

ORDINANCE NO. 3412

Synopsis: Adoption of this ordinance would increase the number of Class A liquor licenses from 10 to 11, returning the number of available Class A licenses to the July, 2018 level. This change would allow accommodation to a proposed business.

AN ORDINANCE AMENDING CHAPTER 112 OF THE CODE OF ORDINANCES OF THE CITY OF WASHINGTON, TAZEVELL COUNTY, ILLINOIS, ENTITLED "ALCOHOLIC BEVERAGES," BY INCREASING THE NUMBER OF CLASS A LIQUOR LICENSES

WHEREAS, the City Code of Ordinances at Chapter 112 provides for regulation of alcoholic beverages and related licensing; and

WHEREAS, The City of Washington is a home rule government pursuant to the 1970 Illinois Constitution, Article VII, Section 6(a); and

WHEREAS, pursuant to its home rule power, the City of Washington may exercise any power and perform any function relating to its government and affairs including the power to regulate for the protection of public health, safety, morals, and welfare; and

WHEREAS, the City Council of the City of Washington hereby finds that it is in the best interest of the public health, safety, morals, and welfare to add to the number of Class A liquor licenses:

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WASHINGTON, TAZEVELL COUNTY, ILLINOIS, an Illinois home rule municipality, that Chapter 112.50 of the Municipal Code is hereby amended as follows, with additions shown in underlined font and deletions shown in strikethrough font:

Section 1. That paragraph (P), subsection (1) of § 112.20 entitled "Number of Licenses" is hereby amended by deleting said subsection (1) in its entirety and inserting the following as said subsection (1):

(P) Number of licenses.

(1) There shall be no more than ~~ten~~eleven (~~10~~11) Class A licenses for the sale of alcoholic liquor at retail in the City in force at any one time.

Section 2. That all ordinances or parts thereof in conflict herewith be, and the same hereby are, expressly repealed.

Section 3. That this ordinance shall be in full force and effect from and after its passage, approval, and publication as provided by law.

PASSED AND APPROVED this 2nd day of November, 2020.

AYES -6- Blundy, Brownfield, Butler, Cobb, Dingleline, Stevens

NAYS -0-

ATTEST:

Vall Boral
City Clerk

Mayor M. Mauer
Mayor

CHAPTER 112

ALCOHOLIC BEVERAGES

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GENERAL PROVISIONS

§ 112.01 DEFINITION

For the purpose of this chapter, the following definition shall apply unless the context clearly indicates or requires a different meaning. Words and phrases as used in this chapter shall be construed and defined as per statutory reference.

(A) **IN PACKAGE.** Any bottle, flask, jug, can, cask, barrel, keg, hogshead, or other receptacle or container whatsoever, used, corked or capped, sealed, and labeled by the manufacturer of alcoholic liquor, to contain and to convey any alcoholic liquor. Specifically, however, **IN PACKAGE**, as it relates to the sale of beer, does not allow the sale of the can or bottle so long as it is originally packaged by the manufacturer in another larger container such as a six pack, 12-pack, or case.

(B) **PREMISES.** "Premises" means the area within a building for which a license to sell and consume alcoholic liquor is issued and which is actually used in connection with the storage, preparation, sale and consumption of alcoholic liquor, but specifically excluding any outside areas such as patios, decks, open porches, roof tops, balconies, stoops, sidewalks, yards, driveways, parking lots, and similar outside areas.

(C) **LIQUEUR.** "Liqueur" is a flavored alcoholic liquor containing at least 2.5% sugar by volume and is typically made by mixing or redistilling any class or type of spirit with fruits, flowers, plants, juices, coffee or other flavorings. Examples of liqueurs are Triple Sec, Kahlua, Amaretto and Bailey's Irish Crème.

(Ord. 1496, passed 7-4-86; Am. Ord. 1712, passed 4-6-92; Am. Ord. 2795, passed 8-18-08; Am. Ord. 3028, passed 4-15-13)

§ 112.02 PROHIBITED ACTS

- (A) No person shall transport, carry, possess, or have on any public street, alley, sidewalk or in Washington Square Park in the city any alcoholic liquor on or about his person except in the original package and with the seal unbroken.
- (B) No person shall transport, carry, possess, or have on any high school property in the city any alcoholic liquor on or about his person except in the original package and with the seal unbroken.
- (C) No person shall consume any alcoholic liquor in any public place within the city except in premises licensed for the retail sale of alcoholic liquors under Section 112.20 or for the consumption of alcoholic liquor under Section 112.50.
- (D) No person under the age of 21 shall possess any alcoholic liquor, except as otherwise permitted in this Chapter.
- (E) No person under the age of 21 shall consume any alcoholic liquor, except as otherwise permitted by this Chapter.

- (F) No person under the age of 21 years shall purchase, acquire, or otherwise accept any alcoholic liquor, except as otherwise permitted by this Chapter.
- (G) No person, regardless of age, shall sell, gift, transfer or deliver any alcoholic liquor to a person under the age of 21, except as otherwise permitted by this Chapter.
- (H) No parent or legal guardian shall knowingly permit his or her residence to be used in a manner or by individuals that constitutes a violation of any of the prohibitions of this Section. A parent or legal guardian is deemed to have knowingly permits his or her residence to be used in violation of this Section if he or she knows or reasonably should know that individuals are or will be engaging in acts that are prohibited by this Section, and said parent or legal guardian authorizes, enables, or permits the use of the residence by such individuals.
- (I) No person, regardless of age, shall knowingly permit a gathering at a residence which he or she occupies or over which he or she has control, of two or more persons where any one or more of the persons is under age 21 and the person who occupies or controls the residence knows that any such person under the age of 21 is engaged in acts prohibited by this Section.
- (J) No person, regardless of age, shall rent a hotel or motel room for the purpose of or with the knowledge that such room shall be used for acts which are prohibited by this Section.
- (K) No parent or legal guardian shall knowingly allow or permit the parent's child or legal guardian's ward to violate any provision of this Section or Chapter.
- (L) No person shall have in his or her possession any alcoholic liquor on public school district property on school days or at events on public school district property at which or on which children are present, unless the alcoholic liquor is in the original container with the seal unbroken and in the possession of a person who is not otherwise legally prohibited from possession of the alcoholic liquor or is in the possession of a person in or for the performance of a religious service or ceremony authorized by the school board.
- (M) No person shall sell, give, or furnish to any person under the age of 21 years, any false or fraudulent written, printed, or photostatic evidence of age and/or identity of such person.
- (N) No person shall sell, give, or furnish to any person under the age of 21 years evidence of age or identification of any other person.

- (O) No person under the age of 21 years shall possess a false or fraudulent written, printed, or photostatic evidence of age and/or identity, or otherwise possession some type of written, printed or photostatic evidence of age and/or identity which is not his or her own.
 - (P) No person under the age of 21 years shall present, offer, show, or otherwise display a false or fraudulent written, printed or photostatic evidence of age and/or identity for purposes of purchasing, acquiring, receiving or otherwise obtaining or procure any alcoholic liquor.
- (Ord. 1360, passed 5-17-85; Am. Ord. 1712, passed 4-6-92; Am. Ord. 2816, passed 1-5-09; Am. Ord. 2970, passed 3-19-12; Am. Ord. 3367, passed 2-17-20)
Penalty, see § 112.99

§ 112.02A PERMITTED EXCEPTIONS

The possession and dispensing, or consumption by a person under twenty one (21) years of age of alcoholic liquor in the performance of a religious service or ceremony, or the consumption by a person under twenty one (21) years of age under the direct supervision and approval of the parent or parents or legal guardian of such person under twenty one (21) years of age in the privacy of the parent's or legal guardian's home, is not prohibited by this Chapter, or the possession and delivery of alcoholic liquors in pursuance of a person's lawful employment is not prohibited by this Chapter and shall not be construed as a violation of any prohibited act under § 112.02.

