

**A REVISED ORDINANCE TO REGULATE THE SALE, POSSESSION AND CONSUMPTION OF ALCOHOLIC LIQUOR IN THE VILLAGE OF PEORIA HEIGHTS, ILLINOIS**

BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF PEORIA HEIGHTS, ILLINOIS

SECTION ONE: DEFINITIONS: That unless the context otherwise requires, the following terms as used in this Ordinance shall be construed according to the definitions given below:

**ALCOHOL.** The product of distillation of any fermented liquid, whether rectified or diluted, whatever may be the origin thereof and includes synthetic ethyl alcohol. It does not include denatured alcohol or wood alcohol.

**ALCOHOLIC LIQUOR.** Includes alcohol, wine, beer and/or spirits and every liquid or solid, patented or not, containing alcohol and/or spirits, and capable of and/or intended as a beverage for human consumption.

**APPLICANT.** Any individual, corporation, partnership, limited corporation, or any other entity organized as authorized under the Laws of the State of Illinois, or any officer, manager, stockholder, partner or employer of any such entities who apply to have issued any type of a liquor license under the provisions of this Ordinance.

**BEER AND ALE.** A beverage obtained by the alcoholic fermentation of an infusion or concoction of barley or other grains, malt and hops in water and includes among other things beer, ale, stout, lager beer, porter and the like intended as a beverage for human consumption.

**CLUB.** Any corporation, partnership or entity organized under the laws authorized of the State of Illinois, not for pecuniary profit, solely for the promotion of some common object other than the sale or consumption of alcoholic liquors, kept, used and maintained by its members through the payment of annual dues, and owning, hiring or leasing a building or space in a building, of such extent and character as may be suitable and adequate for the reasonable and comfortable use and accommodation of its members and their guests and provided with suitable and adequate kitchen and dining room space and equipment; provided, that such club filed with the Village President at the time of its application for a license under this Ordinance, the names and residences of its members, and similarly files within ten (10) days of the election of any additional member, their 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 in the 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 distribution or sale of alcoholic liquor to the club or to 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.

**HOTEL.** Every building or other structure kept, used, maintained, advertised or held out to the public to be a place where food is actually served and consumed and sleeping accommodations are offered for adequate pay to travelers and guests, whether transient, permanent or residential, in which ten (10) or more rooms are used for the sleeping accommodations of such guests and having one or more public dining rooms where meals are served to such guests, such sleeping accommodations and dining rooms being conducted in the same building or buildings in connection therewith and such building or buildings, structure or structures being provided with adequate and sanitary kitchen and dining room equipment and capacity.

**LICENSE YEAR.** That period from the fourth Tuesday in October to the fourth Tuesday in October the next year.

**MINOR.** Any person under the age of twenty-one (21) years.

**PREMISES.** The area within a building for which a license to sell alcoholic liquor is issued and which is actually used in connection with the storage, preparation and sale of alcoholic liquors, but specifically excluding any outside areas such as patios, open porches, roof tops, balconies, stoops,



sidewalks, yards, driveways, parking lots and similar outside areas; except as otherwise provided in the case of a subclassification #1 license.

**RESIDENT.** Any person having lived in the Village of Peoria Heights for a period of not less than one (1) calendar year.

**RETAILER.** Any person or entity, corporation or any employee or agent of any licensee to sell alcoholic liquor who sells or offers for sale alcoholic liquors, beer or wine beverages for use or consumption and not for resale in any form.

**RETAIL LIQUOR DEALER'S LICENSE.** Official permission to undertake the retail sale of alcoholic liquor, beer, ale or wine as promulgated under the provisions of this Ordinance.

**RETAIL SALES (at retail).** The sale for use or consumption and not for resale in any form.

**SALE.** Any transfer, exchange or barter in any manner, or by any means whatsoever, including all sales made by any person, whether principal, proprietor, agent, servant or employee.

**SELL.** To keep or expose for sale and/or to keep with intent to sell.

**WINE.** Any alcoholic beverage obtained by the fermentation of the natural contents of fruits or vegetables, containing sugar, including such beverages when fortified by the addition of alcohol obtained by distillation and intended as a beverage for human consumption.

**SECTION TWO: LICENSE REQUIRED.** That it shall be unlawful to sell or offer for sale at retail in the Village any alcoholic liquor, beer, ale or wine without having a retail liquor dealer's license, or in violation of any of the terms of such license or any provisions of this Ordinance.

**SECTION THREE: APPLICATIONS.** The said license application shall be made in writing to the Village President, on a duly authorized application, signed by the applicant. The application for a liquor license shall be signed by an individual or a duly authorized officer or owner of more than ten (10%) percent of the stock or capital of a corporation or twenty (20%) percent in interest partnership or a twenty (20%) percent interest in any entity authorized to do business and who is authorized to sign the application and authorized to hold a liquor license. The application shall be verified by oath or affidavit and shall contain the following information:

1. The name, age, address and social security number of the applicant, if the applicant is an individual. If the applicant is a partner of a partnership, all of the persons entitled to share in the profits of the corporation as partners, shall sign the application. The applicant for a limited partnership shall be signed by the managing limited partner. The applicant for any type of corporation for profit, not-for-profit, or club, any other entity other than an individual shall have the name, address and social security number of the applicant and the tax identification number assigned to the entity applying for the liquor license. For any entity applying for a liquor license other than an individual, the applicant shall provide the date of incorporation, copies of the articles of incorporation, partnership agreement, limited liability corporation or partnership agreement and the names and addresses of the officers and directors of the corporation and if a majority interest in any entity, is owned by one person, the name and address of such personnel.
2. Any person or entity that applies for an alcoholic liquor license who owns more than ten (10%) percent of such entity shall sign an application in order for that entity to obtain an alcoholic liquor license.
3. The citizenship of all parties required to sign an application, must state his or her place of birth, and if a naturalized citizen, the time and place of the issuance of the naturalization certificate.
4. The character of the business of an individual applicant, and in case of

any other entity, the object for which the entity was formed.

