaining appropriate finance.

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

EVENT MEADOW, RIVERFRONT PARK means that area of the Riverfront Park designated to be used for public functions where alcohol may be served. The area is defined as the grassy area bounded on the east and west sides by, but not including, the straight sections of sidewalk that run south from the landscaped area south of the interactive water feature north to, but not including, the curved sidewalk north of St. Mary Street. These boundaries shall be clearly marked by the requestor in accordance with the guidelines established in conjunction with a Special Event Application. Sale, provision or distribution of alcohol will be done in accordance with the same guidelines as described for the PIER detailed later in this section. (Ord. No. 2466 03/27/06)

GAS STATION means any establishment which pumps motor fuel directly in motor vehicles. 08-27-18 (Ord No. 2801-18/19)

GOLF COURSE means a terrain open to the public, in general consisting of at least nine holes, which is devoted exclusively to the game of golf and no other recreation or entertainment. The term shall not include miniature or obstacle golf establishments.

GRANDFATHER CLAUSE means an exception to the restrictions regarding licensed premises that allows businesses already holding a current liquor license to continue with existing conditions for a period of six months from the date of the adoption of this code or until the renewal of such license, whichever is longer.

HOTEL-MOTEL for purposes of this Chapter shall mean a structure or complex of structures kept, used, maintained and held out to the public to be a place where food may actually be served and consumed and sleeping accommodations are offered for adequate compensation 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 which may have one or more public dining rooms where meals are served to such guests.

IBC means the International Building Code most currently adopted by the City of Pekin.

IFC means the International Fire Code most currently adopted by the City of Pekin.

LICENSED PREMISES means the place or location where alcoholic beverages are manufactured, stored, displayed, offered for sale or where drinks containing alcoholic beverages are mixed, concocted and served for consumption. Not included are sidewalks, street, parking areas and grounds adjacent to such place or location.

LICENSED PREMISES, in respect to all liquor licenses except C Class Special Licenses where approved by the Local Liquor Commissioner, must be a permanently erected roofed structure or a Beer Garden as defined above. (Ord. No. 2339 09/22/03)

MANAGER means one who has been chosen or appointed by the Liquor Licensee to manage and to have charge of the licensed premises, and who is vested with a certain amount of discretion and independent judgment with respect to the licensed premises. This designation of “manager” also implies general power and permits reasonable inferences that the employee so designated is invested with the general conduct and control of the licensee’s liquor licensed premises. (Ord. No. 2546 01/14/08)

MINORS means any persons under the age of twenty-one (21).

NFPA101 LIFE SAFETY CODE means the National Fire Protection Association most currently adopted by the City.

OCCUPANCY PERMIT means the number of people allowed in a structure as per the IFC and NFPA101.

PACKAGE LIQUOR STORE means any person who sells or offers for sale any alcoholic liquor for use or consumption not upon the licensed premises, and not for resale in any form.

PERSON means any person, firm partnership, club, association or corporation.

PIER AREA means West of the Westerly right-of-way of Tazewell & Peoria Railroad tracks to the Illinois River, south of the southerly right-of-way of Caroline Street and north of the northerly side of McNaughton Bridge, now City of Pekin, Tazewell County, Illinois. (Ord. No. 2337 08/11/03) Sale, provision or distribution of alcohol shall be for consumption only within an approved, enclosed site within the above defined Pier area between the hours of 12:00 p.m. and 11:00 p.m., every day except Sunday. There will be a maximum of four licenses issued per applicant per year, with no more than one license per month per applicant. Sound amplification may be used, but all speakers must be placed so that the amplified sounds and/or music are directed out over the river, not towards the City. Applicants must submit a site plan for the proposed event to the Local Liquor Commissioner, designating the enclosures and schedule of events for approval. Applicants must also submit a “Special Events Application”, to the Chief of Police, who shall promulgate rules, regulations and other restrictions, including, but not limited to: safety and health issues, litter removal, additional security to monitor underage drinking and insure that the beer and/or wine are not carried outside of the approved site. (Ord. No. 2466 03/27/06)

PLACE OF AMUSEMENT means every bowling alley, pool or billiard facility or facility whose primary income is from amusements.

PREMISES means that area defined by the license applicant as containing the sale and consumption area of the licenses premises. Said premises shall not include vehicular parking areas, cloak or coat rooms, restrooms, storage rooms (except for storage areas that contain alcoholic liquors for automated or manual dispensing and are connected to outside dispensers) or other areas in violation of Tazewell County, Illinois, Health Department regulations. Premises may be defined, in the case of a Hotel-Motel, to include resident rooms serviced by room service or in room automated or manual dispensing devices.

PRIVATE PARTY means an assembly of persons at a licensed retail establishment at a time when that area of the establishment is not open to the public, and is limited to invited guests of the individual or entity sponsoring the party.

RETAIL LIQUOR ESTABLISHMENT means any recognized business establishment where alcoholic liquor is sold in small quantities or directly to consumers, excluding restaurants. (Ord. No. 2495 10/09/06)

RESIDENT means any person, corporation, partnership, estate or trust that inhabits or occupies a dwelling or place of business within the City of Pekin.

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, where the sale or consumption of alcoholic liquors is only incidental to the serving of meals and which possesses a Level 1 or Level 2 Tazewell County Health Department Retail Food Service Permit, (whose regulations are currently in force or hereafter adopted) and who has a Tazewell County Health Department licensee meeting the qualifications to operate a Level 1 or Level 2 food service facility present as required by the Tazewell County Health Department.

SELL AT RETAIL OR SALE AT RETAIL includes all sales for use or consumption and not for resale in any form.

TAVERN means every building or structure, licensed under this chapter which is kept, used, maintained, advertised, or held out to the public, as a place where alcoholic liquor is sold and consumed on the licensed premises as the primary monetary function of the business.