(Am. Ord. 2816, passed 1-5-09)

RETAIL SALES

§ 112.03 HOURS OF SALE

- (A) It shall be unlawful to sell or offer for sale at retail any alcoholic liquor in the city, between the hours of 2:00 a.m. and 6:00 a.m. Notwithstanding the above, on New Year's Day of each year, all Class A license holders may remain open and sell or offer for sale alcoholic beverages for consumption on the premises only until 4:00 a.m.
 - (B) It shall be unlawful to keep open for business or to admit the public to any premises or other area in or on which alcoholic liquor is sold at retail for consumption on the premises or other area during the hours within which the sale of such liquor is prohibited; provided, that in the case of restaurants, such establishments may be kept open during such hours, but no alcoholic liquor may be sold or consumed during such hours.
- (Ord. 1412, passed 5-21-84; Am. Ord. 1712, passed 4-6-92; Am. Ord. 3021, passed 2-18-2013; Am. Ord. 3028, passed 7-1-13; Am. Ord. 3034, passed 5-6-13; Am. Ord. 3191, passed 7-5-16; Am. Ord. 3332, passed 7-1-19; Am. Ord. 3430, passed 4-19-21)

Penalty, see § 112.99

§ 112.04 SALES TO AND POSSESSION OF BY PERSONS UNDER 21 YEARS OF AGE

- (A) No licensee nor any officer, associate, member, representative, agent or employee of such licensee shall sell, give or deliver alcoholic liquor to any person under the age of twenty one (21) years, or to any intoxicated person or to any person known by him or her to be under legal disability or in need of mental treatment.
- (B) If a licensee or his agents or employees believes or has reason to believe that a sale or delivery of any alcoholic liquor is prohibited because of the age of the prospective recipient, he shall, before making such sale or delivery, demand presentation of some form of positive identification, containing proof of age, issued by a public officer in the performance of his official duties.
- (C) For Purposes 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 of produce adequate written evidence of identity and of the fact that he or she is over the age of the twenty one (21) years.
- (D) Adequate written evidence of age and identity of the person is a document issued by a federal, state, county, or municipal government, or subdivision or agency thereof including, but not limited to a motor vehicle operator's license, a registration certificate issued under the Federal Selective Service Act, or an identification card issued to a member of the Armed Forces. Proof that the defendant licensee, or his employee or agent, demanded, was shown and reasonably relied upon such written evidence in any transaction forbidden by this section is an affirmative defense in any criminal prosecution therefore or to any proceedings for the suspension or revocation of any license based thereon. It shall not, however, be an affirmative defense if the agent or employee accepted the written evidence knowing it to be false or fraudulent, or if the written evidence shows the person to be under the age of 21.
- (E) No agent or employee of the licensee shall be disciplined or discharged for selling or furnishing liquor to a person under twenty one (21) years of age if the agent or employee demanded and was shown, before furnishing liquor to a person under twenty one (21) years of age, adequate written evidence of age and identity of the person issued by a federal, state, county, or municipal government, or subdivision or agency thereof, including but not limited to a motor vehicle operator's license, a registration certificate issued under the Federal Selective Service Act, or an identification card issued to a member of the Armed Forces, which written evidence reasonably showed the person to

be over the age of 21. This division (4), however, shall not apply if the agent or employee accepted the written evidence knowing it to be false or fraudulent.

- (F) Except as otherwise provided in this section, whoever violates any of the provisions of this section shall, in addition to other penalties provided for in this chapter or as provided by law, be guilty of an ordinance violation.

(Ord. 1712, passed 4-6-92; Am. Ord. 2816, passed 1-5-09)

Penalty, see § 112.99

§ 112.04A DELETED

(Ord. 1712, passed 4-6-92; Am. Ord. 2816, passed 1-5-09)

§ 112.05 RETAIL SALES NEAR CHURCHES, SCHOOLS, HOSPITALS, AND THE LIKE

- (A) No license shall be issued for the sale at retail of any alcoholic liquor within one hundred (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 the sale of alcoholic liquors is not the principal business carried on; nor shall this prohibition apply to the renewal of a license for the sale at retail of alcoholic liquor on premises within one hundred (100) feet of any church or school where such church or school has been established within such one hundred (100) feet since the issuance of the original license.
- (B) In the case of a church, the distance of one hundred (100) feet shall be measured to the nearest part of any building used for worship services or educational programs, and not to property boundaries.
- (C) 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.

(Ord. 1712, passed 4-6-92)

Penalty, see § 112.99

§ 112.05A SALE OF ALCOHOLIC LIQUOR IN RESIDENTIAL AREAS

- (A) No license shall be issued for the sale at retail of any alcoholic liquor from premises which are totally bounded on three (3) or more sides by properties zoned and used for residential purposes; provided this prohibition shall not apply to the renewal of a license for the sale at retail of alcoholic liquor on premises which are totally bounded on three (3) or more sides by properties zoned and used for residential purposes where any of such residential zoning was established since the issuance of the original liquor license.
- (B) It shall be unlawful to sell at retail any alcoholic liquor from premises which are totally bounded on three (3) or more sides by properties zoned and used for residential purposes. The immediately preceding prohibition shall be effective only as to sales from premises originally licensed from and after March 16, 1998.
- (C) For purposes of this § 112.05A the words "totally bounded on three (3) or more sides" mean that each of three (3) or more of the four (4) sides surrounding and contiguous to the premises consist only of property zoned and used for residential purposes. Alleys and streets shall not defeat contiguity.
(Ord. 1870, passed 9-19-94; Am. Ord. 2109, passed 3-9-98)

§ 112.06 DELETED

(Ord. 1712, passed 4-6-92; Am. Ord. 3430, passed 4-19-21)
Penalty, see § 112.99

§ 112.07 PEDDLING ALCOHOLIC LIQUOR PROHIBITED

It shall be unlawful to peddle alcoholic liquor in the city.
(Ord. 1712, passed 4-6-92)
Penalty, see § 112.99

§ 112.08 EMPLOYMENT OF PERSONS UNDER A CERTAIN AGE

- (A) In the sale, distribution or delivery of alcoholic liquors, no licensee shall employ, with or without compensation, or in any way directly or indirectly use the services of a person under the age of eighteen (18) years.
- (B) No licensee, its officers, agents, managers, or employees shall permit, allow, or authorize any person under the age of twenty one (21) years to draw, pour, or mix any alcoholic liquor, or permit, allow, or authorize any person under the age of twenty one (21) years to attend any bar.
(Ord. 1712, passed 4-6-92)
Penalty, see § 112.99

§ 112.09 SALES ON CREDIT

No person shall sell or furnish alcoholic liquor at retail to any person on credit or on a pass book, or order on a store, or in exchange for any goods, wares or merchandise, or in payment for any services rendered; and if any person shall extend credit for such purpose the debt thereby attempted to be created shall not be recoverable at law. However, nothing herein contained shall be construed to prevent any club from permitting checks or statements for alcoholic liquor to be signed by members or bona fide guests of members and charged to the account of such members or guests in accordance with the by-laws of said club. Further, nothing herein contained shall be construed to prevent any hotel from permitting checks or statements for liquor to be signed by regular guests residing at said hotel and charged to the accounts of said guests. Further, nothing herein contained shall be construed to prevent payment by credit card or other credit device for the purchase of liquor in the original package or container for consumption off the premises.

(Ord. 1712, passed 4-6-92)

Penalty, see § 112.99

§ 112.10 EQUAL ACCESS TO LICENSED PREMISES

No licensee under the provisions of this chapter, and the provisions of the Illinois Liquor Control Act of 1934, shall deny or permit his agents and employees to deny any person the full and equal enjoyment of the accommodations, advantages, facilities, and privileges of any premises in which alcoholic liquors are authorized to be sold, subject only to the conditions and limitations established by law and applicable alike to all citizens.

(Ord. 1712, passed 4-6-92)

Penalty, see § 112.99

§ 112.11 PROHIBITED HAPPY HOURS

(A) No retail licensee or employee or agent of such licensee shall:

- (1) Sell more than one drink of alcoholic liquor for the price of one drink of alcoholic liquor;
- (2) Sell, offer to sell or serve to any person an unlimited number of drinks of alcoholic liquor during any set period of time for a fixed price, except at private functions not open to the general public or as provided in §112.11A;
- (3) Increase the volume of alcoholic liquor contained in a drink, or the size of a drink of alcoholic liquor, without increasing proportionately the price regularly charged for the drink on that day;

- (4) Encourage or permit, on the Licensed Premises, any game or contest which involves drinking alcoholic liquor or the awarding of drinks of alcoholic liquor as prizes for such game or contest on the Licensed Premises; or
- (5) Advertise or promote in any way, whether on or off the Licensed Premises, any of the practices prohibited under divisions (1) through (5) of this division (B).

- (B) A violation of this section shall be grounds for suspension or revocation of the retailer's license as provided in this chapter.

(Ord. 1712, passed 4-6-92; Am. Ord. 3180, passed 4-18-16)

§112.11A PERMITTED HAPPY HOURS AND MEAL PACKAGES, PARTY PACKAGES, AND ENTERTAINMENT PACKAGES

- (A) As used in this Section:

"Dedicated event space" means a room or rooms or other clearly delineated space within a retail licensee's Premises that is reserved for the exclusive use of party package invitees during the entirety of a party package. Furniture, stanchions and ropes, or other room dividers may be used to clearly delineate a dedicated event space.

"Meal package" means a food and beverage package, which may or may not include entertainment, where the service of alcoholic liquor is an accompaniment to the food, including, but not limited to, a meal, tour, tasting, or any combination thereof for a fixed price by a retail licensee or any other licensee operating within a sports facility, restaurant, winery, brewery, or distillery.