5. The length of time that said applicant has been in business of that character, or in the case of an entity, the date on which its charter was issued.
6. The amount of goods, wares, and merchandise on hand at the time application is made.
7. The location, address, and description of the premises or place of business which is to be operated under any issued liquor license, and a copy of any lease or deed indicating the authorization of the proposed licensee to have the right to possession and use of the premises where the business will be operated.
8. A statement by any applicant, whether the applicant has made similar application for a similar other license on premises other than described in this application and the disposition of such application.
9. A statement by any applicant, 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 Ordinance, laws of this State, or the Ordinances of the Village.
10. Whether a previous license by any state or subdivision thereof, or by the federal government has been revoked, and the reasons therefore.
11. A statement by any applicant that the applicant has not violated any of the laws of the State of Illinois or of the United States, or any ordinance of the Village in the conduct of his place of business.
12. A statement whether any applicant is chemically dependent or has received treatment for chemical dependency or has been involved in any incident involving the police, including traffic, in which alcoholic liquor was involved, detailing the dates, locations and results of any such treatment or incident.
13. A statement whether any applicant has been involved in any battery, assault, fight or public disorder detailing dates, locations and disposition of any such incidents.

In addition to the foregoing information, said application shall contained such other and further information as the Village President may prescribe by rule or regulation not inconsistent with the law. The above required information shall be furnished for all names required to be furnished on any application.

**SECTION FOUR: FINANCIAL DISCLOSURE.** That each individual applicant or each entity, upon filing an original application, shall furnish certain financial information as follows:

1. A detailed statement of assets and liabilities of the business enterprise for which license is sought.
2. The names and addresses of all secured creditors and a description of the security interest of each.
3. The names and addresses of all creditors who have any right to control the use or disposition of the business or any asset thereof.
4. The name and address of each creditor who holds indebtedness of the business totaling in the aggregate twenty (20%) percent or more of the net worth of the business.



5. A detailed profit and loss statement for the last preceding business year.
6. In the case of a corporation or entity, a copy of the latest annual report required to be filed pursuant to State law as now or hereafter amended.
7. A detailed description of all agreements or obligations which purport to bind any successor to the present applicant or licensee to continue to purchase, rent or accept any goods, wares, or services from a specified supplier thereof.

The financial statements required to be filed by this Section shall be held confidential except for official purposes and it shall be unlawful for any person to divulge said financial statements except for official purposes or under order of a court of competent jurisdiction.

**SECTION FIVE: BOND.** That any person, firm, corporation, or entity making application for license under this Ordinance shall file with the Village President at the time of filing the application, a bond payable to the Village of Peoria Heights, Illinois, in form and with securities satisfactory to the Village President and conditioned upon the faithful observance of the law of the State of Illinois and of this Ordinance. Said bond shall be in the sum of One Thousand (\$1,000.00) Dollars and shall be executed by the applicant(s) and a surety company satisfactory to the Village President.

Any licensee who has faithfully and continuously complied with the condition of such bond for a period of three (3) consecutive years shall be exempt from the requirements of this Section to execute and deliver such bond. This exemption shall continue for each such licensee until such time that it may be determined by the Village President that said licensee is in violation, delinquent or in default in the performance of the licensee's obligations as described or required pursuant to the terms of this Ordinance.

**SECTION SIX: FOOD OR DRINK LICENSE.** That no license shall be valid without a food or drink license issued by the Peoria County Health Department or any license required by the State of Illinois. The failure to obtain such a license or the loss of such a license through revocation or otherwise shall require the Village President, if necessary, to revoke or suspend any license granted under the authority of this Ordinance.

**SECTION SEVEN: LICENSE RESTRICTIONS.** The restrictions shall apply to any individual or any entity which applies for a license, including it's applicant an those persons required to be named on the application. That no such license shall be issued to:

1. A person who is not a resident of the Village.
2. A person who is not of good character and reputation in the community in which he resides.
3. A person who is not a citizen of the United States.
4. A person who has been convicted of a felony under the laws of the State of Illinois.
5. A person who has been convicted of being the keeper or is keeping a house of ill fame.
6. A person who has been convicted of pandering or other crime(s) or misdemeanor(s) opposed to decency and morality.
7. A person whose license issued under this Ordinance has been revoked for cause.
8. A person who at the time of the application for renewal of any license issued hereunder would not be eligible for such license upon a first

application.