UNOBSTRUCTED VIEW means a view whereby face, body and hands of the patrons are in full view from a distance of 10 feet with minimal hindrances.
(Ord. No. 2461 02/27/06)

VARIATIONS means changes of conditions attached to a liquor license. Such variations should include the insertion of new conditions, the removal of existing conditions and

changes to existing conditions. Such variations may be made in response to an application for a variation by the licensee or at the discretion of the commissioner. This will enable licensees to be kept up to date during the current year. For example, an applicant may apply to have conditions removed should the high risk behavior that led to the conditions cease to exist. Similarly, the commissioner may impose conditions during the life of the license should the licensee commence activities at the licensed premises that increase risks. It also allows the commissioner to respond to licensees that are coming to the notice of the enforcement authorities because of unwelcome behavior by imposing conditions rather than, or in addition to, having license suspended or revoked. If the commissioner determines to vary the conditions of a license, the licensee shall be informed in writing, and will be given the right to be heard by the commission or commissioner.

WINE means 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 herein.

3-3-2: LOCAL LIQUOR COMMISSIONER:

A. The Mayor is hereby authorized to be the Local Liquor Commissioner and shall be charged with the administration of the Dram Shop Act, and of such ordinances and resolutions relating to alcoholic liquor as may be enacted by the City Commission.

B. Powers, Duties and Functions: The Local Liquor Commissioner shall have the following powers, functions and duties with respect to local liquor licenses:

1. All powers, duties and functions granted, or which may hereafter be granted, to the local liquor commissioner by the state.
2. To grant or refuse an application for a license, to suspend for not more than thirty (30) days, or revoke for cause, any local license issued to persons or entities for licensed premises within the Commissioner's jurisdiction, and to impose fines as authorized in Section 3-3-12(F).
3. To appoint, with the advice and consent of the City Council, one or more persons to serve as deputy local liquor commissioners. Such person or persons shall have full authority to exercise any of the powers, duties and functions enumerated herein, except as the Commissioner may specifically exclude by such appointment. Such deputy local liquor commissioner may be appointed to serve at the pleasure of the Local Liquor Commissioner, but not beyond the term of office of the appointing Local Liquor Commissioner, and may be designated either (a) to act in the absence of the Local Liquor Commissioner, or (b) to act in lieu of the Local Liquor Commissioner. With respect to Liquor License hearings, any such deputy local liquor commissioner so appointed shall submit findings and recommendations to the commissioner setting forth his/her conclusions respecting the existence and nature of any violation of law and the

appropriate disciplinary action to be taken, if any, which may be accepted, modified or rejected by the Local Liquor Commissioner.

4. To attach and/or vary conditions, where necessary, to any license that extends or restricts the circumstances under which alcohol may be supplied or requires certain actions of the licensee. Such conditions will be intended to permit the proper functioning of the licensed business, to ensure that alcohol is supplied responsibly and safely and to assist the enforcement or emergency services.

5. To enter or to authorize any law enforcement officer to enter, at any time, upon the premises licensed hereunder to determine whether any of the provisions of the State law or City ordinance, or any rules or regulations adopted by the Commissioner or by the State Commission, have been or are being violated, and at such time to examine the licensed premises of the licensee in connection therewith. Any person or persons appointed by the Local Liquor Commissioner and named as Deputy Local Liquor Commissioner pursuant to this section shall have the power given to the Local Liquor Commissioner by this subsection. To receive complaints from any citizen within the Commissioner's jurisdiction that any of the provisions of the State law or of this Chapter have been or are being violated, and to act upon such complaint(s) in the manner provided by law.

6. To direct payment of local liquor license fees to the City Clerk.

7. To examine, or cause to be examined, under oath, any applicant for a local license or for a renewal thereof, or any licensee upon whom notice of revocation or suspension has been served, or any licensee against whom a citation proceeding has been instituted by the State of Illinois Liquor Control Commission; to examine, or cause to be examined, the books and records of any such applicant or licensee or respondent; and to hear testimony and take proof for his/her information in the performance of his/her duties; and for such purposes, to issue subpoenas which shall be effective in any part of this State. For the purpose of obtaining any of the information desired by the Local Liquor Commissioner under this section, the Commissioner may authorize his/her agent to act on his/her behalf.

8. To order, upon the issuance of a written order, the licensed premises closed for not more than seven (7) days, giving the licensee an opportunity to be heard during that period, if the Local Liquor Commissioner has reason to believe that any continued operation of a particular licensed premises will immediately threaten the welfare of the community; except that if such licensee shall also be engaged in the conduct of another permitted business on the licensed premises, such order shall not be applicable to such other permitted business or businesses.

9. To appoint a Local Liquor Commission.

(Ord. No. 2554 04/28/08)

10. To modify or make exceptions to the hours of sale for alcoholic liquor set forth in section 3-3-5-1, upon recommendation of the Local Liquor Commission, to allow for the earlier opening or later closing of premises holding a Class A license, subject to the following limitations:

- (a) No such modification shall extend more than one (1) consecutive day, and shall be limited to no more than three (3) such modifications per calendar year;
- (b) Modifications shall be limited to a difference of no more than two (2) hours from the hours set forth in section 3-3-5-1.
- (c) No such modification shall be made unless the Local Liquor Commissioner finds that such modification (i) would promote or foster local business, encourage patronage of local businesses, and allow local businesses to compete with neighboring municipalities, (ii) would not result in increase in noise, traffic, or other conditions that would constitute a public nuisance; and (iii) would not be otherwise detrimental to the public health and welfare.
- (d) Any modification to the hours of sale made pursuant to this section shall apply to all Class A license holders within the City. (Ord. No. 2815-18/19 02-11-19)

