

**CITY OF WASHINGTON
PUBLIC SAFETY COMMITTEE
MONDAY, MARCH 21, 2016
5:30 P.M.**

**POLICE DEPARTMENT CONFERENCE ROOM
115 W. JEFFERSON STREET**

AGENDA

- 1. ALDERMAN WISHING TO BE HEARD ON A NON-AGENDA ITEM**
- 2. CITIZENS WISHING TO BE HEARD ON A NON-AGENDA ITEM**
- 3. APPROVAL OF MINUTES – February 8, 2016 regular meeting**
- 4. BUSINESS ITEMS**
 - A. Liquor Code Update
 - B. Monthly Report
- 5. OTHER BUSINESS**
- 6. ADJOURNMENT**

2/8/2016 Public Safety Committee meeting 6:PM (WPD Chief's Office)

Members present: T. Gee, D. Dingleline, City Administrator J. Culotta, Chief D. Volk

Members absent: T. Maxwell

Alderman wishing to be heard – None

Citizens wishing to be heard – None

Approval of minutes from January 11th, 2016 regular meeting – D. Dingleline motioned, T. Gee seconded. Approved.

Business items – Monthly reports were reviewed and discussed. Quarterly Canine stats (Oct. – Dec. 2015) were reviewed and discussed. Chief Volk provided some additional information on the possibility of 911 Consolidation. Chief Volk provided Committee with report from Deputy Chief Stevens on the In-Car Video Cameras and Support System, as well as a “cheat sheet” for comparisons. Chief made recommendation for vendor selection. Committee supported recommendation and Authorization Request will be presented to whole Council as a Staff Report on 2/15/16.

Other business – Chief advised Committee that a request for an additional officer will be brought forward at the Budget Summit in March. Plans are to hire in Nov. 2016 (six month savings). Chief gave the Committee an update on the Microwave Antenna project. Memo of Understanding needs to be reworked, as ETBS has limited funds and work planned goes beyond scope or original MOU (2013). Chief advised Committee of 4th Appellate Court ruling essentially voiding Tort Immunity Act. Chief explained that actions beyond the previous norm may need to be taken.

Adjournment – D. Dingleline motioned, T. Gee seconded. Approved at 6:45PM.

Memorandum

To: City of Washington Public Safety Committee

From: Chief of Police Don Volk

RE: Key Suggested Changes in Chapter 112 Alcoholic Beverages

This document represents a subjective determination of major changes suggested to the current City of Washington Liquor Ordinance. It does not list all suggested changes and may not be cited as law or legal guidance. The full text of affected changes and current ordinances is or will be available in public postings of City Council materials or elsewhere on the City website, <http://www.ci.washington.il.us>. In every case, the pertinent Code sections should be read to determine the contents of the Code. Following this memorandum is a blue lined version of the code with changes. Underlined text is being added and stricken text is being stricken.

Definitions: Brew Pub is defined consistent with the state code, allowing for the creation of that license classification. Where the license is created in the ordinance, the retail sale privilege is proscribed when on-premise brewing falls below a set capacity. This prevents a licensee from brewing one time or in very small batches simply to maintain a retail sales privilege for alcoholic liquor, in hope that the additional license classification will serve a locally-unserved market rather than providing for an additional bar to directly compete with existing businesses.

Beer Garden: The term is changed to "Outdoor Refreshment Area" in keeping with current use.

In Package: The definition is modified to exclude partial bottles of wine recorked and sealed by a restaurant when done in compliance with state law. The effect is to allow a patron to remove the re-sealed, partial bottle of wine from the business in hopes that this allowance will decrease the temptation to consume the whole bottle at a sitting when doing so may be inappropriate.

Prohibited Acts: The proposed ordinance opens up the possibility of product sampling at licensed areas, so that a limited number of small sample servings of liquor may be offered to patrons regardless of whether the licensed seller has a license for on premise consumption. This provides the opportunity for the seller to change sales patterns and for buyers to sample a higher-priced item without committing to a package purchase.