9. A co-partnership or limited partnership, unless a partner shall own fifty-one (51%) percent of such partnership and shall be qualified to obtain a license.
10. A corporation or other entity, if any officer, manager or director thereof, or any stockholder or stockholders owning in the aggregate more than ten (10%) percent of the stock of such corporation, would not be eligible to receive a license hereunder for any reason other than citizenship and residency within the Village.
11. A person whose place of business is conducted by a manager or agent unless said manager or agent possess the same qualifications required of the licensee.
12. A person, employee, agent, or any applicant, or parties required to be disclosed on any application, who has been convicted of a violation of any federal or state law concerning the manufacture, possession or sale of alcoholic liquor, subsequent to the passage of this Ordinance, or shall have forfeited his bond to appear in court to answer charges for any such violation.
13. A person or entity who or which does not own the premises for which a license is sought, or does not have a lease thereon for the full period for which the license is to be issued.
14. Any law enforcing public official, Village President or member of the Board of Trustees, and no such official shall have an interest in any way, either directly or indirectly, in the manufacture, sale or distribution of alcoholic liquor, beer, ale or wine.
15. Any person, partnership, association, corporation or entity not eligible for a State retail liquor dealer's license.

**SECTION EIGHT:** LICENSE TERM AND PRORATION OF FEES. That each license issued pursuant to this Ordinance shall terminate on the Fourth Tuesday of October next following its date of issuance. The fee to be paid for new licenses shall be reduced in proportion to the full calendar months which have expired in the year prior to the issuance of the license.

**SECTION NINE:** DISPOSITION OF LICENSE FEES. That all retail dealer's liquor license fees, including renewals, shall be paid to the Village at the time of application submission. No application shall be considered, acted upon or granted until and unless all related fees are paid. Said payment shall be made by cash or money order or cashier's check made payable to the Village of Peoria Heights. In the event the license applied for is denied, the fee shall be returned to the applicant. No refunds shall be made for those licenses that terminate due to a business cessation or as the result of license revocation pursuant to the terms of this Ordinance.

**SECTION TEN:** TRANSFER OF LICENSE. That said retail liquor license issued pursuant to the provisions of this Ordinance shall be personal to the licensee or entity to whom issued and for the premises specified therein and shall not be transferable, but must be surrendered by the licensee for cancellation upon the transfer of said licensee's business location and/or removal of the licensee's business from the premises specified in the license application. However, the premises specified on the license and application required by this Ordinance may be changed only upon the filing of a written request to make such change and any change must be approved by the Village President. A license shall be issued by the Village President only if the proposed new location is a proper one for the retail sale of alcoholic liquor under the laws of the State, provisions of this Ordinance, and other Ordinances of the Village.

**SECTION ELEVEN:** LICENSE CLASSIFICATIONS. That licenses issued pursuant to the provisions of this Ordinance are hereby divided into five (5) classifications as follows:



1. Classification A. Licenses which shall authorize the retail sale on the premises so specified of alcoholic liquor, beer, ale and wine for consumption on the premises, as well as other retail sales of such alcoholic liquor, beer, ale and wine.
2. Classification B. Licenses which shall authorize the retail sale of beer, ale and wine, but not alcoholic liquor, for consumption on the premises as well as other retail sales of such beer, ale and wine.
3. Classification C. Licenses which shall authorize the retail sale of alcoholic liquor, beer, ale and wine in packages, but not for consumption on the premises where sold.
4. Classification D. Licenses to clubs which shall authorize such organization's retail sale, only to club members and guests accompanied by club members on the premises specified of alcoholic liquor, beer, ale and wine for consumption on the premises only.
5. Classification E. Licenses issued to civic, religious, fraternal and non-profit organizations for the retail sale of alcoholic liquor, beer, ale and wine for a temporary period not to exceed ten (10) days and any such license so issued under this classification shall be intended to be used only for a bonafide special event or occasion.

That where such license issued under Classification "E" shall involve the retail sale of alcoholic liquor, beer, ale or wine in an outdoor location as part of an approved public activity, the licensee shall comply with the following additional conditions:

1. That the proposed licensee shall submit proof of adequate dram shop insurance required by the Illinois Liquor Control Act of 1934 as amended or in the future revised prior to being issued such license.
2. That to protect the public order, all licensees shall either provide security guards or have a telephone at the bar or serving facility where any alcoholic liquor, beer, ale or wine is dispensed. The Village of Peoria Heights Police Department will not provide security guards to licensees.
3. That to protect persons serving alcoholic liquor, beer, ale or wine, all licensees under this Section shall provide a reasonably substantial structure across which all alcoholic liquor, beer, ale or wine is served.
4. That consumption of any and all alcoholic liquor, beer, ale or wine shall be restricted to a confined area of the grounds on which the event is conducted. The proposed licensee shall attach to the application a drawing designating the area and the means of confinement.
5. That the licensee shall provide personnel at all exits to ensure that no alcoholic liquor, beer, ale or wine is taken from the area and that effective supervision is in place at all times to ensure against the transfer of alcoholic liquor to minors.
6. That prior to the actual sale of any alcoholic liquor, beer, ale or wine, the licensee shall contact the Peoria Heights Fire Department to inspect the premises and issue an occupancy permit and limit. The licensee shall cause the conformance to said limit at all times.