3-3-3: LOCAL LIQUOR COMMISSION:

(a) A local liquor commission is created consisting of four (4) members, including the Chief of Police and the Fire Chief, or their designee. The liquor commission shall be appointed by the Local Liquor Commissioner for a term of two (2) years. A commission member may be reappointed for a succeeding two (2) year term by the Liquor Commissioner. All such appointments shall be with the advice and consent of the City Council. The Liquor Commissioner may, in his discretion, remove any member of the liquor commission. Members shall hold office for their designated terms and until their successors have been appointed. No license holder shall be appointed to the commission. (Ord. No. 2413 02/28/05) (Ord. No. 2461 02/27/06) (Ord. No. 2553 04/28/08)

(b) The Commission shall have and exercise the following duties and powers:

1. To establish the licensing and application procedure.
2. To receive, review and consider all applications and the investigation of applicants for liquor licenses and to submit findings and recommendations to the Local Liquor Commissioner setting forth its conclusions regarding such applications.
3. To recommend the inclusion of any conditions to be endorsed on the license.

4. To be present at disciplinary hearings conducted by the Local Liquor Commissioner in order to hear testimony and recommending the appropriate disciplinary action to be taken, if any. (Ord. No. 2553 04/28/08)
5. To keep written records of its meetings and proceedings.
6. To schedule meetings on an “as needed” basis.
7. Such other duties as determined by the Local Liquor Commissioner.
8. Review requests for special use for liquor licenses and licensed premises and make appropriate recommendations to the City Council subsequent to a required hearing as to the special use. (Ord. No. 2495 10/09/06)

(c) Notwithstanding any other provision to the contrary contained elsewhere in this chapter, the Local Liquor Commissioner may appoint the Liquor Commission to assist the Local Liquor Commissioner in the exercise of any of the powers and duties of the Local Liquor Commissioner as set forth in this chapter.

3-3-4: LICENSING REGULATIONS:

3-3-4-1: LICENSE REQUIRED: It shall be unlawful to sell or offer for sale at retail in the City any alcoholic liquor without having a retail liquor license, or in violation of the terms and conditions of such license.

3-3-4-2: APPLICATION: Applications for liquor licenses shall be made to the Local Liquor Commissioner, in writing, signed by the applicant, if an individual or by a duly authorized agent thereof if a club or corporation, verified by oath or affidavit, and shall contain the following statements and information:

A. In the case of an individual, the full name, date of birth, place of birth, social security number, and address of the applicant; in the case of a partnership, the persons entitled to share in the profits thereof, their full names, dates of birth, places of birth, social security numbers and addresses; in the case of a corporation, the objects for which organized, the names, dates of birth, places of birth and social security numbers and addresses of the officers, directors, and all persons owning directly or beneficially more than five percent (5%) of the stock of such corporation, the percentage of stock owned by each, and the persons acting as managers or assistant managers of the licensed premises. Should the corporation be a stock exchange publicly traded corporation, then the requirement data requested of any stockholder of said corporation is waived. (Ord. No. 2461 02/27/06)

B. The citizenship of the applicant, and, if a naturalized citizen, the time and place of his/her naturalization.

- C. The character of business of the applicant.
- D. The length of time said applicant has been in business of that character, or, in the case of a corporation, the date when its charter was issued. The length of time the applicant, or if a corporation, the manager of whose liquor business hereunder, has resided in the City prior to the submission of the application.
- E. The amount of goods, wares and merchandise on hand at the time original application is made.
- F. The location and description of the licensed premises or place of business which is to be operated under such license, with a detailed site plan including, but not limited to, plans showing the layout of the interior of the premises to be licensed with the location of all of the exterior doors, bathrooms, tables, chairs and other fixtures.
(Ord. No. 2461 02/27/06)
1. If a leased licensed premises, a copy of the Lease shall be provided as required and shall be for a term of sufficient length to encompass the period of the license sought.
 2. The name and address of the owner or owners of the licensed premises and the names and addresses of all the owners of the beneficial interest of any trust if said licensed premises is held in trust.
- G. A statement whether applicant has made application for a similar or other license on licensed premises other than described in this application, and the disposition of such application.
- H. A statement that applicant has never been convicted of a felony and is not disqualified to receive a license by reason of any matter or thing contained in this Chapter, laws of this State, or other ordinances of this City.
- I. Whether a previous license by any State or subdivision thereof, or by the Federal government has been issued. If so, where and when, or if any such license has been revoked, the reasons therefor.
- J. The date of incorporation, if an Illinois corporation, or the date of becoming qualified under the Illinois Business Corporation Act to transact business in Illinois if a foreign corporation.
- K. A statement that the applicant will not violate any of the laws of the State of Illinois or of the United States, or any ordinance of the City in the conduct of his/her place of business.
- L. That adequate dram shop insurance is in force covering the applicant and the licensed premises which are to be operated under such license. Further, in addition to the

foregoing statement made under oath, all applicants shall be required to attach to said application as proof of insurance a copy of the policy for dram shop insurance coverage, which policy shall contain at a minimum the following information: insurer's name, agent's name, date of expiration of policy, amount of coverage and type of coverage.

M. If said application is made on behalf of a partnership, firm, association, club or corporation, then the same shall be signed and sworn to by at least two (2) members or the president and secretary of a corporation.

N. In addition to the foregoing information, such application shall contain such other and further information as the Illinois Liquor Control Commission and Local Liquor Commissioner may by rule or regulation not inconsistent with law prescribe.

O. All applications shall be upon forms provided by the Local Liquor Commissioner, and each completed application shall be submitted to the City Clerk fifteen (15) days prior to the regular meeting of the Liquor Commission.