Hours of sale: The ordinance offers a clarification in the hours of sale rules to codify current practice that in businesses that offer merchandise or services other than liquor, the business may remain open for the purpose of selling that other merchandise but may not make a transaction involving alcohol. This allows a grocery store or gas station that sells liquor to remain open after sale hours. It does not require that the liquor be physically separated from public access, such as with a chain barrier.

An addition to the hours of sale section requires that in an A-licensed establishment, the public may not be present later than 20 minutes after the expiration of allowed sales hours.

Limitations on retail sales in certain areas: The ordinance is changed from prohibiting licensing of property completely surrounded on three or more sides by certain uses such as residential property, to being contiguous on any part of three or more sides. This change applies to irregularly-shaped lots, particularly those along Business 24. No current licensee is affected.

Happy Hours: The prohibition on Happy Hours remains in effect. The ordinance previously limited the size of wine carafes to 1.5 liters (about 51 ounces) but did not limit pitchers. The new ordinance limits all allowed multi-patron containers to 60 ounces.

Duty to render aid and call police: This duty is expanded to the entire business property rather than being contained to the inside of the licensed building.

Classifications: There are no proposed changes to current classifications, however changes to classifications may serve the community by better defining allowed activities and providing business-appropriate regulation of establishments. Staff recommends a review of classifications and consultation with licensees before the 2017-18 license year to promote the goals of liquor regulation while minimizing inconvenience for licensees.

Licensing timelines: General applications are currently due fifteen (15) days prior to issuance, with a suggested change to thirty (30) days to allow more time for background investigations. Class L licenses, which relate to 1-day, Saturday-only events for bar licensees would have a twenty-one (21) day advance requirement, a change from the current ten (10) day requirement. The state provides for a monetary penalty for applications of this type that are filed less than fourteen (14) days prior to the event. The change allows the City more time to plan and prepare for the event and may allow the applicant to correct deficiencies.

Restrictions on license issuance: The state law allows certain elected officials to be involved in the liquor business, even if only involved as a licensee board member or major shareholder, only when certain safeguards are in place to the legislative and administrative processes. This change brings the Code into compliance with those safeguards, requiring the City Council to appoint an attorney as Liquor Control Commissioner when the Mayor is involved in a licensed entity within the City and allows Aldermen to be involved when they abstain from Council discussion and voting related to liquor matters.

Application requirements: Currently all managers, directors, board members, and owners of businesses must meet background requirements and applicants must furnish those names with applications for licensing. The suggested ordinance clarifies that these people must consent to a background check, rather than the City relying on an assumption that the applicant cleared the background check with these persons.

GENERAL PROVISIONS**§ 112.01 ~~DEFINITION~~ DEFINITIONS**

For the purpose of this chapter, the following ~~definition~~definitions 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.

~~IN PACKAGE.~~ (A) *Alcoholic Liquor* shall mean and include any alcohol, spirits, Wine, Beer, and other vinous or malt products, and every liquid or solid, patented or not, containing alcohol, spirits, Wine or Beer, containing more than one-half of one percent of alcohol by volume and capable of being consumed as a beverage by a human being; provided, however, that this definition shall not be construed to apply to alcohol used in the manufacturing of denatured alcohol produced in accordance with Acts of Congress and regulations promulgated thereunder.

(B) *Beer* means a beverage obtained by alcoholic fermentation of an infusion or concoction of barley or other grain, malt and hops in water, and includes, among other things, Beer, ale, stout, lager Beer, porter and the like.

(C) *Brew Pub* means a Person who manufactures no more than 155,000 gallons of Beer per year only at a designated licensed Premises to make sales to importing distributors, distributors, and to non-licensees for use and consumption only, who stores Beer at the designated Premises, and who is allowed to Sell at Retail from the licensed Premises, provided that a Brew Pub licensee shall not sell for off-premises consumption more than 155,000 gallons per year. (Source: P.A. 99-448, eff. 8-24-15.)