SECTION TWELVE: NUMBER OF LICENSES. That in order to protect the public health, safety and welfare through the promotion of temperance in the consumption of alcoholic liquor, beer, ale and wine, the number of licenses available pursuant to this Ordinance shall be as follows:

1. Classification A. The number of authorized licenses shall be fourteen (14).
2. Classification B. The number of authorized licenses shall be three (3).
3. Classification C. The number of authorized licenses shall be five (5).
4. Classification D. The number of authorized licenses shall be three (3).
5. Classification E. No more than two (2) such licenses shall be in effect at any one time.

SECTION THIRTEEN: LICENSE SUBCLASSIFICATIONS.

1. That a category of liquor license is hereby created as subclassification number (#) 1, separate from all other licenses issued pursuant to this Ordinance, and shall be available to those licensees holding a currently valid A, B or D license issued under this Ordinance.

2. That a category of liquor license is hereby created as subclassification number (#) 2, which shall be separate from all other license issued under this Ordinance, available only to those licensees currently issued a valid class A, B or D license under this Ordinance.

SECTION FOURTEEN: SUBCLASSIFICATION.

1. Subclassification Number (#) 1: That said subclassification #1 shall govern the outdoor sale and consumption of alcoholic liquor, beer, ale or wine. In addition to all other requirements pursuant to this Ordinance, the following requirements shall be met:

- A. That the areas designated for outdoor sale and consumption of alcoholic liquor shall be attached or directly adjacent to the existing building for which a currently valid liquor license is in effect.
- B. That a scale drawing be submitted to show the method of confinement that will be utilized to restrict the removal by patrons of alcoholic liquor from the designated outdoor area.
- C. That a minimum of two exits shall exist from the designated outdoor area, only one of which is to be through the building attached or directly adjacent thereto.
- D. That all licensees shall provide a reasonably substantial structure across which the alcoholic liquor shall be served.
- E. That no live entertainment or mechanical musical device shall be utilized in the designated outdoor area in a manner that is objectionable to surrounding property owners. Any such complaint to the proper Village authority shall be deemed a disturbance of the peace.
- F. That as part of the application process, the Village Clerk shall cause notices to be sent to surrounding property owners within a 300 ft. radius of the proposed designated outdoor area announcing the licensee's intention and requesting written



comments. The receipt of any written comments from surrounding property owners received within ten (10) days from the date of notice shall be considered by the Village President in the granting or denial of a subclassification #1 license. Any and all expenses occurred in the processing of these notices shall be the responsibility of the applicant.

G. That any subclassification #1 license operating under the terms of this Ordinance shall be exempt from any further Special Use Permit compliance requirement of Sections 11.3 and 13.3 of the Village's 1970 Zoning Ordinance as amended, but that all licensees shall otherwise comply with all pertinent ordinances and regulations that may now or in the future apply to said activity.

2. Subclassification Number (#) 2: Subclassification Number (#) 2 license is a supplemental license authorizing the sale of alcoholic liquor, beer, ale or wine to the public for consumption on the premises from 6:00 a.m. until 1:00 a.m. the following morning on Sunday through Wednesday and from 6:00 a.m. until 2:00 a.m. the following morning on Thursday, Friday and Saturday, to be issued to those licensees holding a valid class A, B or D license.

SECTION FIFTEEN: HOURS OF OPERATION. That it shall be unlawful to sell or offer for sale at retail any alcoholic liquor, beer, ale or wine in the Village between the hours of 1:00 a.m. and 6:00 a.m., except as authorized by Section Fourteen - subclassification #2.

That it shall be unlawful to keep open for business or to admit the public to any premises in or on which alcoholic liquor, beer, ale or wine is sold at retail during the hours within which the sale of such liquor, beer, ale or wine is prohibited, except that in the case of restaurants, clubs, and hotels, such establishments may be kept open during such hours, but no alcoholic liquor, beer, ale or wine may be sold to or consumed by the public during such hours.

SECTION SIXTEEN: LICENSE FEES. Schedule "L": That the annual fee for the issuance of licenses pursuant to this Ordinance shall be as enumerated on Schedule "L", a copy of which shall be on file in the Office of the Village Clerk. Said Schedule "L" shall set forth all license fees by classification and/or subclassification and shall be modified or amended only by action of the President and Board of Trustees.

SECTION SEVENTEEN: LOCATION SUITABILITY. That before the issuance of any license provided for pursuant to the terms of this Ordinance, the Village President shall consider the following issues in determining the suitability of license issuance:

1. The zoning classification of the proposed premises.
2. The character of the surrounding area.
3. The impact of additional vehicular traffic and parking relative to the creation of hazards and/or congestion.
4. Any statements of interested persons either oral or written.
5. Any past operating history of the licensee and the proposed site.
6. In the case of the question of a subclassification #1 license renewal, whether the music or other live entertainment is audible in the nearest sleeping room of a residential dwelling unit in any R-1, R-2, or R-3 zoning district when the windows are closed.

SECTION EIGHTEEN: POSSESSION/TRANSPORTATION. That no person shall transport, carry, possess or have on any public street, alley or sidewalk any alcoholic liquor, beer, ale or wine on or about their person except in the original package and with the seal(s) unbroken. No person shall consume any alcoholic liquor, beer, ale or wine in any public place within the Village except



in premises licensed for the retail sale of alcoholic liquor, beer, ale or wine for consumption on the premises.