The Local Liquor Commissioner shall issue a written acceptance or rejection of an application within sixty (60) days of its receipt by the Local Liquor Commissioner or City Clerk in his or her behalf; or shall notify an applicant of the reasons for further time being necessary to complete the investigation or processing; or shall schedule a hearing on such application as allowed by 235 ILCS 5/7-10.

P. That any applicant for a first and initial City liquor license may be fingerprinted whether said applicant be an individual or a partnership. Should the applicant be a corporation, the Local Liquor Commissioner may, on the advice of the Liquor Commission, and within his/her discretion, require the following to be fingerprinted:

The officers, manager or director thereof, or any stockholder or stockholders owning in the aggregate of more than five percent (5%) of the capital stock of said corporation.

All such fingerprinting shall be done by the City Police Department or such other law enforcement agency approved by the Chief of Police. Said fingerprints shall be submitted to the appropriate State and/or Federal agencies for processing as available. A fee of sixty (\$60) dollars per person will be charged at the time of application. (Ord No. 2461 02/27/06)

Q. Provide proof of BASSET Training (Ord. No. 2766-17/18 06/12/17)

3-3-4-3: INITIAL LICENSE APPLICATION FEE: Any applicant shall pay an application fee of \$150.00 upon application for his/her first and initial license which shall be non-refundable and not allocated towards any license fees as herein provided. A one-time, initial application fee of \$250.00 shall be assessed for a Beer Garden application. These fees are to defray the costs of investigation of applicant and the processing of the initial application. (Ord. No. 2461 02/27/06) (Ord. No. 2607 01/25/10)

3-3-4-4: RESTRICTIONS ON ISSUANCE OF LICENSE: No license of any kind shall be issued to:

- A. A person who is not a resident of the state of Illinois for a period of one year prior to making of the application for license and who is not a resident of the City of Pekin for a period of 90 days prior to the making of the application for license.
- B. A person who is not of good character and reputation in the community in which he resides.
- C. A person who is not a citizen of the United States.
- D. A person who has been convicted of a felony under any Federal or State law, unless the Local Liquor 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 Local Liquor Commissioner's investigation. The burden of proof of sufficient rehabilitation shall be on the applicant.
- E. A person who has been convicted of any criminal offenses under 720 ILCS 5/11.
- F. A person whose liquor license issued under this Chapter or any similar regulatory Ordinance or Statute in any jurisdiction has been revoked for cause.
- G. A person who at the time of application for renewal of any license issued hereunder would not be eligible for such license upon a first application.
- H. A co-partnership, if any general partnership thereof, or any limited partnership thereof, owning more than 5% of the aggregate limited partner interest in such co-partnership would not be eligible to receive a license hereunder for any reason other than residence within the City of Pekin.
- I. A corporation, if any officer, manager or director thereof, or any stockholder or stockholders owning in the aggregate more than 5% of the stock of such corporation, would not be eligible to receive a license hereunder for any reason other than citizenship and residence within the City of Pekin.
- J. A corporation unless it is incorporated in Illinois, or unless it is a foreign corporation which is qualified under the "Business Corporation Act of 1983" to transact business in Illinois.
- K. A person whose place of business is conducted by a manager or agent unless the manager or agent possesses the same qualifications required by the licensee.
- L. 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 his or her bond to appear in court to answer charges for any such violation.

M. A person who does not beneficially own the licensed 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.

N. Any law enforcing public official, including any mayor or member of the City Council; and no such official shall be interested directly in the manufacture, sale or distribution of alcoholic liquor in the City of Pekin.

O. A person who is not a beneficial owner of the business to be operated by the licensee.

P. Any person, firm or corporation not eligible for a State retail liquor dealer's license.

Q. A person who has been convicted of a gambling offense as prescribed by any of subsections (a)(3) through (a)(10) of Section 28-1 of, or as proscribed by Section 28-3 of the "Criminal Code of 1961," approved July 28, 1961, as heretofore or hereafter amended, or as proscribed by a statute replaced by any of the aforesaid statutory provisions.

R. A person to whom a federal wagering stamp has been issued by the federal government for the current tax period.

S. A co-partnership to which a federal wagering stamp has been issued by the federal government for the current tax period, or if any of the partners have been issued a federal gaming device stamp or federal wagering stamp by the federal government for the current tax period.

T. A corporation, if any officer, manager or director thereof, or any stockholder owning in the aggregate more than 20% of the stock of such corporation has been issued a federal wagering stamp for the current tax period.

U. Any premises for which a federal wagering stamp has been issued by the federal government for the current tax period.

(Ord. No. 2801 08/27/18)

V. Any premises whose primary purpose is the sale of products and services not related to the sale of alcoholic liquor, including, but not limited to, any establishment which pumps motor fuel directly into motor vehicles.

(Ord. No. 2545 01/14/08)

W. Any person who has not completed Basset Training requirements as follows:

(a) For licenses on or after September 12, 2017, and all original or renewal applications for a class A, B or C liquor license shall be accompanied with proof of completion of a State certified Beverage Alcohol Sellers and Servers Education and Training (BASSET) program for all persons who sell or serve alcoholic beverages, all management personnel working on premises, and anyone whose job description entails the checking or identification for the purchases of alcoholic beverages, pursuant to that license.

(b) A state certified BASSET training program shall be defined as a BASSET program licensed by the State of Illinois Liquor Control Commission (ILCC) as required by 235 ILCS 5/3-12(11.1) and 6-27 and Title 77 of Illinois Administrative Code, Chapter XVI, Section 3500. All licensed BASSET providers shall be required to have on file all licenses and certificates to prove current qualifications and provide a certificate of course completion and a car (a picture type ID is optional), to participants as proof of completion.

(c) After September 12, 2017, any new owner, manager, employee, or agent requiring BASSET training, shall within ninety (90) days from the beginning of their employment with that licensee, complete an ILCC BASSET approved seller/server training program and shall until completion of the BASSET program work under the supervision of a person who has complete BASSET training.

