

**ORDINANCE 2013-1386**

**AN ORDINANCE AMENDING ORDINANCE NO. 2012-1374; "AN ORDINANCE AMENDING ORDINANCE NO. 2009-1316, 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, A MUNICIPAL CORPORATION, AS FOLLOWS:**

**SECTION ONE: SECTION ELEVEN - LICENSE CLASSIFICATIONS is hereby amended as follows:**

**Section Eleven - Licenses Classifications:**

That licenses issued pursuant to the provisions of this Ordinance are hereby divided into nine (9) classes as follows:

1. Class A-1: Class "A-1" Licenses shall authorize the retail sale of alcoholic liquor on the premises of any tavern for the consumption on the premises, as well as, other retail sales of such liquor.
2. Class A-2: Class "A-2" Licenses shall authorize the retail sale of alcoholic liquors on the premises in any restaurant which complies with the requirement that thirty-three (33 1/3%) percent or more of the gross revenue in any month from the operation of the licensed premises must be derived from the serving of meals, for the consumption on the premises, as well as, other retail sales of such liquor.
3. Class 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.
4. Class 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.
  - a. There is created a sub-class C-1 license. A C-1 license is a supplemental license to a Class C license and authorizes the sale of alcoholic liquor, beer, ale, and wine in packages, but not for consumption on the premises where sold, for 24 hours a day, 7 days a week.
  - b. No more than three (3) C-1 licenses shall be in effect at any one time.
5. Class 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.
6. Class 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 bon fide special event or occasion.

That where such license issued under Class "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:

- a. 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.
  - b. 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.
  - c. 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.
  - d. 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.
  - e. 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.
  - f. 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.
7. Class F: Single Event License. A Single Event license is issued for a six (6) hour period during a single day only, between the hours of 4:00 p.m. and 10:00 p.m., from Monday through Saturday, for the dispensing of wine and beer during a single event held by a civic, religious, business, not-for-profit, governmental body, or fraternal organization. Any food served at the event must comply with all Public Health rules and regulations. A single permit license issuing pursuant to this Section may only be issued once per year to any organization.
- a. 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.
8. Class G: Caterer Retail License. A caterer Retail license shall be a supplementary license permitting the sale or service of alcoholic liquor by a Caterer Retailer, defined as:

“A person who serves alcoholic liquor for consumption, either on site or off site, whether the location is licensed or unlicensed, as an incidental part of food service when prepared meals and foods and

alcoholic liquors are sold as a package price agreed upon under contract,”

Which alcoholic liquor is served in connection with the catering contract and for consumption only on the premises where the food is served. Class G licenses shall be subject to the following:

- a. A condition precedent for a Class G license to be issued a Caterer Retailer must have a valid license issued by the Illinois Liquor Control Commission as required by the Illinois Liquor Control Act, Section 235 ILCS 5/1-1(0) and also have been issued a valid Class A, Class B, or Class C liquor license by the Village of Peoria Heights before being eligible to be issued for a Class G Caterer Retail License.
- b. A Class G license shall only be issued after the applicant can demonstrate, with proper documentation to the Village Liquor Commissioner or Village Administrator, that the applicant is operating a bona fide catering business.
- c. Any person or entity having a Class A, Class B, or Class C liquor license requesting a Class G Caterer Retail license must be a business or entity that is licensed in the Village of Peoria Heights as provided in Section 8(a) of this Ordinance. The licensee shall, for each catering event, have an agreed upon catering contract. Any catering contract shall be furnished to the Village Liquor Commissioner or his agent upon a written request.
- d. The sale of alcoholic liquor shall be incidental to the food service. The revenue which the licensee derives for the sale of food must comprise at least fifty-one percent (51%) of the gross revenue earned from the sale of food and alcoholic liquor at each and every event or function.
- e. No alcoholic liquor, pursuant to a catering contract, shall be sold or served at a single location for more than eight (8) consecutive hours. The sale and service of alcoholic liquor shall only be allowed on Monday through Sunday from 10:00 a.m. until 1:00 a.m. the following morning.
- f. The event or function shall not be open to the general public but only to invited guests of the party requesting catering service.
- g. One or more employees of the Class G license holder shall at all times be present throughout the event or function and be capable of observing any and all areas in or on the premises where alcoholic liquor is being sold or served.
- h. The licensee must implement measures to insure that minors are not served alcoholic liquors and do not consume alcoholic liquor on the premises of any place alcoholic liquor is being sold or served as authorized by a Class G license.
- i. Class G license holders shall be exempt from Sections Twenty-Five (distance from churches, school, hospitals, etc.) and Twenty-Eight (visibility).
- j. Any applicant for a Class G license shall submit proof of adequate dram shop insurance required by the Illinois

Liquor Control Act of 1934 as amended prior to being issued to such license covering the sale and of alcoholic beverages pursuant to a retail catering contract.