(ED) *Club* means any corporation, organized under the laws of this state, not for pecuniary profit, solely for the promotion of some common object other than the sale or consumption of Alcoholic Liquors kept, used and maintained by its members through the payment of annual dues, and owning, hiring or leasing a building and space in a building, of such extent and character as may be suitable and adequate for the reasonable and comfortable use and accommodation of its members and their guests and provided with suitable and adequate kitchen and dining room space and equipment; provided, that such Club files with the Local Liquor Control Commissioner at the time of its application for a license under this chapter, two (2) copies of a list of names and residences of its members, and similarly files within ten (10) days of the election of any additional member, his name and address; and, provided further, that its affairs and management are conducted by a board of directors, executive committee or similar body chosen by the members in the annual meeting, and that no member or any officer, agent or employee of the Club is paid, or directly or indirectly receives, in the form of salary or other compensation any profits from distribution or sale of Alcoholic Liquor to the Club or to the members of the Club or its guests introduced by members beyond the amount of such salary as may be fixed and voted at any annual meeting by the members or by its board of directors or other governing body out of the general revenue of the Club.

(FE) *Hotel or Motel* for purposes of this chapter shall mean a structure or complex of structures kept, used, maintained and held out to the public to be a place where food is actually served and consumed and sleeping accommodations are offered for adequate compensation to travelers and guests, whether transient, permanent or residential, in which twenty five (25) or more rooms are used for the sleeping accommodations of such guests and having one (1) or more public dining rooms where meals are served to such guests.

~~(A)~~ (GF) *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~~ Alcoholic Liquor, to contain and to convey any ~~alcoholic liquor~~ Alcoholic Liquor. Specifically, however, ~~IN PACKAGE~~ In Package, as it relates to the sale of ~~beer~~ 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.

(HG) *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.

PREMISES."

(IH) *Minor* for the purpose of this chapter 112 means any Person under the age of twenty-one (21) years.

(I) *Outdoor Refreshment Area* means any outdoor eating, drinking or seating area directly adjacent to and contiguous to the Premises" of a licensee under this Chapter, such as outdoor cafes, patios and adjacent decks.

(J) *Package Liquor Store* means any Person who sells or offers for sale any Alcoholic Liquor for use or consumption, not upon the Premises, and not for resale in any form.

(K) *Person* means any person, firm, partnership, Club, association or corporation.

~~(B)~~ (L) *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.~~

(M) *Private Function* means a pre-arranged private party, function, or event for a specific social or business occasion, either by invitation or reservation, and not open to the

general public, where the guests in attendance are served in a room, or area designated and used exclusively for the private party, function, or event.

(N) *Product Sampling* means the following: the provision by a Retailer, distributor, importing distributor, manufacturer or nonresident dealer licensee in a licensed Premise or other licensed area under this Chapter of up to 3 single samples consisting of no more than (i) 1/4 ounce of distilled spirits, (ii) one ounce of Wine, or (iii) 2 ounces of Beer served to a consumer in one day.
(O) *Public Function* means a pre-arranged function or event for a specific social, business, sporting, entertainment or similar occasion which is open to the public, either with or without admission charge including activities such as concerts, exhibitions, receptions, plays or festivals.

(P) *Resident of the City* means any Person living in the City for a continuous and uninterrupted period of not less than ninety (90) days.

(Q) *Restaurant* means any public place kept, used, maintained, advertised and held out to the public as a place where meals are served, and where meals are actually and regularly served, without sleeping accommodations, such space being provided with adequate and sanitary kitchen and dining room equipment and capacity, and having employed therein a sufficient number and kind of employees to prepare, cook and serve suitable food for its guests.

(R) *Sell at Retail or Sale at Retail or Retail Sale* includes all sales for use or consumption and not for resale in any form, and to keep or expose for sale and to keep with the intent to sell.

(S) *Special Area* shall mean the area within which a temporary event will take place, and for which a temporary event license is sought.

(T) *Wine* means any alcoholic beverage obtained by the fermentation of the natural contents of fruits or vegetables containing sugar, including wine coolers, and such beverages when fortified by the addition of alcohol or spirits as defined herein.