(d) A photo copy of certificate of completion for all owners, managers, employees, or agents required by this ordinance to have BASSET training shall be maintained, by the establishment, in a manner that will allow inspection, upon demand, by any designee of both the state or local liquor control authorities.

(e) Municipalities and establishments must honor all State of Illinois Liquor Control Commission (ILCC) BASSET approved programs. (Ord. No. 2766-17/18 06/12/17)

3-3-4-5: CLASSIFICATIONS AND LICENSE FEES: There shall be the following classes of licenses subject to the fees indicated:

A. CLASS A: Class A licenses shall authorize the retail sale of alcoholic liquors for consumption on the licensed premises in accordance with the Illinois Liquor Control Act, this ordinance and any conditions specified on the license by the City Liquor Commissioner.

CLASS A LICENSE FEES:

No Restriction On Range Of Alcohol	\$1,200 per annum
Restricted To Beer And Wine Only	\$ 800 per annum
Issued To A Club, No Restriction On Range of Alcohol	\$ 500 per annum

Issued To A Club, Restricted To Beer And Wine Only	\$ 200 per annum
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B. CLASS B: Class B licenses shall authorize the retail sale of alcoholic liquors in sealed containers for consumption off the licensed premises in accordance with the Illinois Liquor Control Act, this ordinance and any conditions specified on the license by the City Liquor Commissioner.

CLASS B LICENSE FEES:

No Restriction On Range Of Alcohol	\$1,200 per annum
Restricted To Beer And Wine Only	\$ 800 per annum

C. CLASS C: Class C licenses shall authorize the short-term or limited supply of alcohol or temporarily extends the conditions of existing licenses in accordance with the Illinois Liquor Control Act, this ordinance and any conditions specified on the license by the City Liquor Commissioner. Class C licenses shall not be issued when, in the opinion of the Local Liquor Commissioner, a Class A or a Class B license is more appropriate.

CLASS C LICENSE FEES:

Beer And Wine Only (Max. 20 per year)	\$25.00 per day
No Restriction On Range Of Alcohol (Max. 20 per year)	\$50.00 per day
Not For Profit or Charitable Applications For The Pier** or Riverfront Event Meadow	Residents \$50 per hr* Others \$100 per hr*
All Other Applications For the Pier or Riverfront Event Meadow	Residents \$100 per hr* Others \$200 per hr*
All Other Fees For C Class Licenses	To Be Determined By* Liquor Commissioner

(Ord No. 2700-14/15 05-12-14)

*Additional Fees To Be Determined By Liquor Commissioner To Reflect Expenses For Security, Safety and Health.

** Not For Profit or Charitable Applications only may also apply for a Class C License for the area on Court Street from the westerly Right-Of-Way of 5th Street to the easterly Right-Of-Way of 4th Street; Court Street from the westerly Right-Of-Way of 4th Street to the westerly Right-Of-Way of Capitol Street and Capitol Street from the northerly Right-Of-Way of Court Street to the northerly Right-Of-Way of Elizabeth Street. Only one event at a time will be allowed. (Ord. No. 2586-09/10 06-08-09)

D. CLASS D: Class D licenses shall authorize the retail sale of alcoholic liquors within a Beer Garden as defined in this Code. No Class D license shall be issued unless the licensee already holds an annual liquor license within the City of Pekin. Ord. No 2607 01-25-10)

3-3-4-6: RECORD OF LICENSES: The City Clerk shall keep a complete record of all such licenses issued and shall furnish the Chief of Police with a copy thereof; upon revocation or suspension of any license, the City Clerk shall immediately give written notice thereof to the Chief of Police.

3-3-4-7: TERM OF LICENSE; PRORATING FEE: Each license issued hereunder shall terminate on April 30 following the issuance thereof. The fee to be paid shall be reduced in proportion to the full calendar months which have expired in the year prior to the issuance of the license.

3-3-4-8: TRANSFER OF LICENSE: A license shall be a purely personal privilege, effective for a period not to exceed one year after issuance unless sooner revoked as in this Ordinance provided, and shall not constitute property, nor shall it be subject to attachment, garnishment or execution, nor shall it be alienable or transferable, voluntarily or involuntarily, or subject to being encumbered or hypothecated. Such license shall cease upon the death of the licensee, and shall not descend by the laws of testate or intestate devolution; provided that executors or administrators of the estate of any deceased licensee, and the trustee of any insolvent or bankrupt licensee, when such estate consists in part of alcoholic liquor, may continue the business of the sale or manufacture of alcoholic liquor under the order of the appropriate court, and may exercise the privileges of the deceased or insolvent or bankrupt licensee after the death of such decedent, or such insolvency or bankruptcy, until the expiration of such license, but not longer than six (6) months after the death, bankruptcy or insolvency of such licensee.

3-3-4-9: RENEWAL OF LICENSES: Any licensee may renew his or her license at the expiration thereof, provided that he or she is then qualified to receive a license and the licensed premises for which such renewal license is sought are suitable for such purpose. The renewal privilege herein provided shall not be construed as a vested right. Renewal fee for Beer Garden shall be imposed at \$100.00. (Ord. No. 2607 01/25/10)

3-3-4-10: DISPLAYING LICENSE AND OCCUPANCY PERMIT: Every licensee shall cause the license or licenses and occupancy permit to be framed and hung in plain view available for inspection at all times in a conspicuous place behind the bar on the licensed premises.