SECTION NINETEEN: SALES TO PERSONS OF NONAGE, INTOXICATED PERSONS, ETC. . .

1. That no licensee, employee or agent shall sell, give away or deliver alcoholic liquor, beer, ale or wine to any person under the age of twenty-one (21) or to any intoxicated person or any person known to be a habitual drunkard, spendthrift, insane, feebleminded or distracted person. That no licensee, employee or agent shall permit any minor to loiter in or about any licensed premises or to sell or serve any alcoholic liquor, beer, ale or wine.
2. Should the Village President find, following a hearing before the President as the Liquor Commissioner of the Village of Peoria Heights that any licensee of his officer, associate, member, representative, agent or employee has knowingly sold, given or delivered any alcoholic liquor to an intoxicated person, and the person while so intoxicated has caused death or great bodily harm to himself or any other person, the mayor shall revoke or suspend the license for the establishment for not less than 30 days for the first such violation, and shall revoke such license for any subsequent violations.
3. 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, except in performance of a religious ceremony or service.
4. No person under the age of 21 years shall misrepresent his or her age for the purpose of purchasing, receiving or consuming alcoholic liquor, beer, ale or wine.
5. Every licensee shall display in a prominent place on the premises so licensed, a printed notice that shall read as follows:

WARNING TO MINORS

YOU ARE SUBJECT TO A FINE UNDER THE ORDINANCES OF THE VILLAGE OF PEORIA HEIGHTS IF YOU PURCHASE ALCOHOLIC LIQUOR, BEER, ALE OR WINE OR MISREPRESENT YOUR AGE FOR THE PURPOSE OF PURCHASING, OBTAINING OR CONSUMING ALCOHOLIC LIQUOR, BEER, ALE OR WINE.

SECTION TWENTY: POSSESSION, PURCHASE, DISPENSING OR CONSUMPTION OF LIQUOR TO OR BY A PERSON OF NONAGE, ETC. . .

1. Any person to whom the sale, gift or delivery of any alcoholic liquor is prohibited because of age shall not attempt to or actually purchase or accept a gift or delivery of such alcoholic liquor or have such alcoholic liquor in his possession, or consume such alcoholic liquor, except in the performance of a religious ceremony or service.
2. If a licensee or his agent or employee believes or has reason to believe that a sale or delivery of an alcoholic liquor is prohibited because of the nonage 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 official in the performance of his official duties.
3. For the purpose of preventing the violation of this section, any licensee

or his agent or employee may refuse to sell or serve alcoholic beverages to any person who is unable to produce adequate positive identification of identity and of the fact that he is over the age of 21 years.

4. Proof that the licensee or his employee or agent demanded, was shown and reasonable relied upon such positive identification in any transaction forbidden by this section is competent evidence and may be considered in any criminal or ordinance prosecution therefore or in any proceedings for the suspension or revocation of any license based thereon.
5. No person shall transfer, alter or deface such identification card; use or attempt to use the identification card of another; carry or use or attempt to use a false or forged identification card; or obtain or attempt to obtain an identification card by means of false information.

SECTION TWENTY-ONE: EMPLOYMENT OF PERSONS UNDER AGE OF 21.

1. No licensee under this Ordinance shall employ or permit any person under the age of 21 to handle, sell or serve alcoholic liquors for sale; provided, however that any establishment holding a class "A", class "B", or class "D" license may employ persons 19 years of age or older to serve alcoholic liquors to patrons in any fixed location used for service of food where such person is under the direct and immediate supervision of an employee 21 years of age or older who has supervisory authority over the underage employee and who is actually present on the premises at all times the underage employee is serving alcohol, but under no circumstances shall such person be employed or act exclusively as a bartender or cocktail server, nor shall such person sell alcoholic liquors.
2. No licensee under this Ordinance shall employ or permit any person under the age of 18 to act as a compensated entertainer.

SECTION TWENTY-TWO: PRESENCE OF PERSONS OF NONAGE UPON LICENSED PREMISES.

1. Any person to whom the sale, gift or delivery of any alcoholic liquor is prohibited because of age shall not enter or remain upon any premises licensed for the sale of alcoholic liquor except in the company of his parent or legal guardian or when performing as a compensated entertainer pursuant to a signed contract for such performance; provided, however, that this section shall not apply to restaurants, except as set forth in paragraph (4), dinner theaters, clubs, package liquor stores, privately owned clubs holding a valid temporary license, other than those portions used exclusively or primarily for the sale and consumption of alcoholic liquors.
2. Persons to whom the sale, gift or delivery of any alcoholic liquor is prohibited because of age may enter and remain upon premises licensed:
  - (a) For events where no alcoholic liquor is sold or served;
  - (b) For events where no admission fee is charged other than the cost to rent the hall, e.g., wedding receptions, private parties, etc. . ; or



(c) When in the company of his parent or legal guardian.