(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~~Person shall ~~consume, transport, carry, or 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~~Alcoholic Liquor in any public place within the ~~city~~City except: 1) in premises~~Premises~~ or other areas licensed for the ~~retail sale~~Retail Sale of ~~alcoholic liquors~~Alcoholic Liquor for consumption on the Premises or other licensed area under Section 112.20; or 2) for the consumption of beer~~Beer~~ and ~~wine~~Wine under Section 112.50; or 3) Alcoholic Liquor in its original package and with the seal unbroken; or 4) Wine resealed in accordance with 235 ILCS 5/6-33, as amended from time to time; or 5) for Product Sampling.
- ~~(B) 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 any child is 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.~~
- ~~((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~~(C) No Minor shall possess, consume, purchase, acquire, or otherwise accept any alcoholic liquorAlcoholic Liquor, except as otherwise permitted ~~by~~in this Chapter.
- ~~(GD) No person~~Person, regardless of age, shall sell, gift, transfer or deliver any ~~alcoholic liquor~~Alcoholic Liquor ~~to a person under the age of 21~~to a Minor, except as otherwise permitted by this Chapter.
- ~~(HE) 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~~permitted~~ 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. Any Person found to be in violation of this Section shall be

responsible for all costs as a result of the violation(s) in addition to penalties provided in Section 112.99.

- (~~F~~) No ~~person~~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~~Persons is ~~under age 21~~a Minor and the ~~person~~Person who occupies or controls the residence knows that any such ~~person under the age of 21~~Minor is engaged in acts prohibited by this Section. Any Person found to be in violation of this Section shall be responsible for all costs as a result of the violation(s) in addition to penalties provided in Section 112.99.
- (~~G~~) No ~~person~~Person, regardless of age, shall rent, use and/or occupy a ~~hotel or motel~~non-residential structure, including but not limited to, a Hotel or Motel room, any space in any building traditionally used for storage purposes, or any abandoned building or structure for the ~~purpose~~purposes of or with the knowledge that such room shall be used for acts which are prohibited by this Section. Any Person found to be in violation of this Section shall be responsible for all costs as a result of the violation(s) in addition to penalties provided in Section 112.99.
- (~~H~~) 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~~(~~I~~)
No 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~~a Minor, any false or fraudulent written, printed, ~~or~~photostatic-, electronic, or other evidence of age and/or identity of such ~~person~~Person.
- (~~N~~) No ~~person~~Person shall sell, give, or furnish to any ~~person under the age of 21 years~~Minor evidence of age or identification of any other ~~person~~Person.
- (~~O~~) No ~~person under the age of 21 years~~Minor shall possess a false or fraudulent written, printed, ~~or~~photostatic, electronic, or other evidence of age and/or identity, or otherwise ~~possession~~possess some type of written, printed-~~or~~, photostatic, electronic, or other evidence of age and/or identity which is not his or her own.
- (~~P~~) No ~~person under the age of 21 years~~Minor shall present, offer, show, or otherwise display a false or fraudulent written, printed-~~or~~, photostatic, electronic, or other evidence

of age and/or identity for purposes of purchasing, acquiring, receiving or otherwise obtaining or ~~procure~~procuring any ~~alcoholic liquor~~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)