3-3-4-11: SPECIAL USES: Special uses for retail liquor establishments, excluding restaurants, may be permitted in districts B-1, B-2, B-3, I-1 and PUD (Planned Unit Development), subject to the review and approval of the site plan and the use by the City Council after a hearing and recommendation is received from the Liquor Commission for each use and a recommendation is received from Staff as to the site plan, and subject,

further, to such conditions imposed by the City Council and the conditions herein after imposed for such use. (Ord No. 2495-06/07 10-09-06)

3-3-5: SALES REGULATIONS:

3-3-5-1: CLOSING HOURS: It shall be unlawful to keep open for business or to sell or offer to sell any alcoholic liquor between the hours of 1:00 A.M. and 6:00 A.M., Monday, Tuesday, Wednesday, Thursday, Friday and Saturday and between the hours of 1:00 A.M. and 10:00 A.M. on Sunday, except on January 1 between the hours of 2:00 A.M. and 6:00 A.M.; if January 1 is a Sunday, between the hours of 2:00 A.M. and 10:00 A.M.; provided, however, the licensee shall be permitted one-half hour after closing time to clear the licensed premises of customers.

3-3-5-2: LOCATION RESTRICTIONS: No license shall be issued for the sale at retail of any alcoholic liquor within 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 or any military or naval station, provided, that this prohibition shall not apply to hotels offering restaurant service, regularly organized clubs, or to restaurants, food shops or other places where sale of alcoholic liquors is not the principal business carried on; nor to the renewal of a license for the sale at retail of alcoholic liquor on premises within 100 feet of any church or school where such church or school has been established within such 100 feet since the issuance of the original license. In the case of a church, the distance of 100 feet shall be measured to the nearest part of any building used for worship services or educational programs and not to property boundaries.

Nothing in this section shall prohibit the issuance of a license to a church or private school to sell at retail alcoholic liquor if any such sales are limited to periods when groups are assembled on the premises solely for the promotion of some common object other than the sale or consumption of alcoholic liquors.

3-3-5-3: VIEW FROM STREET: In premises upon which the sale of alcoholic liquor for consumption on the premises is licensed (other than as a restaurant, hotel, recreational facility or club) no screen, blind, curtain, partition, article or thing shall be permitted in the windows or upon the doors of such licensed premises nor inside such premises, which shall prevent a clear view into the interior of such licensed premises from the street, road or sidewalk at all times, and no booth, screen, partition, or other obstruction nor any arrangement of lights or lighting shall be permitted in or about the interior of such licensed premises which shall prevent a clear view of the entire interior from the street, road or sidewalk. All rooms where liquor is sold for consumption on the licensed premises and any rooms accessible to the patrons thereof shall be continuously and adequately lighted during business hours so as to afford patrons safe movement therein and allow for proper monitoring of emergency medical equipment. All premises licensed under the provisions of this chapter must be adequately lighted in the case of an emergency, and for inspection and monitoring by police and fire authorities. Visibility will be considered sufficient if the number and identity of persons inside the premises is clearly discernable. In case the view into any such licensed premises required by the

foregoing provisions shall be willfully obscured by the licensee, or be permitted to be obscured or in any manner obstructed, then such license shall be subject to revocation in the manner herein provided. In order to enforce the provisions of this section, the Mayor shall have the right to require the filing of plans, drawings, and photographs showing the clearance of the view as above required.

Where the conditions required under 3-3-5-3 above cannot be met because the licensed premises are situated on a floor other than the ground floor, the Local Liquor Commissioner may approve the issue of a license subject to the following conditions:

At least one stairway shall be of adequate width (depending on the number of persons permitted on the premises) with a minimum of 6 ft with a center rail.

Stairway grade shall comply with the IBC most currently adopted by the City of Pekin. At least two stairways providing exit to street level shall exist from any part of the premises above or below street level.

All requirements regarding emergency lighting, illuminated Exit signs and other NFPA101 Code conditions shall be fully met and maintained.

Emergency Exit doors of adequate width (depending on the numbers permitted on the premises) but at least 36 inches wide are required and shall be fitted with satisfactory tamper alarms.

A Knox box accessible by fire services shall be installed at the primary means of access to the premises.

Mirrors, placed so as to provide those entering the premises from stairways or other areas with restricted vision with a clear view of the interior of the premises, shall be installed

Tamper proof closed circuit cameras with approved Ground Floor Monitors.
(Ord. No. 2461 02/27/06)

Approved sprinkler systems shall be installed in all areas above, below or at street level where members of the public are permitted.

The premises shall meet the most recent requirements of all National, State and City codes and ordinances which go to matters relating to the safety and well being of all persons using or otherwise impacted by the operation of the premises as licensed premises. (Ord. No. 2461 02/27/06)

All licensees holding a current local liquor license shall be grand fathered regarding the above restrictions and conditions for a period of six months from the adoption of this code or until the next date of license renewal, whichever shall be the longest.

3-3-5-4: SANITARY CONDITIONS: All premises used for retail sale of alcoholic liquors shall be kept in a clean and sanitary condition and shall be kept in full compliance with the county laws and ordinance provisions regulating the conditions of licensed premises used for the storage of food for human consumption.

3-3-6: EMPLOYEES:

A. Qualifications: It shall be unlawful to employ any person, except waiters and waitresses, not possessing the same qualifications as are necessary for the applicant to possess in order to secure a license under this Chapter, except the requirement as to citizenship in the United States and residency in the City of Pekin.

B. Under Twenty-One (21) Years of Age:

(a) It shall be unlawful to employ at a licensed premises other than a Club, Hotel, Motel or Restaurant, with or without compensation, or in any way directly or indirectly, use the services of an individual under the age of twenty-one (21) years.