3. The licensee and any officer, associate, member, representative, agent or employee of such licensee shall monitor at all times the presence of any person on the licensed premises to whom the sale, gift or delivery of any alcoholic liquor is prohibited. It shall be unlawful for any licensee or any officer, member, representative agent or employee of such licensee to permit or allow any person to whom the sale, gift or delivery of any liquor is prohibited to remain on the premises, except in the company of his parent or legal guardian.
4. In a restaurant, which has a liquor license, any person to whom the sale, gift or delivery of any alcoholic liquor is prohibited because of age shall not enter or remain upon the premises after 8:00 p.m. unless in the company of his parent or legal guardian or as a compensated entertainer pursuant to a signed contract for such performance or the restaurant's employee who is actually performing his/her duties. The licensee shall post a sign in a prominent location within the premises stating as follows: "No person under 21 shall be permitted on these premises after 8:00 p.m. unless in the company of his/her parent or legal guardian after 8:00 p.m."

SECTION TWENTY-THREE: PRESENCE ON PREMISES WHERE MINORS POSSESSING OR CONSUMING ALCOHOLIC LIQUOR. No person shall knowingly enter or remain in any house, building, yard or other premises, other than premises licensed to sell alcoholic liquor, under circumstances where the person knows or reasonably should know that alcoholic liquor is being illegally possessed or consumed by persons under the age of 21 years.

SECTION TWENTY-FOUR: ILLEGAL POSSESSION OR CONSUMPTION OF ALCOHOLIC LIQUOR UPON A PUBLIC WAY.

1. No person shall transport, carry, possess or have on any public place or any public way in the Village of Peoria Heights, any alcoholic liquor on or about his person, except in the original package and with the seal(s) unbroken.
2. No person shall consume any alcoholic liquor upon any public place or public way within the Village, except on premises licensed for the retail sale of alcoholic liquors for consumption on the premises.

For purposes of this Section the term "public way" shall mean any and all streets, alleys, sidewalks, boulevards and right-of-ways. The term "public place" shall mean all publicly owned buildings, grounds, parks and privately owned buildings and grounds which are actually or customarily opened to the public.

SECTION TWENTY-FIVE: RETAIL SALES NEAR CHURCHES, SCHOOLS, HOSPITALS, ETC. . . That no license shall be issued for the sale at retail of any alcoholic liquor, beer, ale or wine within 100 feet of any church, school, hospital, home for the aged or indigent persons, nursing homes or homes for veterans, their spouses or children or any military installation or facility; provided that this prohibition does not apply to hotels offering restaurant services or to restaurants where the sale of alcoholic liquor, beer, ale or wine is not the principal business carried on nor the renewal of a license for the sale at retail of alcoholic liquor, beer, ale or wine on the premises within one hundred (100) feet of any above-noted facilities where said facilities are established after the issuance of the original license.

That for the purposes herein described, the distance of one hundred (100) feet shall be measured to the nearest part of any building used for any of the above-noted facilities and not to property



boundaries. However, nothing herein shall prohibit the Village President from considering the proposed location's overall proximity to the above-noted facilities and the deleterious effects that the sale of alcoholic liquor, beer, ale or wine may have.

Nothing in this Section shall prohibit the issuance of a license to a church or private school to sell at retail alcoholic liquor, beer, ale or wine 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 liquor, beer, ale or wine.

**SECTION TWENTY-SIX: PEDDLING.** That it shall be unlawful for any person, firm or corporation to peddle alcoholic liquor, beer, ale or wine in the Village.

**SECTION TWENTY-SEVEN: CLOSING HOURS - NEW YEAR'S EVE.** That the closing hours provided for herein shall not apply on New Year's Eve to license classifications A, B or D, provided that the licensed establishment does not permit any additional patrons on the licensed premises after normal closing hours as enumerated in Section Fifteen of this Ordinance and further provided that the licensed establishment not advertise or indicate in any manner that it is open for business after the normal closing hours. Further, that should a disturbance occur on the licensed premises during the extended closing hours hereinabove designated which in the opinion of the Police Chief or his delegate appears to endanger the lives, property or person of the patrons of a licensed premises, said Police Chief or his delegate may order the licensed establishment to close its business until the next business day and may order all patrons to leave the licensed premises immediately.

**SECTION TWENTY-EIGHT: VIEW FROM STREET.** That upon premises within which the sale of alcoholic liquor, beer, ale or wine is licensed, no screen, blind or 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 arrangements of lights or lighting shall be permitted in or about the interior of such premises which shall prevent a clear view of the entire interior from the street, road or sidewalk. All rooms where alcoholic liquor, beer, ale or wine is sold for consumption on the premises shall be continuously lighted during business hours by natural light or artificial white light so that all parts of the interior of the premises shall be clearly visible. In case the view into any such licensed premises required by the foregoing provisions shall be willfully obscured by the licensee or willfully 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 provision of this Section, the President shall have the right to require the filing with him of plans, drawings and photographs showing the clearance of the view as above required.

**SECTION TWENTY-NINE: REPORTING TO POLICE.** That each licensee, agent and/or employee shall immediately report to the Peoria Heights Police Department any incident occurring on or about the licensed premises and in their knowledge or view relating to the commission of any crime and shall truthfully and fully respond to all questions and investigations of any identified police officer who makes an inquiry concerning any persons in or about the licensed premises and any events taking place in and about the licensed premises.