"Party package" means a private party, function, or event for a specific social or business occasion, either arranged by invitation or reservation for a defined number of individuals, that is not open to the general public and where attendees are served both food and alcohol for a fixed price in a dedicated event space.

- (B) A retail licensee may:

- (1) offer free food or entertainment at any time;
- (2) include drinks of alcoholic liquor as part of a meal package;
- (3) sell or offer for sale a party package only if the retail licensee:
 - (a) offers food in the dedicated event space;

- (b) limits the party package to no more than 3 hours;
 - (c) distributes wristbands, lanyards, shirts, or any other such wearable items to identify party package attendees so the attendees may be granted access to the dedicated event space; and
 - (d) excludes individuals not participating in the party package from the dedicated event space;
 - (4) include drinks of alcoholic liquor as part of a hotel package;
 - (5) negotiate drinks of alcoholic liquor as part of a hotel package;
 - (6) provide room service to persons renting rooms at a hotel;
 - (7) sell pitchers (or the equivalent, including, but not limited to, buckets of bottled beer), carafes, or bottles of alcoholic liquor which are customarily sold in such manner, or sell bottles of spirits;
 - (8) advertise events permitted under this Section;
 - (9) include drinks of alcoholic liquor as part of an entertainment package where the licensee is separately licensed by a municipal ordinance that (A) restricts dates of operation to dates during which there is an event at an adjacent stadium, (B) restricts hours of serving alcoholic liquor to 2 hours before the event and one hour after the event, (C) restricts alcoholic liquor sales to beer and wine, (D) requires tickets for admission to the establishment, and (E) prohibits sale of admission tickets on the day of an event and permits the sale of admission tickets for single events only; and
 - (10) discount any drink of alcoholic liquor during a specified time period only if:
 - (a) the price of the drink of alcoholic liquor is not changed during the time that it is discounted;
 - (b) the period of time during which any drink of alcoholic liquor is discounted is between the hours of 3:00 p.m. and 6:00 p.m. Monday through Friday only; and
 - (c) notice of the discount of the drink of alcoholic liquor during a specified time is posted on the Licensed Premises or on the licensee's publicly available website at least 7 days prior to the specified time.
- (Ord. 1712, passed 4-6-92; Am. Ord. 3180, passed 4-18-16)

Penalty, see § 112.99

§ 112.12 DUTY TO RENDER AID AND CALL POLICE

No licensee, its agents or employees, shall knowingly fail to render assistance and aid or to call the police with reference to any violation of the criminal laws of the State of Illinois committed by or upon a patron of the licensed establishment while such patron is upon the licensed premises.

(Ord. 1712, passed 4-6-92)
Penalty, see § 112.99

§ 112.13 RETAIL SALES AT ADULT USE ESTABLISHMENTS PROHIBITED

It shall be unlawful to sell or offer for sale at retail any alcoholic liquor in the City of Washington at any establishment which is defined as an adult use under § 111.02(A) of Chapter 111 of the Code of Ordinances of the City of Washington, Tazewell County, Illinois, as amended from time to time.

(Ord. 1964, passed 11-20-95)
Penalty, see § 112.99

§ 112.14 ACCESS TO LICENSED AREAS

The Liquor Commissioner and/or any peace officer of the City of Washington's Police Department wearing a uniform or displaying a badge or other sign of authority, shall have unobstructed, unhindered and immediate access to the Premises, including but not limited to all outdoor areas during business hours and/or any time the Premises, outdoor areas and/or special areas are occupied. The licensee, its agents and/or employees shall allow and/or facilitate said access, and shall not hinder or obstruct said access in any way.

(Ord. 2838, passed 7-6-09; Am. Ord. 3430, passed 4-19-21)
Penalty, see § 112.99

RETAIL LICENSES

§ 112.20 CLASSIFICATION OF LIQUOR LICENSES; NUMBER OF LICENSES PERMITTED

Licenses to sell liquor at retail are divided into classes, as follows:

- (A) **Class A.** Class A licenses shall authorize the retail sale on the premises of alcoholic liquors for consumption on or off the premises. A Class A licensee may also sell and

serve alcoholic liquor for consumption in a designated supplemental outdoor area of its owned or leased property when such outdoor area is described in its license application, otherwise in conformance with ordinance and law, and approved by the Liquor Commissioner. Each and every owner, operator and/or manager licensed to sell alcoholic liquors in an outdoor area shall provide regular, diligent and effective management and employee oversight and control of such outdoor eating, drinking or seating area to assure compliance with the provisions of this Chapter and the Code of Ordinances of the City of Washington, Illinois.

(Am. Ord. 3034, passed 5-6-13; Am. Ord. 3200, passed 9-19-16;
Am. Ord. 3313, passed 3-18-19; Am. Ord. 3430, passed 4-19-21)

- (B) **Class B.** Class B licenses shall authorize the retail sale of alcoholic liquor in package and not for consumption on the premises where sold. This prohibition of consumption on the premises shall not apply to sampling or tasting conducted in accordance with the Liquor Control Act of 1934, as amended from time to time, and regulations of the State of Illinois.

(Am. Ord. 3313, passed 3-18-19; Am. Ord. 3430, passed 4-19-21)

- (C) **Class C.** Class C licenses shall authorize the retail sale of alcoholic liquors on the premises only, or on the premises and a designated supplemental outdoor area of its owned or leased property when such outdoor area is described in its license application, otherwise in conformance with ordinance and law, and approved by the Liquor Commissioner, and not for consumption off the premises where sold, and only in connection with and as a part of a private party or a private meeting not generally open to the public. This license shall be known as a Banquet and Caterer's license. When the Washington Area Community Center, 360 N. Wilmor Road, holds a Class C license, it may sell and serve alcoholic liquors at ticketed events as otherwise allowed for private events.

A Class C liquor license shall also be an annual or per event license permitting the sale of alcoholic liquor in connection with the operation of a catering business that serves alcoholic liquor in connection with the catering of foods and for consumption only on the property where the food is catered. Class C licenses, when catering within the City, shall be subject to the following:

- (1) Only those licensees holding a caterer retailer license pursuant to Section 5/1-3.34 of the Illinois Liquor Control Act (235 ILCS 5/1-3.34) shall be eligible to serve or sell alcoholic beverages while catering.
- (2) A Class C license shall only be issued to persons who can demonstrate that they are operating a bona fide catering business and / or a bona fide banquet facility.

- (3) While catering away from a licensee's banquet facility, 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 (51%) of the gross revenue earned from the sale of food and alcoholic liquor at each and every event or function.
- (4) While catering away from a licensee's banquet facility, no alcoholic liquor shall be sold or served at a single location for more than eight (8) consecutive hours. Furthermore, the sale or service of alcoholic liquor is prohibited from 2:00 a.m. until 6:00 a.m.
- (5) While catering away from a licensee's banquet facility, the event or function shall not be open to the general public but only to invited guests. The sale of alcoholic liquor may be made in bulk to the person or organization conducting the function or be made to invited guests by the drink.
- (6) One or more employees of the license holder shall at all times be present throughout the event or function and be capable of observing any and all part(s) of the premises or outdoor area where alcoholic liquor is being sold or consumed.
- (7) The licensee must implement measures to ensure that minors are not served alcoholic liquors and do not consume alcoholic liquor on the premises or any place alcoholic liquor is being served or consumed.
- (8) While catering away from a licensee's banquet facility, Class C license holders shall be exempt from Sections 112.05 (RETAIL SALES NEAR CHURCHES, SCHOOLS, HOSPITALS, AND THE LIKE).

The annual fee for the Class C license shall be \$1,000.00. The per-event license applies to a single event at a single location within the City. The fee for a per-event license shall be \$100.00. No per-event license shall be valid for a period exceeding one day.

(Am. Ord. 3313, passed 3-18-19; Am. Ord 3430, passed 4-19-21)

- (D) **Class D.** Class D liquor licenses shall permit the sale at retail of alcoholic liquor for consumption on the premises or described and authorized outdoor area at a special event conducted by an educational, fraternal, political, civic, religious or not-for-profit organization.

The Liquor Commissioner may authorize package sales of alcoholic liquor at such special event when the Commissioner is satisfied that the licensee will prevent public consumption from multi-serving containers. Such authorization may be conditioned on specific requirements or prohibitions that shall be conditions on the license and enforceable as other requirements specifically within this Code.

The licensee must carry dram shop insurance naming the City as a co-insured and comply in all respects with the requirements necessary for the sale of alcoholic beverage in the

State of Illinois, including but not by way of limitation the licensee's Special Event Retail Liquor License issued by the Illinois Liquor Control Commission.