(b) It shall be unlawful in a Club, Hotel, Motel or Restaurant,

(i) for any individual under the age of eighteen (18) years to pour any alcoholic liquor; and (Ordinance No. 2804-18/19 10-10-18)

(ii) for any individual under the age of eighteen (18) years to serve any alcoholic liquor

(c) Notwithstanding the foregoing, Package Liquor Stores, Restaurants, and licensed premises whose primary purpose is the sale of grocery, produce, meat, or pharmaceutical products, may employ an individual aged 18 years or older for the limited purposes of stocking shelves in the premises or taking inventory.
(Ordinance No. 2818-18-19 03-25-19)

C. Restrictions on servers:

(Ordinance No. 2721-14/15 04-27-15 SOBER SERVICE)

(a) PROHIBITION. It shall be unlawful for a licensee or an agent or employee of the licensee to serve or supervise the service of alcoholic beverages in a licensed premises while under the influence of alcohol, a controlled substance, a synthetic alternative drug or any combination of alcohol, a controlled substance and/or synthetic alternative drug. A Synthetic Alternative Drug shall have the meaning as this term is defined in Section 6-2-5-3b. Under the influence means not only all the well-known and easily recognized conditions and degrees of intoxication, but any abnormal mental or physical condition which is the result of indulging to any degree in alcohol beverages, controlled substance or synthetic alternative drug and which tends to deprive a person of the clearness of intellect and control of himself or herself which he or she would otherwise possess.

(b) PRESUMPTION. A test of the person's breath, blood, or urine, including a preliminary breath test, that shows the person has an alcohol concentration of 0.04 or more is prima facie evidence that he or she is under the influence. Blood tests indicating impairment by controlled substance or synthetic alternative drug is also evidence that he or she is under the influence. Law enforcement officials shall be allowed to ask for a preliminary breath test upon reasonable suspicion. Refusal to submit to a requested test may be considered by the Local Liquor Commission as grounds for fines, suspension, revocation, non-issuance, or non-renewal of the licensee's liquor license.

(c) EFFECT OF VIOLATION ON PREMISES. If the principal business of the licensed premises is the sale of alcohol beverages, law enforcement officials will order it closed until such time as another licensed server of the licensee who is not in violation of this section shall take charge of such premises. It shall be a violation of this subsection for any licensed premises to be open contrary to such order of law enforcement officials.

3-3-7: SALES TO PERSONS OF NONAGE, MENTAL INCOMPETENTS AND INTOXICATED PERSONS:

A. No licensee or officer, associate, member, representative, agent or employee of such licensee shall sell, give or deliver alcoholic liquor to any person under the age of 21 years, or to any intoxicated person, or to any person known to be insane, mentally ill, mentally deficient or in need of mental treatment. No person, after purchasing or otherwise obtaining alcoholic liquor shall sell, give or deliver such alcoholic liquor to another person under the age of 21 years. It shall be unlawful for any person under the age of 21 years to misrepresent his/her age for the purpose of purchasing or obtaining alcoholic liquor in any place in the City where alcoholic liquor is sold.

B. In every place in the City where alcoholic liquor is sold, there shall be displayed at all times in a prominent place a printed card which shall be supplied by the City Clerk and which shall read substantially as follows:

WARNING TO PERSONS UNDER THE AGE OF 21 YEARS

You are subject to a fine up to \$500.00 under the ordinances of the City of Pekin if you purchase or attempt to purchase alcoholic liquor, or misrepresent your age for the purpose of purchasing or obtaining alcoholic liquor.

C. It shall be unlawful for any holder of a liquor license, or his or her agent or employee, to suffer or permit any person under the age of 21 years to be or remain in any room or compartment adjoining or adjacent to or situated in the room or place where such licensed premises is located; provided that this paragraph shall not apply to any person under the age of 21 years who is accompanied by his or her parent or legal guardian, or to that portion of any licensed premises which derives its principal business from the sale of service or commodities other than alcoholic liquor. In the case of a restaurant that holds a retail liquor license, once the kitchen has closed, all minors, except those accompanied

by a parent or legal guardian, must leave the premises. In addition to all other fines and penalties, the Local Liquor Commissioner may suspend or revoke the liquor dealer's license for any violation of this subsection.

3-3-8: DUTY TO REPORT VIOLATIONS: Every licensee shall immediately report any violations of Federal and State laws and City Ordinances that occur on the property to the Pekin Police Department. Failure to make such report shall be a violation of this Ordinance.

3-3-9: TELEPHONE ON PREMISES: Each licensee shall maintain on each licensed premises not less than one hard wired telephone in operating order, which telephone must be within the easy access of the bartender or other responsible person in charge of the premises, for the purpose of reporting to the police department incidents as described immediately above.

3-3-9-1: video surveillance cameras on premises: During the operation of the licensed establishment, the licensee shall maintain, in working condition, video surveillance cameras (the "cameras") that are sufficiently light sensitive and provide sufficient image resolution to produce easily discernible images and visually record activities on all entrances of the licensed premises as well as the bar area. The video recording must be immediately available upon request to the liquor investigator or other law enforcement officer and maintained in compact disc, electronic file or other digital media that is capable of being transferred to variety of portable form of media, including, but not limited to, compact disc, digital video disc and/or memory USB stick. The recordings shall be preserved at least 30 days after recording.

Cameras shall be in all licensed establishments. Current licensees with cameras must maintain them as stated above. Current licensees without cameras are grandfathered in. However, these cameras shall be mandatory for any new licensee.

Failure to maintain the cameras or to provide law enforcement officers, upon request, with the video recordings shall be a violation of the liquor license, and subject to any and all penalties set out in Title 3, Chapter 3, Section 12 of this code.

(Ord. No. 2720-14/15 04-27-15)

3-3-10: ENTRY POWERS FOR INSPECTIONS: Any officer of the Pekin Police Department, Pekin Fire Department and the Pekin Inspections Department shall be and is hereby designated and empowered to enter any licensed premises in the City in the performance of his/her duties for the purpose of inspection of said licensed premises. All establishments licensed under this chapter, with the exception of hotels/motels and clubs, shall have the doors to all sections of the establishment used for the consumption and/or retail sale of alcoholic beverages unlocked at all times during which the premises are open for business, and shall permit police officers and firefighters unobstructed access to all such areas. Any attempt made to deny said personnel access to said licensed premises shall be grounds for revocation of license.