- k. The annual fee for the Class G license shall be \$250.00 which shall be in addition to any other fees required by license holders pursuant to this Ordinance.
9. Class H: Licenses which shall authorize the retail sale of alcoholic liquors for consumption on the premises for only one day per week subject to the following provisions:
- a. The day of the week shall be listed on the application and the license. The day of the week may be changed by the applicant after receiving written approval from the local liquor control commissioner of an amendment to the license and a revised license is issued.
  - b. The annual fee for the Class H license shall be \$100.00 which shall be in addition to any other fees required by license holders pursuant to this ordinance. Class H licenses shall not be prorated for any length of time less than six (6) months or for less than the annual fee of \$50.00.

**SECTION TWO: SECTION TWELVE - NUMBER OF LICENSES is hereby amended as follows:**

**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. Class A-1: The number of authorized licenses shall be four (4).
2. Class A-2: The number of authorized licenses shall be fifteen (15).
3. Class B: The number of authorized licenses shall be two (2).
4. Class C: The number of authorized licenses shall be five (5).
5. Class C-1 The number of authorized licenses shall be three (3).
6. Class D: The number of authorized licenses shall be two (2).
7. Class E: No more than two (2) such licenses at any one time.
8. Class F: No more than one (1) license in effect at one (1) time and only one (1) event license per year per entity or organization.
9. Class G: The number of authorized licenses shall be two (2).
10. Class H: The number of authorized licenses shall be two (2).

**SECTION THREE: SECTION THIRTEEN - LICENSE SUB-CLASSIFICATIONS shall be amended as follows:**

**Section Thirteen - License Sub-Classifications:**

1. That a category of liquor license is hereby created as sub-classification number one (1), separate from all other licenses issued pursuant to this Ordinance, and shall be available to those licensees holding a currently valid A-1, A-2, B, D or H license issued under this Ordinance.
2. That a category of liquor license is hereby created as sub-classification number two (2), which shall be separate from all other license issued under this Ordinance, available only to those licensees currently issued a valid A-1, A-2, B, D or H license under this Ordinance.

**SECTION FOUR: SECTION FOURTEEN - SUB-CLASSIFICATION is hereby amended as follows:**

**Section Fourteen - Sub-Classification:**

1. 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 am. 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-1, A-2, B, D or H license.

**SECTION FIVE: That liquor license classes and the annual fee for the license for each class shall be as set out on Exhibit L, attached hereto and made a part of this ordinance.**

**SECTION SIX: That Ordinance Number 2012-1374 is hereby repealed.**

**SECTION SEVEN: That all ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.**

**SECTION EIGHT - EFFECT: This Ordinance shall be in full force and effect from and after its passage, approval, and publication according to Law.**

**PASSED AND APPROVED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF PEORIA HEIGHTS, ILLINOIS THIS 7<sup>th</sup> DAY OF MAY, 2013.**

AYES 6

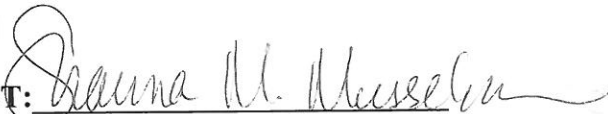
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**VILLAGE PRESIDENT**

[SEAL]

ATTEST:



**VILLAGE CLERK**

“EXHIBIT "L"”

VILLAGE OF PEORIA HEIGHTS  
4901N. Prospect Road  
Peoria Heights, Illinois 61616

LIQUOR LICENSE CLASSES

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

SUBCLASSIFICATION #1 \$100.00

SUBCLASSIFICATION #2 \$250.00

CLASS DESCRIPTIONS

- A-1: Retail sale of alcoholic liquor, beer, ale, or wine for consumption on the premises of a tavern, as well as, package sales.
- A-2: Retail sale of alcoholic liquor, beer, ale, or wine for consumption on the premises in any restaurant, which complies with the requirement that 33 1/3% or more of the gross revenue in any month from the operation of the licensed premises must be derived from the serving of meals.
- B: Retail sale of beer, ale or wine only, for consumption on the premises, as well as, package sales.
- C: Package retail sales only.
- C-1: The sale of alcoholic liquor as defined for Class C, 24 hours a day, 7 days a week.
- D: Retail sale in clubs for consumption on the premises only.
- E: Retail sale for temporary periods in conjunction with a bona fide special event.
- F: Single Event for a 6-hour period during 1 day only, Monday through Saturday.
- G: Retail sale of alcoholic liquor, beer, ale, or wine in connection with the operation of an off-site catering business to be issued to those licensees holding a valid class A, B, or C license.
- H: Retail sale of beer, ale, or wine only, for consumption on the premises, valid only 1 day of the week, 12 months of the year. Shall not be prorated less than 6 months.

SUBCLASSIFICATION #1

Outdoor sale and consumption of alcoholic liquor, beer, ale and wine to be issued to those licensees holding a valid class A, B, D, or H license.

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, D or H license.