Each and every owner, operator, manager and/or licensee shall provide regular, diligent and effective management and employee or volunteer oversight and control of the premises and outdoor area to assure compliance with the provisions of this Chapter and the Code of Ordinances of the City of Washington, Illinois.

A license fee for such license shall be \$100.00, for a period not to exceed five (5) days.

(Am. Ord. 3028, passed 4-15-13; Am. Ord. 3313, passed 3-18-19;
Am. Ord. 3430, passed 4-19-21)

- (E) **Class E.** Class E liquor licenses shall permit the sale at retail of alcoholic liquor for consumption on the premises or in a designated outdoor area to be sold at a temporary event by a currently licensed retail seller of alcoholic liquor in the City of Washington, for a one (1) day period of time. Such sales shall be by responsible persons and shall be allowed for single day in a specific location as follows:

(1) Definitions.

- (a) "Premises" shall mean the building out of which the licensee primarily operates, and for which a current liquor license is in effect and has previously been issued.
- (b) "Special Area" shall mean the area within which the temporary event will take place, and for which the Temporary Event license is sought.

- (2) Only the holders of current Class A and Class C liquor licenses, issued by the City of Washington, may apply for a Temporary Event license under the provisions of this Paragraph (E).

- (3) A complete liquor license application must be submitted for the Special Area.

- (4) The Special Area must comply with all of the following requirements:

- (a) The Special Area must be adjoining and adjacent to the Premises, unless otherwise determined by the City Liquor Commissioner; and
- (b) the Special Area must satisfy all of the requirements for the issuance of a liquor license (which specifically includes ownership of the Special Area or a written lease agreement for the Special Area), with the exception of the requirement that the sales take place in a building; and
- (c) the Special Area must be fully enclosed by means of a fence or other structure, such that access to and from the area is limited to only one (1) point of access, and such that litter and other debris are or will be wholly contained within the Special Area. The City Liquor Commissioner, by nature of the event and/or location, will

determine whether fencing of the event area will be required and whether a Washington Police Officer will be required to be present to monitor the event. If it is determined that a Washington Police Officer is required, the expense of the officer will be the responsibility of the licensee. In any case, each and every owner, operator, manager and/or licensee shall provide regular, diligent and effective management and employee oversight and control of the premises, special area, and outdoor area to assure compliance with the provisions of this Chapter and the Code of Ordinances of the City of Washington, Illinois.

- (5) The Temporary Event license will permit the sale of Alcoholic Liquor for one (1) day only.
- (6) No noise emanating from the Special Area shall be audible from the closest lot line of any residentially zoned lot that is also used for residential purposes. If noise is audible at the closest lot line of any residentially zoned lot that is also used for residential purposes, the Temporary Event license will be immediately revoked, and the sale of alcoholic liquor within the Special Area shall cease and become illegal upon notification thereof by the Chief of Police or his or her designee.
- (7) A license fee for such license must be paid with the application in an amount equal to \$250.00.
- (8) The licensee must satisfy all of the requirements of Chapter 112 of the Code of Ordinances of the City pertaining to the sale of alcoholic liquor, including but not limited to the carrying of dram shop insurance naming the City as a co-insured, and must comply in all respects with the requirements necessary for the sale of alcoholic beverages in the State of Illinois, including but not by way of limitation, the additional requirements for a Special Event Retailer's License required by 235 ILCS 5/7-1, as amended from time to time.
- (10) Not more than two (2) Temporary Event Licenses may be issued to a single holder of a liquor license during any one (1) liquor license year (May 1st through April 30th), except that a liquor license holder may request and the Liquor Control Commissioner may issue up to two (2) additional Temporary Event Licenses to a single holder of a liquor license when the applicant specifies and warrants that all proceeds from the specified event will be donated to a named nonprofit organization in accordance with the requirements herein;
 - (a) Within 30 days of the event, the applicant must provide the City Clerk with a complete and accurate accounting of all expenses and income related to the event;

- (b) Within 14 days of providing such accounting, the applicant must provide the City Clerk with proof of payment of the proceeds to the designated nonprofit organization;
 - (c) The specific nonprofit organization to receive the proceeds must be designated on the application and must agree to receive such proceeds;
 - (d) Failure of the applicant to comply with this section after issuance of the Temporary Event License is a violation of this Chapter 112 and subjects the holder to the penalties listed herein, including suspension or revocation of the holder's Class A or Class C liquor license upon which issuance of the Temporary Event License is predicated;
 - (e) The Liquor Control Commissioner may deny issuance of a Temporary Event License applied for to benefit a nonprofit organization on the grounds that the nonprofit organization is not known to be a bona fide nonprofit organization or the expected proceeds to be paid to the nonprofit organization are not substantial in comparison to the event costs or costs or potential costs of related public services;
 - (f) The Liquor Control Commissioner may deny issuance of a Temporary Event License when, in the opinion of the Chief of Police or his/her designee, the City will not be able to efficiently provide required public services, including police services, during the period of the event.
- (11) No Temporary Event License may be issued to the holder of liquor license issued by the City of Washington, if the holder has violated the provisions of Chapter 112 of the Code of Ordinances of the City, or compromised and settled such a liquor code violation, within the twelve months immediately prior to the filing of the application for a Temporary Event License.
- (12) No more than one Temporary Event License may be in effect on any one day within the City and no licensee may hold more than one Temporary Event License in a calendar month.
- (13) The application for a Temporary Event License must be submitted not less than twenty-one (21) days prior to the temporary event. Upon submission of the application, with the license fee attached, the Chief of Police, or his or her designee, shall inspect the Special Area and advise the Liquor Control Commissioner as to whether the Special Area complies in all respects with the Code of Ordinances of the City, and as to the prior violations of the Liquor Code of the City. Thereafter, the Liquor Control Commissioner will review the application, application materials and attachments, the report of the Chief of Police, and will grant or deny the application for a Temporary Event License within ten days of the filing of the application for the Temporary Event License.

(Am. Ord. 3313, passed 3-18-19; Am. Ord. 3430, passed 4-19-21)

(F) REQUIREMENTS FOR LICENSING AND OPERATING SUPPLEMENTAL OUTDOOR AREAS

Only Class A or Class C liquor licenses may authorize, in supplementation to sale and service of alcoholic liquors for consumption in the licensed premises, the sale and consumption of alcoholic liquor off-premises in a supplemental outdoor area. All other provisions of the Washington Municipal Code pertaining to the respective Class A or Class C liquor license shall apply to the outdoor licensed area unless otherwise provided herein. For purposes of this Subsection (F) only, the term "Off-Premises" shall mean an area outside and adjacent to a building for which a liquor license to sell and consume alcoholic liquor is issued, and on which it shall be lawful to sell and consume alcoholic liquors if so authorized through a valid Class A or Class C license including the outdoor area.

- (1) The outdoor eating, drinking or seating area must comply with the following: a) be immediately adjacent and contiguous to the Class A or Class C licensed premises, b) be accessible to customers and patrons from the interior of the licensed premises only; be entirely and completely contained by fencing or other suitable material at least three feet in height (material appropriateness to be determined by outdoor area location), measured from the finished floor elevation of the outdoor eating, drinking or seating area, which defines the seating area and sets that area apart from the surrounding property, and provides for limited and controlled access to the outdoor eating, drinking and seating area.
- (2) At least one, fully operable, emergency only exit shall be provided from the supplemental outdoor area directly to the outside where the only other means of egress is through the interior of the licenses premises. Said emergency-only exits shall be in addition to the access provided directly from the licensed premises, may be used to provide a means of egress/ingress for persons whose physical limitations or handicaps preclude their entrance or exit from the interior of the licensed premises and may be used for the purpose of taking delivery of products, materials and supplies.
- (3) The total square footage of the outdoor eating, drinking or seating area shall be included in the total parking calculations and requirements for the site, except that that all establishments holding annual Class A or Class D licenses on August 1, 2008, shall be exempt from this additional parking requirement.

- (4) No amplified sound or music nor any live entertainment shall be permitted the supplemental outdoor area after 10:00 p.m. and shall at all times be subject to all noise limitations of the City.
- (5) Each and every owner, operator, manager and/or licensee shall provide regular, diligent and effective management and employee oversight and control of the premises and outdoor area to assure compliance with the provisions of this Chapter and the Code of Ordinances of the City of Washington, Illinois. The presence of an intoxicated minor or a minor in possession of, or consuming alcoholic liquor in the licensed outdoor area shall be prima facie proof of ineffective oversight and control of the outdoor area. A trier of fact may consider control measures taken by a licensee, including fencing or containment that exceeds the minimum described in this chapter.