3-3-11: VIOLATION OF RETAILERS' OCCUPATION TAX ACT: In addition to other grounds specified in this Ordinance, the Local Liquor Commissioner may refuse the issuance or renewal of a retail license, or suspend or revoke such license, for any of the following violations of the "Retailers' Occupation Tax Act," approved June 28, 1933, as amended.

- A. Failure to make a tax return.
- B. The filing of a fraudulent return.
- C. Failure to pay all or part of any tax, fee or penalty, finally determined to be due to any government body.
- D. Failure to keep books and records.
- E. Failure to secure and display a certificate or sub-certificates of registration.

Willful violation of any rule or regulation of the Department relating to the administration and enforcement of tax liability.

3-3-12: SUSPENSION, REVOCATION, FINE AND COSTS: The Local Liquor Commissioner may, in accordance with law and the provisions of "An Act Relating to Alcoholic Liquor," approved January 31, 1934, as amended, revoke or suspend any license issued by the Local Liquor Commissioner if the Local Liquor Commissioner determines that the licensee has violated any of the provisions of said Act or of any ordinance or resolution enacted by the corporate authorities of the City, or any applicable rule or regulation established by the Local Liquor Commissioner or the State Commission which is not inconsistent with law. However, no such license shall be so revoked or suspended and no licensee shall be fined except after a public hearing by the local liquor commissioner with a 3 day written notice to the licensee affording the licensee an opportunity to appear and defend. If the licensee is unavailable, an agent must be named who may accept service. The Local Liquor Control Commissioner shall within 5 days after such hearing, if he determines after such hearing that the license should be revoked or suspended or that the licensee should be fined, state the reason or reasons for such determination in a written order, and either the amount of the fine, the period of suspension, or that the license has been revoked, and shall serve a copy of such order within the 5 days upon the licensee. Furthermore, the following Illinois Compiled Statutes are incorporated herein by reference and made a part of this Chapter: 235 ILCS 5/7-5, 235 ILCS 5/7-7, 235 ILCS 5/7-9, 235 ILCS 5/7-12, 235 ILCS 5/7-13. Review of decisions of the Local Liquor Commissioner shall be as provided for in 235 ILCS 5/7-9, and shall be a record review. (Ord. No. 2518 02/26/07)

At all times during the term of a suspension ordered by the Local Liquor Commissioner, the licensee shall display a sign no less than four (4) square feet containing the following information:

No alcoholic liquor will be sold at this location
from _____ to _____,
due to the suspension of liquor license.

By order of the City of Pekin
Local Liquor Commissioner.

Said sign shall be located in plain view of any person immediately upon entering the licensed premises and shall be clearly legible by such a person.

B. Assessment Of Costs Of Hearings: Any licensee determined by the Local Liquor Commissioner to have violated any of the provisions of "An Act Relating to Alcoholic Liquor" approved January 31, 1934, as amended, or any ordinance or resolution of the City, or any rule or regulation established by the Local Liquor Commissioner, or the State Commission, shall pay to the City of Pekin the costs of the hearing before the Local Liquor Commissioner on such violation. The Local Liquor Commissioner shall determine the costs incurred by the City for the hearing, including: court reporter fees, the cost of transcripts or records, attorney's fees, the cost of preparing and mailing notices and orders, other miscellaneous expenses incurred by the City. The licensee shall pay said costs to the City within thirty (30) days of notification of the costs by the Local Liquor Commissioner. Failure to pay said costs within thirty (30) days of notification is a violation of this section, and may be cause for license revocation or suspension. In the event of an appeal to the State Commission, and in cases where appeal is taken under the Administrative Review Act, payment is due forty (40) days after entry of an order finally affirming the determination of the Local Liquor Commissioner.

C. Forfeiture Of Fees: Whenever any license hereunder has been revoked as provided for in this Chapter, the licensee shall incur a forfeiture of all monies that have been paid for said license.

D. Use Of Licensed Premises After Revocation: When a license shall have been revoked 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 manufacturing, distributing or selling alcoholic liquor in the licensed premises described in such revoked license unless the revocation order has been vacated or unless the revocation order was entered as to the licensee only.

E. Nothing in this Section shall prohibit the issuance of a retail license authorizing the sale of alcoholic liquor incidental to a restaurant if (1) the primary business if the restaurant consists of the sale of food where the sale of liquor is incidental to the sale of food and the applicant is a completely new owner of the restaurant, (2) the immediately prior owner or operator of the premises where the restaurant is located operated the premises as a restaurant and held a valid retail license authorizing the sale of alcoholic liquor at the restaurant for at least part of the 24 months before the change of ownership, and (3) the restaurant is located 75 or more feet from a school.

F. Penalty: The fine imposed shall not exceed \$1000 for a first violation within a 12-month period, \$1,500 for a second violation within a 12-month period, and \$2,500 for a third or subsequent violation within a 12-month period. Each day on which a violation continues shall constitute a separate violation. Not more than \$15,000 in fines under this Section may be imposed against any licensee during the period of his license. Proceeds from such fines shall be paid into the general corporate fund of the municipal treasury. (Ord. No. 2518 02/26/07)

G. The remedies afforded in this Section 3-3-12 are not exclusive, and any such sums assessed there under may be collected as any other debt.

3-3-13: SEVERABILITY: It is the intention of the City Council that each separate provision of the Chapter shall be deemed independent of all other provisions therein, and that if any provision of this Chapter is declared invalid, all other provisions thereof shall remain valid and enforceable.