Penalty, see § 112.99

§ 112.02A PERMITTED EXCEPTIONS

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

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

RETAIL SALES

§ 112.03 HOURS OF SALE

- (A) It shall be unlawful for Class A and E license holders to sell or offer for ~~sale~~Sale at ~~retail~~Retail any ~~alcoholic liquor~~Alcoholic Liquor in the ~~city~~City, between the hours of 1:00 a.m. and 8:00 a.m. on Monday through Saturday, and from 1:00 a.m. to 12:00 p.m. on Sunday, except that holders of Class A-2 licenses may remain open and sell or offer for sale ~~alcoholic beverages~~Alcoholic Liquor until 2:00 a.m. on Friday, Saturday, and Sunday mornings of each week. Unless specified otherwise in this Chapter 112, for all other licenses, it shall be unlawful to sell or offer for ~~sale~~Sale at ~~retail~~Retail any ~~alcoholic liquor~~Alcoholic Liquor in the ~~city~~City, between the hours of 1:00 a.m. and 6:00 a.m. on Monday through Saturday, and from 1:00 a.m. to 12:00 p.m. on Sunday. ~~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 until 4:00 a.m., although no new patrons may be admitted to the establishment after 2:00 a.m.~~
- (B) Notwithstanding the above, on New Year's Day of each year all Class A and Class N license holders may remain open and sell or offer for sale Alcoholic Liquor until 4:00 a.m., although no new patrons may be admitted to the establishment after 2:00 a.m. ~~(B)~~
- (C) It shall be unlawful to keep open for business or to admit the public to any ~~premises~~Premises in or on which ~~alcoholic liquor~~Alcoholic Liquor is sold at retail or

other areas licensed for the Retail Sale of Alcoholic Liquor under Section 112.20 during the hours within which the sale of such liquor is prohibited, and members of the public must be off the Premises in or on which Alcoholic Liquor is sold at retail or other areas licensed for the Retail Sale of Alcoholic Liquor under Section 112.20 no more than twenty (20) minutes after the business has closed; provided, that in the case of ~~restaurants~~ Restaurants, such establishments may be kept open during such hours, but no ~~alcoholic liquor~~ Alcoholic Liquor may be sold to or consumed by the public during such hours. Section 112.03(C) shall not apply to licensees holding Class B, C or F licenses.

(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)

Penalty, see § 112.99

§ 112.04 LICENSEE SALES TO AND POSSESSION PROVISION OF BY PERSONS UNDER 21 YEARS OF AGE ALCOHOLIC LIQUOR TO MINORS

- (A) No licensee nor any ~~officer, associate, member, representative,~~ agent or employee of such licensee shall sell, give or deliver ~~alcoholic liquor~~ Alcoholic Liquor to any ~~person under the age of twenty one (21) years~~ Minor, or to any intoxicated ~~person~~ Person or to any ~~person~~ 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~~ 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~~ written evidence of lawful age and identity pursuant to Section 112.04(D).
- (C) For ~~Purposes~~ 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 ~~to~~ produce adequate written evidence of lawful age and identity ~~and of the fact that he or she is over the age of the twenty one (21) years~~ pursuant to Section 112.04(D).
- (D) Adequate written evidence of lawful age and identity of the ~~person~~ Person is a document issued by a federal, or 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~~ 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~~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~~Alcoholic Liquor to a ~~person under twenty-one (21) years of age~~Minor if the agent or employee demanded and was shown, before furnishing liquor to a ~~person under twenty-one (21) years of age~~Minor, adequate written evidence of lawful age and identity ~~of the person issued by a federal, state, county, or municipal government, or subdivision or agency thereof, including but not limited pursuant 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, Section 112.04(D)~~ which written evidence reasonably showed the ~~person~~Person to be over the age of 21. This ~~division (4), Section~~, 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~~Section, whoever violates any of the provisions of this ~~section~~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 LIMITATION ON RETAIL SALES NEAR CHURCHES, SCHOOLS, HOSPITALS, RESIDENTIAL AREAS AND THE LIKE~~OTHER SPECIFIED LOCATIONS~~

- (A)- No license shall be issued for the ~~sale~~Sale at ~~retail~~Retail of any ~~alcoholic liquor~~Alcoholic Liquor if any property boundary of the area requested to be licensed would be within one hundred (100) feet of the nearest part of any church building, school property boundary (other than an institution of higher learning), hospital, property boundary, property boundary of a home for the 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~~Hotels or Motels offering ~~restaurant~~Restaurant service, regularly organized ~~clubs~~Clubs, or to ~~restaurants~~Restaurants, food shops or other places where the sale of ~~alcoholic liquors~~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~~Sale at Retail of Alcoholic Liquor on Premises where the property boundary is within one hundred (100) feet of any church building, school property boundary (other

than an institution of higher learning), hospital property boundary, property boundary of a home for the aged or indigent persons or for veterans, their spouses or children or any military or naval station where such church building, school property boundary (other than an institution of higher learning), hospital property boundary, property boundary of a home for aged or indigent persons or for veterans, their spouses or children or any military or naval station 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~~Section shall prohibit the issuance of a license to a church or private school to ~~sell~~Sell at ~~retail alcoholic liquor~~Retail Alcoholic Liquor if any such sales are limited to periods when groups are assembled on the ~~premises~~Premises solely for the promotion of some common object other than the sale or consumption of ~~alcoholic liquors~~Alcoholic Liquors.