(Ord. 1275, passed 6-4-79; Am. Ord. 1401, passed 2-6-84;
Am. Ord. 1412, passed 5-21-84; Am. Ord. 1712, passed 4-6-92,
Am. Ord. 2795, passed 8-18-08; Am. Ord. 3313, passed 3-18-19;
Am. Ord. 3430, passed 4-19-21)

(G) **NUMBER OF LICENSES. EFFECTIVE MAY 1, 2021;**

- (1) There shall be no more than 17 Class A licenses for the sale of alcoholic liquor at retail in the City in force at any one time.
- (2) There shall be no more than 11 Class B licenses for the sale of alcoholic liquor at retail in the City in force at any one time.
- (3) There shall be no more than 3 Class C licenses for the sale of alcoholic liquor at retail in the City in force at any one time.
- (4) There shall be no more than two (2) Class E licenses for the sale of alcoholic liquor at retail in the City in force at any one time.

(Am. Ord. 3066, passed 2-3-14; Am. Ord. 3200, passed 9-19-16;
Am. Ord. 3313, passed 3-18-19; Am. Ord. 3430, passed 4-19-21)

(H) **Class H. FEES FOR RETAIL SALE LIQUOR LICENSES**

- (1) The license fee for a Class A licenses as of May 1, 2021, shall be \$1,250.00 per year, but no licensee who held a license of any Class for the same business between May 1, 2020, and April 30, 2021, and whose fee for that 2020-2021 license was not prorated, shall be charged more for its 2021-2022 Class A license

than the business was charged for its 2020-2021 license for that business, regardless of license classification. The fee for Class A licenses as of May 1, 2023, shall be \$1,300.00 per year.

- (2) The license fee for a Class B licenses as of May 1, 2021, shall be \$1,250.00 per year. The fee for Class B licenses as of May 1, 2022, shall be \$1,300.00 per year. The fee for Class B licenses as of May 1, 2023, shall be \$1,400.00 per year.
- (3) The City Council may authorize by resolution a reduction of up to \$1,000.00 in the annual Class A liquor license fee for any regularly organized club. For purposes of this section, a "regularly organized club" is defined as follows: a corporation organized under the laws of this state, not for pecuniary profit, solely for the promotion of some common object other than the sale and consumption of alcoholic liquors, which conforms to a definition of a club, as provided by state law. No reduction in the fee for said license shall be issued until the City Council has found that the club applying for the license was actually and, in fact, organized for some purpose or object other than the sale or consumption of alcoholic liquor.

(Ord. 2505, passed 01-05-04, Am. Ord. 2795, passed 8-18-08;
Am. Ord. 3313, passed 3-18-19; Am. Ord. 3430, passed 4-19-21)

(I) **Class I. DELETED**

(Am. Ord. 3142, passed 8-3-15; AM. Ord. 3192, passed 7-18-16;
Am. Ord. 3313, passed 3-18-19; Am. Ord. 3430, passed 4-19-21)

(J) **Class J. DELETED**

(Am. Ord. 3313, passed 3-18-19; Am. Ord. 3430, passed 4-19-21)

(K) **Class K. DELETED**

(Am. Ord. 3142, passed 8-3-15)
(Ord. 3332, passed 7-1-19; Am. Ord. 3430, passed 4-19-21)

(L) **Class L. DELETED**

(Am. Ord. 3192, passed 7-18-16; Am. Ord. 3200, passed 9-19-16;
Am. Ord. 3290, passed 6-18-18; Am. Ord. 3313, passed 3-18-19;
Am. Ord. 3331, passed 7-1-19; Am. Ord. 3332, passed 7-1-19; Am. Ord. 3430,
passed 4-19-21))

(M) **Class M. DELETED**

(Am. Ord. 3200, passed 9-19-16; Am. Ord. 3313, passed 3-18-19;
Am. Ord. 3334, passed 7-15-19; Am. Ord. 3430, passed 4-19-21)

(N) **Class N. DELETED**

(Ord. 3331, passed 7-1-19; Am. Ord. 3430, passed 4-19-21)

(O) **Class W. DELETED**

(Ord. 3332, passed 7-1-19; Am. Ord. 3411, passed 11-2-20;
Am. Ord. 3430, passed 4-19-21)

(P) **DELETED**

(Ord. 979, passed 1-8-70; Am. Ord. 1469, passed 10-7-85; Am. Ord. 1474, passed 12-16-85;
Am. Ord. 1525, passed 7-6-87; Am. Ord. 1712, passed 4-6-92; Am. Ord. 1822, passed 2-22-94;
Am. Ord. 1843, passed 6-6-94; Am. Ord. 1897, passed 2-20-95; Am. Ord. 1918, passed 5-15-95;
Am. Ord. 2083, passed 12-2-96; Am. Ord. 2077, passed 6-16-97; Am. Ord. 2110, passed 3-9-98;
Am. Ord. 2152, passed 11-2-98; Am. Ord. 2191, passed 7-6-99; Am. Ord. 2199, passed 9-20-99;
Am. Ord. 2271, passed 1-22-01; Am. Ord. 2405, passed 9-3-02;
Am. Ord. 2424, passed 12-16-02; Am. Ord. 2494, passed 12-1-03;
Am. Ord. 2505, passed 1-5-04; Am. Ord. 2513, passed 2-16-04; Am. Ord. 2518, passed 4-5-04;
Am. Ord. 2563, passed 10-18-04; Am. Ord. 2564, passed 10-18-04;
Am. Ord. 2594, passed 2-21-05; Am. Ord. 2666, passed 3-20-06; Am. Ord. 2682, passed 7-3-06;
Am. Ord. 2693, passed 9-18-06; Am. Ord. 2714, passed 1-2-07; Am. Ord. 2770, passed 3-3-08;
Am. Ord. 2772, passed 4-7-08; Am. Ord. 2795, passed 8-18-08; Am. Ord. 2797, passed 9-2-08;
Am. Ord. 2819, passed 3-2-09; Am. Ord. 2829, passed 4-20-09; Am. Ord. 2848, passed 8-17-09;
Am. Ord. 2855, passed 9-21-09; Am. Ord. 2877, passed 3-1-10; Am. Ord. 2880, passed 4-5-10;
Am. Ord. 2936, passed 6-20-11; Am. Ord. 2965, passed 2-20-12;
Am. Ord. 3001, passed 8-20-12; Am. Ord. 3013, passed 12-10-12;
Am. Ord. 3021, passed 2-18-13; Am. Ord. 3028, passed 4-15-13; Am. Ord. 3042, passed 7-1-13;
Am. Ord. 3066, passed 2-3-14; Am. Ord. 3113, passed 2-2-15; Am. Ord. 3130, passed 6-1-15;
Am. Ord. 3141, passed 8-3-15; Am. Ord. 3174, passed 4-4-16; Am. Ord. 3176, passed 4-18-16;
Am. Ord. 3201, passed 9-19-16; Am. Ord. 3203, passed 9-19-16;
Am. Ord. 3224, passed 3-20-17; Am. Ord. 3298, passed 8-20-18; Am. Ord. 3331, passed 7-1-19;
Am. Ord. 3332, passed 7-1-19; Am. Ord. 3412, passed 11-2-20; Am. Ord. 3430, passed 4-19-21)
Penalty, see § 112.99

§ 112.21 LICENSE REQUIRED

It shall be unlawful for any person, either by himself or his agent, or any person acting as an agent, barkeeper, clerk, or servant of another, to sell or offer for sale at retail in the city, any alcoholic liquor, without first having obtained a license to do so as provided in this chapter. It shall likewise be unlawful for any such person to sell or offer for sale any intoxicating liquors, alcoholic or malt or vinous liquors in violation of the terms and conditions of such license.