**SECTION THIRTY: SOLICITATION.** That no licensee, agent and/or employee of a licensed establishment shall permit the solicitation of any patron thereof by anyone, including the licensee, agent and/or employee, to purchase alcoholic liquor, beer, ale or wine or non-alcoholic beverages or to give or donate money or any other thing of value for any purpose including prostitution. However, that nothing contained herein shall prohibit any employee, regularly employed therein, from accepting and serving an order of a patron in the normal course of employment.

**SECTION THIRTY-ONE: CURB SERVICE.** That no curb service for the sale of alcoholic liquor, beer, ale or wine shall be permitted on or in connection with any premises licensed under the terms of this Ordinance either upon a public street or public or private property.

**SECTION THIRTY-TWO: REMOVAL FROM PREMISES.** That it shall be unlawful for any person to carry any alcoholic liquor, beer, ale or wine in an unsealed or opened container from the licensed premises where such alcoholic liquor, beer, ale or wine was purchased. That no licensee, agent and/or employee of the licensed establishment shall permit any patron to violate this Section



nor continue to sell or serve alcoholic liquor, beer, ale or wine to any such patron knowing such patron intends to carry the alcoholic liquor, beer, ale or wine from the premises in an unsealed or opened container.

**SECTION THIRTY-THREE: CONDITION OF PREMISES.** That all premises used for the retail sale or storage of alcoholic liquor, beer, ale or wine licensed under this Ordinance shall be kept in a clean and sanitary condition and shall be kept in full compliance with the provisions of this Ordinance and/or other ordinances regulating the condition of premises.

**SECTION THIRTY-FOUR: ILLEGAL ACTIVITIES ON PREMISES.** That no licensee, agent and/or employee shall engage in any activity or conduct or suffer or permit any other person to engage in any activity or conduct in or about the licensed premises which is prohibited by any ordinance of the Village or law of the State of Illinois or United States of America.

**SECTION THIRTY-FIVE: FALSE INFORMATION.** That no person shall knowingly furnish false or misleading information or withhold any relevant information on any application for any license to be issued pursuant to the terms of this Ordinance.

**SECTION THIRTY-SIX: REQUISITES OF A MANAGER.** That no licensee shall employ any person, firm or corporation to manage said licensed premises unless the same qualifications, except for residency and citizenship can be demonstrated. Should it be the intention of the licensee to employ a manager, said licensee shall so indicate by written request such intention at the time of application or if subsequent to the issuance of said license, shall request name for approval prior to the employment of a manager.

**SECTION THIRTY-SEVEN: PRIVILEGES GRANTED.** That a license issued pursuant to this Ordinance shall permit the sale of alcoholic liquor only in the premises described in the application and license, and only under the conditions and restrictions imposed under this Ordinance on the particular classification of license described therein. Such license shall not 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 not descend by the laws of testate or intestate devolution, but shall cease upon the death of the licensee; provided, that the 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 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 the license, but not longer than six (6) months after the death, bankruptcy or insolvency of such licenses.

That any licensee shall have the right to renewal of such license; provided, that said licensee is then qualified to receive a license and the premises for which such renewal is sought are suitable for such purpose, but nothing herein shall be deemed to restrict the right of the Village President to suspend or revoke any such license.

**SECTION THIRTY-EIGHT: SUSPENSION/REVOCATION.** That the Village President may suspend or revoke any license issued pursuant to the terms of this Ordinance for any violation of any provision of this Ordinance or any State or Federal law pertaining to the sale of alcoholic liquor, beer, ale or wine. In lieu of suspension or revocation, the Village President may levy a fine on the licensee for such violations not to exceed One Thousand (\$1,000) Dollars for each violation. Each day a violation continues to exist shall constitute a separate offense. No such license shall be suspended or revoked and no licensee shall be fined except after a hearing held pursuant to currently applicable law.

**SECTION THIRTY-NINE: PENALTY AND ENFORCEMENT.** In addition to the Penalty and Enforcement provisions of Section Thirty-Seven:

A. Penalty. Any person, firm, corporation, partnership or entity violating any of the provisions of this Ordinance upon conviction shall be fined not less than Two Hundred (\$200) Dollars nor more than One Thousand (\$1,000) Dollars for each offence and that each day a violation continues to exist shall constitute a separate offense. Any and all fines imposed pursuant to this Ordinance shall bear interest at a rate of one (1%) percent per month on the unpaid balance from the date of fine imposition.



B. That upon a finding that a person has been adjudicated, guilty or liable for any charge violation of this Ordinance, by a hearing officer, pursuant to the provisions of Ordinance 1138, an ordinance establishing a system for Administrative Adjudication for Violations of Village Ordinances within the Village of Peoria Heights, the hearing officer may assess, for each violation, in addition to any fine, costs not to exceed \$75.00, as set forth in Ordinance 1146 of the Village of Peoria Heights, adopted May 18, 1999.

C. Administrative Adjudication. The Village of Peoria Heights has adopted Ordinance No. 1138 "an Ordinance to establish a system for Administrative Adjudication and Violations of Village Ordinances" for the purpose of expeditiously processing Ordinance Violations by Administrative Adjudication." Ordinance No. 1138 provides a form for the same and the process and procedures for hearing violations of Village Ordinances. That Ordinance No. 1138 is hereby adopted for the purpose of expeditiously processing any citations for any violations of this Ordinance.