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

~~Penalty, see § 112.99~~

§ 112.05A SALE OF ALCOHOLIC LIQUOR IN RESIDENTIAL AREAS

- (A) (C) — No license shall be issued for the ~~sale~~Sale at ~~retail~~Retail of any ~~alcoholic liquor~~Alcoholic Liquor from ~~premises~~Premises which are ~~totally~~ bounded on any part of 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~~Sale at ~~retail~~Retail of ~~alcoholic liquor~~Alcoholic Liquor on ~~premises~~Premises which are ~~totally~~ bounded on any part of 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. Alleys and streets shall not defeat contiguity.

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

~~Penalty, see § 112.99~~

- (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.~~

§ 112.05A DELETED

(Ord. 1870, passed 9-19-94; Am. Ord. 2109, passed 3-9-98)

§ 112.06 UNOBSTRUCTED VIEW OF PREMISES UPON WHICH THE SALE OF ALCOHOLIC LIQUOR IS LICENSED

- (A) In ~~premises~~Premises upon which the sale of ~~alcoholic liquor~~Alcoholic Liquor is licensed no screen, blind, curtain, partition, article, or thing shall be permitted in the windows or upon the doors of the licensed ~~premises~~Premises nor inside such ~~premises~~Premises, which shall prevent a clear view into the interior of such licensed ~~premises~~Premises from the street, road, or sidewalk at all times; ~~and no booth, screen, partition, or other obstruction nor any arrangement of light or lighting shall be permitted in or about the interior of the premises which shall prevent a full view of the entire interior from the street, road, or sidewalk; and the premises must be so located that there shall be a full view of the entire interior from the street, road, or sidewalk.~~
- (B) The ~~premises~~Premises shall be continuously lighted during business hours by natural or artificial white light so that all parts of the interior of the ~~premises~~Premises shall be clearly visible; provided, that if the ~~premises~~Premises where the ~~alcoholic liquor~~Alcoholic Liquor is sold is a ~~restaurant~~Restaurant, then a portion of the room may be screened or partitioned for a kitchen where food may be cooked or prepared. However, no ~~alcoholic liquors~~Alcoholic Liquors shall be sold or given away in this kitchen or room permitted to be partitioned and obstructed from view of the street, road, or sidewalk, as aforesaid.
- (C) In ~~case the view into any such licensed premises required by the foregoing provisions shall be willfully obscured by the licensee or by him willfully suffered to be obscured or in any manner obstructed, such license shall be subject to revocation in the manner herein provided.~~
- ~~(D)~~ In order to enforce the provisions of this section, the ~~Mayer~~Liquor Control Commissioner shall have the right to require the filing with him of plans, drawings, and photographs showing the clearance of the view as above required.

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

Penalty, see § 112.99

§ 112.07 PEDDLING ALCOHOLIC LIQUOR PROHIBITED

It shall be unlawful to peddle ~~alcoholic liquor~~Alcoholic Liquor in the ~~city~~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~~Alcoholic Liquors, no licensee shall employ, with or without compensation, or in any way directly or indirectly use the services of a ~~person~~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~~Minor to ~~open~~, draw, pour, or mix any ~~alcoholic liquor~~Alcoholic Liquor, or permit, allow, or authorize any ~~person under the age of twenty one (21) years~~Minor to attend any bar.