(Ord. 1712, passed 4-6-92)
Penalty, see § 112.99

§ 112.22 APPLICATION; INFORMATION REQUIRED

- (A) All applications for the license required by § 112.21 of this chapter shall be made in writing to the Mayor, or to the party designated by him; signed by the applicant, if an individual, or by a duly authorized agent thereof, if a club, corporation, limited liability company, association, or partnership; verified by affidavit; and submitted and filed with the Mayor at least fifteen (15) days prior to the issuance of any license.
- (B) An applicant for a retail license from the city shall submit to the state an application in writing under oath stating:
 - (1) The applicant's name and mailing address;
 - (2) The name and address of the applicant's business;
 - (3) If applicable, the date of the filing of the "assumed name" of the business with the County Clerk;
 - (4) In case of a co-partnership, the date of the formation of the partnership; in the case of an Illinois corporation, the date of its incorporation; or in the case of a foreign corporation, the state where it was incorporated and the date of its becoming qualified under the "Business Corporation Act of 1983" to transact business in the State of Illinois;
 - (5) The number, the date of issuance and the date of expiration of the applicant's current local retail liquor license;
 - (6) The name and address of the landlord if the premises are leased;
 - (7) The date of the applicant's first request for a state or city liquor license and whether it was granted, denied or withdrawn;
 - (8) The address of the applicant when the first application for a state or city liquor license was made;
 - (9) The applicant's current city and state liquor license number;
 - (10) The date the applicant began liquor sales at his place of business;

- (11) The address of the applicant's warehouse if he warehouses liquor;
- (12) The applicant's Retailer's Occupation Tax (ROT) registration number;
- (13) The applicant's document locator number on its Federal Special Tax Stamp;
- (14) Whether the applicant is delinquent in the payment of the Retailer's Occupation Tax (sales tax) and, if so, the reasons therefor;
- (15) Whether the applicant is delinquent under the cash beer law and, if so, the reasons therefor;
- (16) In the case of a retailer, whether he is delinquent under the 30-day credit law and, if so, the reasons therefor;
- (17) In the case of a distributor, whether he is delinquent under the 15-day credit law and, if so, the reasons therefor;
- (18) Whether the applicant has made an application for a liquor license which has been denied and, if so, the reasons therefor;
- (19) Whether the applicant has ever had any previous liquor license suspended or revoked and, if so, the reasons therefor;
- (20) Whether the applicant has ever been convicted of a gambling offense or felony and, if so, the particulars thereof;
- (21) Whether the applicant possesses a current Federal Wagering Stamp and, if so, the reasons therefor;
- (22) Whether the applicant or any other person directly in his place of business is a public official and, if so, the particulars thereof;
- (23) The applicant's name, sex, date of birth, social security number, position and percentage of ownership in the business; and the name, sex, date of birth, social security number, position and percentage of ownership in the business of every sole owner, partner, corporate officer, director or manager, limited liability company member and manager, and any person who owns five percent (5%) or more of the shares of the applicant business entity or parent corporations or series limited liability companies of the applicant business entity;

- (24) That he has not received or borrowed money or anything else of value, and that he will not receive or borrow money or anything else of value (other than merchandising credit in the ordinary course of business for a period not to exceed ninety (90) days as expressly permitted under 235 ILCS 5/6-5, directly or indirectly, from any manufacturer, importing distributor, distributor, or from any representative of any such manufacturer, importing distributor or distributor, nor be a party in any way, directly or indirectly, to any violation by a manufacturer, distributor or importing distributor of Ill. Rev. Stat., Ch. 43, Section 123;
 - (25) In addition to any other requirement of this section, an applicant shall provide and submit proof of adequate dram shop insurance;
 - (26) In addition to the foregoing information, such application shall contain such other and further information as may, by rule or regulation not inconsistent with law, be prescribed by the Local Liquor Control Commissioner;
 - (27) If the applicant reports a felony conviction, such conviction may be considered in determining qualifications for licensing, but shall not operate as a bar to licensing;
 - (28) If said application is made in behalf of a partnership, firm, association, club, limited liability company or corporation, then the same shall be signed by one (1) member of such partnership or the president or secretary of such corporation, all members and managers of such limited liability company, or an authorized agent of said partnership or corporation; and
 - (29) All other applications shall be on a form prescribed by the state.
(Ill. Rev. Stat., Ch. 43, § 145)
- (C) In addition to other forms and applications required by this section, all applications for the license required by §112.21 of this chapter shall be accompanied by:
- (1) A fully completed and executed authorization in such form as may be proscribed from time to time by the City of Washington Chief of Police granting the City of Washington authority to request criminal history and/or conviction information from the Illinois State Police;
 - (2) A properly and fully completed Conviction Information Request form, or such other form as the Illinois State Police may require from time to time, including the applicant's original fingerprint images; and

- (3) A check made payable to the Illinois State Police to cover the necessary Illinois State Police fees and expenses of processing the conviction information/criminal history background check.

(Ord. 1712, passed 4-6-92; Am. Ord. 2529, passed 5-3-04;
Am. Ord. 2923, passed on 1-18-11)

§ 112.23 FEES; MANNER OF PAYMENT; RENEWALS; DISPOSITION

- (A) License fees shall be payable in full at the time of the filing of the original or renewal application. Failure to pay the appropriate fee promptly when due shall be grounds for denial of the license. All licenses shall expire April 30, next, after date of issue. 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.
- (B) All original license fees shall be paid to this city at the time the application is made and shall be turned over to the City Treasurer. In the event the license applied for is denied the fee shall be returned to the applicant; if the license is granted, then the fee shall be deposited in the general corporate fund or in such other fund as shall have been designated by the City Council by proper order.
- (C) All original liquor license fees shall be turned over to, and all renewal fees shall be paid to, this city and a receipt therefor, signed by the City Clerk, showing payment of such license fee, shall be attached to every application for a license or for the renewal of a license to sell intoxicating liquor at retail. No application shall be considered, acted upon or granted until and unless such application for a liquor license has been filed in the office of the City Clerk and a receipt showing payment to the city of the license fee required by this chapter to be paid therefor is attached to such application. In the event the license applied for is denied, the fee shall be returned to the applicant.

(Ord. 1712, passed 4-6-92)

§ 112.24 GRANTING LICENSE FOR RETAIL SALE

Subject to the limitations and restrictions set forth in this chapter, and all other lawful limitations and restrictions, the Mayor of the city, or anyone designated by him may, from time to time, grant licenses for the retail sale of alcoholic liquors within the city limits to any resident or any state corporation qualified to receive such license, or to any company, association, or partnership for all of the members thereof, or residents of the city; provided that an application is made to him in writing, and that any and all such persons furnish sufficient evidence to satisfy the Mayor, or anyone designated by him, that they are persons of good moral character, have never been convicted of a felony, and have never possessed a license to sell at retail intoxicating liquor that

was revoked by either the city or state authorities, and otherwise qualify to receive such a license.

(Ord. 1712, passed 4-6-92)

§ 112.25 RESTRICTIONS UPON ISSUANCE

No license authorized by this chapter shall be issued to:

- (A) A person not of legal age or under any legal disability.
- (B) A person not a resident of the city.
- (C) A person who is not of good moral character and reputation in the community in which he resides.
- (D) A person who is not a citizen or legal resident of the United States.
- (E) A person who has been convicted by a felony under any federal or state law, unless the Illinois Liquor Control Commission determines that such person has been sufficiently rehabilitated to warrant the public trust after considering matters set forth in such person's application and such Commission's investigation.
- (F) A person who has been convicted of being a keeper or is keeping a house of ill fame.
- (G) A person who has been convicted of pandering or other crime or misdemeanor opposed to decency and morality.
- (H) A person whose license issued under this chapter or the provision of the Illinois Liquor Control Act of 1934 (235 ILCS 5/1-1 et seq.) has been revoked for cause.
- (I) A person who at the time of application for renewal of any license issued under this chapter would not be eligible for the issuance of a license upon a first application.
- (J) A co-partnership, if any general partnership thereof, or any limited partnership thereof, owning more than five percent (5%) of the aggregate limited partner interest in such co-partnership would not be eligible to receive a license hereunder for any reason, including residency.
- (K) A corporation, if any officer, manager, or director thereof, or any stockholder or stockholders owning in the aggregate more than five percent (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.

- (L) A corporation unless it is incorporated in Illinois, or unless it is a foreign corporation which is qualified under the Illinois Business Corporation Act of 1983 (805 ILCS 5/1.01 et seq.), as amended, to transact business in Illinois.
- (M) A person whose place of business is conducted by a manager or agent, unless the manager or agent possesses the same qualifications required of the licensee.
- (N) A person 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 the Illinois Liquor Control Act of 1934, or shall have forfeited his bond to appear in court to answer charges for any such violation.
- (O) A person who does not beneficially own the premises for which a license is sought, or does not have a written lease thereon for the full period for which the license is to be issued.
- (P) Any law-enforcing public official, including members of local liquor control commissions and any mayor, alderman, or member of the City Council; and no such official shall be interested directly in the manufacture, sale or distribution of alcoholic liquor, except that the license may be granted to such official in relation to premises which are not located within the territory subject to the jurisdiction of that official if the issuance of such license is approved by the State Liquor Control Commission.
- (Q) A person who is not a beneficial owner of the business to be operated by the licensee.
- (R) Any person not eligible for a state retail liquor dealer's license.
- (S) A person who has been convicted of a gambling offense as prescribed by Ill. Rev. Stat., Ch. 38, § 28-1(a) (3) - (a) (10) or as prescribed by a statute replacing any of the aforesaid statutory provisions.
- (T) A person to whom a federal wagering stamp has been issued by the federal government for the current tax period.
- (U) 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.