SECTION FORTY: DEFAULT. That upon default in payment of any fine, interest, costs or installment thereof for more than thirty (30) days, pursuant to an Order entered by, assessed by a hearing officer in an Order entered before an Administrative Adjudication Hearing Officer or by a Judge of the Circuit Court of Peoria County, for more than thirty (30) days, the defendant may be summoned to appear before an Administrative Hearing Officer, pursuant to Administrative Adjudication procedures, or before a Judge of the Circuit Court of Peoria County, after notice, by personal service or registered mail, return receipt requested, to show cause, if any there be, why the person should not be held in contempt of court or of the Administrative Adjudication court.

SECTION FORTY-ONE: POSTING. That every licensee shall immediately post and keep posted while current in a conspicuous place on the premises the license so issued pursuant to the terms of this Ordinance.

SECTION FORTY-TWO: SEVERABILITY. That should any Section, subdivision, sentence or clause of this Ordinance for any reason be held to be invalid or to be unconstitutional, such decision shall not affect the validity of the remaining portion(s) of this Ordinance.

SECTION FORTY-THREE: POWERS OF LOCAL LIQUOR CONTROL COMMISSIONER. That the Village President acting under the authority of State law as the Local Liquor Control Commissioner shall have the following powers, functions and duties pursuant to the terms of this Ordinance:

1. To grant or suspend for not more than thirty (30) days or revoke for cause all licenses issued pursuant to the terms of this Ordinance.
2. To enter or authorize any law enforcing officer to enter at any time upon any premises licensed, whenever any of the provisions of the Liquor Control Act of 1934, as amended, or any rules and regulations adopted by the Local Liquor Control Commissioner or by the State of Illinois Liquor Control Commission have been or are being violated, and such time to examine said premises of said licensee in connection therewith.
3. To notify the Secretary of State where a club incorporated under the General Not for Profit Corporation Act, or a foreign corporation functioning as a club in this state under a certificate of authority issued under that Act has violated the Illinois Liquor Control Act of 1934, as amended, by selling or offering for sale at retail alcoholic liquors without a retailer's license.
4. To receive complaints from any citizen within the Village that any of the provisions of this Ordinance, the provisions of the Illinois Liquor Control Act of 1934, as amended, or any rules and regulations adopted pursuant to the Illinois Liquor Control Act of 1934, as amended, have been or are being violated and to act upon such complaints in the manner herein provided, or



as otherwise provided by the Illinois Liquor Control Act of 1934, as amended.

5. To receive local liquor license fees and pay the same forthwith to the Village Treasurer.
6. To levy fines in accordance with the provisions of this Ordinance and currently applicable state law.
7. To grant or deny a license applied for pursuant to the terms of this Ordinance within not more than thirty (30) days of an applicant's filing date provided said application meets the requirements of this Ordinance.
8. To issue citations for violations of any provision of this Ordinance, to be heard pursuant to the Administrative Adjudication procedures adopted by the Village of Peoria Heights under Ordinance No. 1138, "an Ordinance to establish a system for Administrative Adjudication and Violations of Village Ordinances."

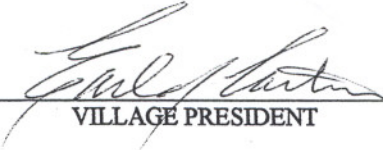
SECTION FORTY-FOUR: REPEAL. That all ordinances or parts of ordinances in conflict herewith are hereby expressly repealed, including Ordinances numbered 1080, 1142, and 2002-1202.

SECTION FORTY-FIVE: EFFECT. That this Ordinance shall be in full force and effect from and after its passage, approval, and publication in pamphlet form according to law.

PASSED AND APPROVED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF PEORIA HEIGHTS, ILLINOIS THIS 3<sup>rd</sup> DAY OF February, 2004.

AYES 6

NAYS 0

  
\_\_\_\_\_  
VILLAGE PRESIDENT

SEAL:

ATTEST:   
\_\_\_\_\_  
VILLAGE CLERK

EXHIBIT "L"

VILLAGE OF PEORIA HEIGHTS

4901 N. Prospect Road  
Peoria Heights, Illinois 61616

LIQUOR LICENSE CLASSIFICATION

(Please check)	<u>Annual Cost</u>
A _____	\$700.00
B _____	\$400.00
C _____	\$400.00
D _____	\$400.00
E _____	\$ 50.00
<u>SUBCLASSIFICATION #1</u>	\$100.00
<u>SUBCLASSIFICATION #2</u>	\$250.00

CLASSIFICATION DESCRIPTIONS

- A: Retail sale of alcoholic liquor, beer, ale, or wine for consumption on the premises, as well as, package sales.
- B: Retail sale of beer, ale or wine only, for consumption on the premises, as well as, package sales.
- C: Package retail sales only.
- D: Retail sale in clubs for consumption on the premises only.
- E: Retail sale for temporary periods in conjunction with a bonafide special event.

SUBCLASSIFICATION #1

Outdoor sale and consumption of alcoholic liquor, beer, ale and wine.

SUBCLASSIFICATION #2

Supplemental license from 6:00 a.m. until 2:00 a.m. The following morning on Thursday, Friday and Saturday, to be issued to those licensees holding a valid class A, B or D license.