- (V) A corporation, if any officer, manager, or director thereof, or any stockholder owning in the aggregate more than twenty percent (20%) of the stock of such corporation has been issued a federal wagering stamp for the current tax period.
- (W) Any premises for which a federal wagering stamp has been issued by the federal government for the current tax period.
- (X) A limited liability company, if any member or manager thereof owning an aggregate of more than five percent (5%) of the interest of such limited liability company would not be eligible to receive a license hereunder for any reason other than citizenship and residency within the city.
- (Y) A limited liability company, unless it is organized in Illinois, or unless it is a foreign limited liability company which is qualified under the Illinois Business Corporation Act (805 ILCS 5/1.01 et seq.) as amended, to transact business in Illinois.
- (Z) A limited liability company if any member or owner thereof owning in the aggregate more than twenty percent (20%) of the interest of such limited liability company has been issued a Federal Wagering Stamp for the current tax period.
(Ord. 1712, passed 4-6-92; Am. Ord. 2923, passed 1-18-11)

§ 112.26 BOND

An application for a liquor license shall be accompanied by a bond in the penal sum of one thousand dollars (\$1,000) with sureties licensed as sureties by the state. Such bond shall be conditioned that the person, firm, or corporation to which such license shall be issued, their heirs, executors, successors, and assignees shall save and keep the city harmless from any and all loss from damage and claims for damage arising out of the operation of the business under said license.

(Ord. 1212, passed 4-14-77; Am. Ord. 1712, passed 4-6-92)

§ 112.27 RENEWAL OF LICENSE; APPLICATION

- (A) Any licensee may renew their license at the expiration thereof, provided: (1) the licensee is then qualified to receive a license; (2) the premises for which such renewal license is sought are suitable for such purpose; (3) the renewal license shall be subject to any terms, conditions and restrictions imposed on such license for the renewal term; and (4) the renewal privilege herein provided for shall not be construed as a vested right which shall in any case prevent the City Council from decreasing the number of licenses to be issued

within its jurisdiction, or otherwise revising the terms, conditions and/or restrictions of liquor licenses or any classifications thereof.

- (B) All applications for the renewal of a license shall be made in writing to the Mayor at least fifteen (15) days prior to April 30 of each year, and shall be accompanied by the appropriate license fee. It shall not be necessary for the renewal application to be filed annually in order to obtain a renewal of such license; provided, however, the applicant shall submit in lieu of such renewal application an affidavit stating that the information and statements and all answers on the original application are still true and correct, and are in full force and effect.

(Ord. 1712, passed 4-6-92; Am. Ord. 3021, passed 2-18-13)

§ 112.28 TRANSFER OF LICENSE

A license shall be purely a personal privilege, good for not to exceed one (1) year after issuance, unless sooner revoked as by law 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 not descend by the law of testate or intestate devolution, but it shall cease upon the death of the licensee, provided that executors or administrators of the estate of any deceased licensee, and trustee of any insolvent or bankrupt licensee, when such estate consists in part of alcoholic liquors, may continue the business of the sale of alcoholic liquor under 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, insolvency, or bankruptcy of such licensee. A refund shall be made of that portion of the license fee paid for any period in which the licensee shall be prevented from operating under such license in accordance with the provisions of this section.

(Ord. 1712, passed 4-6-92)

§ 112.29 CHANGE OF LOCATION

A retail dealer's license shall permit the sale of alcoholic liquor only in the premises or area described in the application and license. Such location may be changed only upon the written permit to make such changes issued by the Mayor. No change of location shall be permitted unless the proposed new location is a proper one for the retail sale of alcoholic liquor under the law of this state and the regulations of this city.

(Ord. 1712, passed 4-6-92; Am. Ord. 3334, passed 7-15-19)

§ 112.30 DISPLAY OF LICENSE

Every person licensed in accordance with the provisions of this chapter shall immediately post and keep posted while in force in a conspicuous place on the premises, the license so issued. Whenever this license shall be lost or destroyed, a duplicate in lieu thereof shall be issued by the Mayor.

(Ord. 1712, passed 4-6-92)
Penalty, see § 112.99

§ 112.31 REVOCATION AND SUSPENSION

- (A) The Mayor may revoke or suspend any license issued by him if he determines the licensee has violated any of the provisions of this chapter or any of the provisions of state law pertaining to the sale of alcoholic liquor, as amended from time to time. In addition to the suspension, the Mayor may levy a fine on the licensee for such violation. The fine imposed shall not exceed one thousand dollars (\$1,000.00) for each violation; each day on which a violation occurs shall constitute a separate violation; not more than ten thousand dollars (\$10,000.00) in fines under this section may be imposed against any licensee during the period of his or her or its license. Proceeds from such fine shall be paid into the general corporate fund of the municipal treasury.
- (B) No license shall be so revoked or suspended and no licensee shall be fined except after a public hearing by the Mayor with a three (3) day written notice to the licensee affording the licensee an opportunity to appear and defend. All such public hearings shall be held in accordance with the provisions of § 7-5 of the Liquor Control Act of 1934 (ILCS Ch. 235, Act 5, § 1-1 et seq.).

(Ord. 1712, passed 4-6-92; Am. Ord. 1978, passed 2-5-95)

§ 112.32 PRIVILEGES GRANTED UNDER LICENSE

- (A) A license issued under this chapter shall permit the sale of alcoholic liquor only in the premises and outdoor area described in the application and license, and only under the conditions and restrictions imposed in this chapter on the particular class of license described therein.
- (B) There shall be no refund of any license fee paid under the provisions of this chapter, except as above provided. Any licensee holding an annual license shall have the right to a renewal of such license, subject to the terms, conditions and restrictions in effect for such license in the renewal term, provided that the licensee is then qualified to receive a license and the premises and outdoor area for which such renewal is sought are suitable for such purpose. The renewal right shall not be deemed to restrict the right of the Mayor to revoke any such license. The renewal right does not apply to temporary licenses.

(Ord. 1712, passed 4-6-92; Am. Ord. 3021, passed 2-18-13; Am. Ord. 3430, passed 4-19-21)

§ 112.33 RECORD OF LICENSES TO BE KEPT; DISTRIBUTION OF COPIES

The Mayor shall keep or cause to be kept a complete record of all licenses required by this chapter which are issued by him, and all licenses issued shall be given a number beginning with number one. The City Clerk shall furnish the Mayor, City Treasurer, and the Chief of Police each with a copy of the receipt for the license fee.

(Ord. 1712, passed 4-6-92)

§ 112.34 DURATION OF LICENSE

All licenses shall be valid for not to exceed one (1) year after issuance unless sooner expired, revoked or suspended as in this chapter provided. Licenses shall state thereon the class to which they belong, the name of the licensee and the address and description of the premises for which they are granted, and shall state the date of their issuance and expiration.

(Ord. 1712, passed 4-6-92; Am. Ord. 3021, passed 2-18-13)

§ 112.35 EXAMINATION OF APPLICANT

The Mayor shall have the right to examine, or cause to be examined, under oath, any applicant for a liquor license or for a renewal thereof, or any licensee upon whom notice of revocation or suspension has been served in the manner provided by law, and to examine or cause to be examined, the books and records of any such applicant or licensee; to hear testimony and take proof for his information in the performance of his duties, and for such purpose to issue subpoenas which shall be effective in any part of the State of Illinois. For the purpose of obtaining any information desired by the Mayor under this section, he may authorize his agent to act on his behalf.

(Ord. 1712, passed 4-6-92)

§ 112.36 VIOLATION OF TAX ACTS

In addition to other grounds specified in this chapter and specified in the Illinois Liquor Control Act of 1934, the Mayor, on complaint of the Illinois Department of Revenue, shall refuse the issuance or renewal of a license, or suspend or revoke the license, of any person for any of the following violations of any Tax Act administered by the Illinois Department of Revenue:

- (A) Failure to make a tax return.
- (B) The filing of a fraudulent return.
- (C) Failure to pay all or part of any tax or penalty finally determined to be due.
- (D) Failure to keep books and records.

- (E) Failure to secure and display a certificate or sub-certificates of registration, if required.
- (F) Willful violation of any rule or regulation of the Illinois Department of Revenue relating to the administration and enforcement of tax liability.
(Ord. 1712, passed 4-6-92)

§ 112.37 BOOKS AND RECORDS

It shall be the duty of every retail licensee to make books and records available upon reasonable notice for the purpose of investigation and control by the Illinois Liquor Control Commission and the Mayor. Such books and records need not be maintained on the licensed premises, but must be maintained in the State of Illinois. However, all original invoices covering purchases of alcoholic liquor must be retained on the licensed premises for a period of ninety (90) days after such purchase.

(Ord. 1712, passed 4-6-92)
Penalty, see § 112.99

§ 112.38 POWERS OF LOCAL LIQUOR CONTROL COMMISSIONER

The Local Liquor Control Commissioner shall have the following powers, functions, and duties with respect to licenses:

- (A) To grant and/or suspend for not more than thirty (30) days or revoke for cause all licenses issued by the city to persons for premises within the city;
- (B) 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 at such time to examine said premises of said licensee in connection therewith;
- (C) 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;
- (D) To receive complaints from any citizen within the city that any of the provisions of this section, 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;

- (E) To receive local liquor license fees and pay the same forthwith to the City Treasurer;
- (F) To levy fines in accordance with this section and the provisions of Ill. Rev. Stat., Ch. 43, § 149, as amended; and
- (G) All powers and duties granted, or which may hereafter be granted, to the Liquor Control Commissioner by the State of Illinois.
(Ord. 1712, passed 4-6-92; Am. Ord. 3087, passed 8-4-14)

§ 112.39 LOCAL LIQUOR CONTROL COMMISSIONER; ASSISTANTS

- (A) The Mayor of the City shall be the local Liquor Control Commissioner for the City of Washington, and is charged with the administration, in the City, of the appropriate provisions of the Liquor Control Act of 1934 (235 ILCS 5/1-1 *et seq.*) And this Chapter.
- (B) The Local Liquor Control Commissioner may appoint individuals to serve on the Liquor Control Commission as established pursuant to Section 32 of the Code, and may also appoint any member of the City Council or the City Administrator to serve as Deputy Local Liquor Control Commissioner, which person shall have the authority to exercise any of the powers and duties of the Local Liquor Control Commissioner enumerated herein, except as the Local Liquor Control Commissioner may specifically exclude by such appointment.
- (C) Such Deputy Local Liquor Control Commissioner may be appointed to serve at the pleasure of the Local Liquor Control Commissioner, but not beyond the term of the office of the Local Liquor Control Commissioner; and may be appointed either (i) to act in the absence of the Local Liquor Control Commissioner, or (ii) to act in lieu of the Local Liquor Control Commissioner. Such Deputy Local Liquor Control Commissioner may be removed at any time at the sole discretion of the Local Liquor Control Commissioner, without approval of the City Council.
(Am. Ord. 2685; passed 8-7-06; Am. Ord. 3087, passed 8-4-14)

§ 112.40 VIDEO GAMING MACHINES PROHIBITED

Except for liquor licensees lawfully operating as licensed establishments under Section 136.50 (entitled "Licensed Video Gaming"), all liquor licensees under Chapter 112 are prohibited from having, anywhere on their premises or property, an electronic video gaming machine that may be available to play or simulate the play of poker, line up, blackjack, faro, roulette, craps, slots or

any other card or dice game or other game of chance, or that is otherwise akin to a gambling or gaming device under Chapter 136, even if solely for amusement purposes. Any liquor licensee that violates this Section 112.40 may subject to a fine and/or revocation or suspension of its license pursuant to Section 112.31. Additionally, any electronic video gaming machine operated on a liquor licensee's premises in violation of Section 112.40 may be subject to seizure by the City and forfeiture.

(Ord. 3003, passed 9-4-2012; Am. Ord. 3430, passed 4-19-21)

NON-RETAIL LICENSES

§ 112.50 PUBLIC ACCOMMODATION (PA) LICENSE

- (A) For purposes of this Section the following definitions shall apply unless the context clearly indicates or requires a different meaning:

PUBLIC ACCOMMODATION. A facility or business establishment of any kind, whose goods, services, facilities, privileges or advantages are extended, offered, sold or otherwise made available to the public.

BUSINESS PROPERTY. The building out of and real property upon which the public accommodation operates.

LICENSED PREMISES. The area within a building for which a license authorizing the consumption of alcoholic liquor is issued and which is actually used in connection with the consumption of alcoholic liquor, but specifically excluding any outside areas such as patios, decks, open porches, roof tops, balconies, stoops, beer gardens and the like, sidewalks, yards, driveways, parking lots and similar outside areas.

PA LICENSE. A license authorizing the consumption of alcoholic liquor only inside the licensed premises of a person or business entity operating as a public accommodation.

PRIVATE FUNCTION. An event held at a licensed premises which has a host who is under contract with the licensee, restricted to invited guests only, where such invited guests are not charged indirectly or directly, at which the host is the only individual responsible for payment to the licensee, which includes fewer than 60 people excluding the licensee's working staff, and which is not publicly advertised in advance of the event.

- (B) Except for licensees under this Chapter, no person, including any business entity, operating as a public accommodation within the City, shall permit or allow any invitee to possess or consume alcoholic liquor on its business property.

A public accommodation meeting the following business classification, as determined by the City, may apply for a PA License: a ceramic arts hobby facility/business establishment, a painting arts hobby facility/business establishment, a culinary arts hobby facility/business establishment, or a meeting facility available to the general public for rental as a place to conduct private functions.

- (C) Alcoholic liquor may only be brought onto the licensed premises in its original package by either:
 - (1) the consuming party for personal use; or
 - (2) by the person or entity who has rented the licensed premises to hold an event, gathering or other function, and the alcoholic liquor is provided only to the person's or entity's invitees.
- (D) No alcoholic beverages can be sold, offered for sale, gifted, given in return for any donation or any monetary contribution of any kind, or otherwise provided to invitees, by the licensee or its agents, on the licensed premises and business property.
- (E) The possession or consumption of any alcoholic liquor on the licensed premises by any person under 21 years of age is prohibited. The provisions of Section 112.04 apply to licensees and their agents in terms of not permitting possession or consumption of alcoholic liquors by persons under 21 years of age. Licensees and their agents may not suffer or permit the possession or consumption of alcoholic liquor by any person under the age of 21 years, or consumption of alcoholic liquor by any intoxicated person.
- (F) Consumption of alcoholic liquor on the licensed premises may only occur between the hours of 6:00 a.m. and 12:00 a.m. on Monday through Thursday; between the hours of 6:00 a.m. on Friday and 1:00 a.m. on Saturday; between the hours of 6:00 a.m. on Saturday and 1:00 a.m. on Sunday; and between the hours of 10:00 a.m. on Sunday and 12:00 a.m. on Monday. The licensee shall not permit any invitee to remain at the licensed premises for longer than one-half hour after the aforementioned closing times.
- (G) Licensees are prohibited from providing any outdoor entertainment on the business property.
- (H) All applicants for the PA License must submit a written application to the Mayor, or the party designated by him/her, as set forth in Section 112.22 for retail licenses, or in such form as approved by the Mayor, or the party designated by him/her. All information required of a retail license applicant may be required for a PA License applicant.

- (I) All licensees must obtain and continually carry dram shop and/or host liquor liability insurance coverage, and must provide and submit proof of insurance when submitting the PA License application.
- (J) A PA License issued under this Section shall be valid from the date of issuance until the next succeeding April 30, with an annual license fee of \$350.00.
- (K) Except as expressly modified in this Section, licensees of a PA License are subject to all other provisions of Chapter 112.
- (L) PA licensees, except for a culinary arts hobby facility/business establishment, may not provide beverage service of any type, nor charge for corkage, provision of glassware or beverage serving items. No PA licensee may structure any fee or charge that increases based on the amount of alcoholic liquor served or consumed. Nothing in this section prohibits a PA licensee from charging an increased flat rate upcharge, over and above the customary room rental rate, for events which include the service or consumption of alcoholic liquor.
- (M) PA licensees operating a meeting facility available to the general public for rental as a place to conduct private functions must keep an event contract which includes the name(s) of all hosts, date and time of the event, and number of guests and which is available for inspection by the City or its agents for a minimum of 1 year beyond the event date.
- (N) There shall be no more than 5 Class PA licenses for the consumption of alcoholic liquor in the City in force at any one time.
(Ord. 2970, passed 3-19-12; Am. Ord. 3200, passed 9-19-16; Am. Ord. 3242, passed 8-7-17;
Am. Ord. 3313, passed 3-18-19; Am. Ord. 3329, passed 6-17-19)

§ 112.99 PENALTY

- (A) Whoever violates the provisions of this chapter for which no suspension or revocation of the license has been incurred shall be fined not more than one thousand dollars (\$1,000.00) for each offense; each day on which a violation continues shall constitute a separate violation. Not more than ten thousand dollars (\$10,000.00) in fines under this section may be imposed against any licensee during the period of his license. No licensee shall be fined except after a public hearing as provided by 235 ILCS 5/7-5, as amended from time to time.
- (B) Any individual who violates any of the provisions of this chapter shall be fined not more than seven hundred fifty dollars (\$750.00) for each offense; each day on which a violation continues shall constitute a separate violation.

(Ord. 1712, passed 4-6-92; Am. Ord. 2816, passed 1-5-09; Am. Ord. 2923, passed 1-18-11;
Am. Ord. 3114, passed 2-2-15)