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

Penalty, see § 112.99

§ 112.09 SALES ON CREDIT

No ~~person~~Person shall ~~sell or furnish alcoholic liquor~~Sell at ~~retail~~Retail Alcoholic Liquor to any ~~person~~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~~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~~Club from permitting checks or statements for ~~alcoholic liquor~~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~~Club. Further, nothing herein contained shall be construed to prevent any ~~hotel~~Hotel or Motel from permitting checks or statements for liquor to be signed by regular guests residing at said ~~hotel~~Hotel or Motel 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~~Alcoholic Liquor sold by a Person licensed under Section 112.20.

(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/or~~ 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~~Premises or other areas licensed for

the Retail Sale of Alcoholic Liquor under Section 112.20, 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 HAPPY HOURS PROHIBITED

- (A) All retail licensees shall maintain a schedule of the prices charged for all drinks of ~~alcoholic liquor~~ Alcoholic Liquor to be served and consumed on the licensed ~~premises~~ Premises or in any room or part thereof. Whenever a ~~hotel~~ Hotel or ~~multi-use establishment~~ Motel which holds a valid retailer's license operates on its ~~premises~~ Premises more than one establishment at which drinks of ~~alcoholic liquor~~ Alcoholic Liquor are sold at retail, the ~~hotel~~ Hotel or Motel or multi-use establishment shall maintain at each such establishment a separate schedule of the prices charged for such drinks at that establishment.
- (B) No retail licensee or employee or agent of such licensee shall:
- (1) Serve two (2) or more drinks of ~~alcoholic liquor~~ Alcoholic Liquor at one time to one (1) ~~person~~ Person for consumption by that one (1) ~~person~~ Person, except selling pitchers or ~~delivering wine by the bottle~~ equivalent, including but not limited to buckets, carafes, or earafebottles of Alcoholic Liquor which hold up to 60 ounces of liquid, are customarily sold in such manner and delivered to two (2) or more Persons at one time;
 - (2) Sell, offer to sell or serve to any ~~person~~ Person an unlimited number of drinks of ~~alcoholic liquor~~ Alcoholic Liquor during any set period of time for a fixed price, except at ~~private functions~~ Private Functions not open to the general public;
 - (3) Sell, offer to sell or serve any drink of ~~alcoholic liquor~~ Alcoholic Liquor to any ~~person~~ Person on any one date at a reduced price other than that charged other purchasers of drinks on that day ~~where such reduced price is a promotion to encourage consumption of alcoholic liquor, except as authorized in division (C) (7) below;~~
 - (4) Increase the volume of ~~alcoholic liquor~~ Alcoholic Liquor contained in a drink, or the size of a drink of ~~alcoholic liquor~~ Alcoholic Liquor, without increasing proportionately the price regularly charged for the drink on that day;
 - (5) Encourage or permit, on the licensed ~~premises~~ Premises, any game or contest which involves drinking ~~alcoholic liquor~~ Alcoholic Liquor or the awarding of drinks of ~~alcoholic liquor~~ Alcoholic Liquor as prizes for such game or contest on the licensed ~~premises~~ Premises; or

- (6) Advertise or promote in any way, whether on or off the licensed ~~premises~~Premises, any of the practices prohibited under ~~divisions (1) through (5) of this division (B).~~Section.
- (C) Nothing in ~~division~~Section 112.11(B)~~above~~ shall be construed to prohibit a licensee from:
- (1) Offering free food or entertainment at any time;
 - (2) Including drinks of ~~alcoholic liquor~~Alcoholic Liquor as part of a meal package;
 - (3) Including drinks of ~~alcoholic liquor~~Alcoholic Liquor as part of a ~~hotel~~Hotel or Motel package;
 - (4) Negotiating drinks of ~~alcoholic liquor~~Alcoholic Liquor as part of a contract between a ~~hotel~~Hotel or Motel or multi-use establishment and another group for the holding of any function, meeting, convention or trade show;
 - (5) Providing room service to persons renting rooms at a ~~hotel~~Hotel or Motel;
 - (6) ~~Selling pitchers (or the equivalent, including but not limited to buckets), carafes, or bottles of alcoholic liquor which are customarily sold in such manner and delivered to two (2) or more persons at one time; or~~
 - (7) ~~Increasing prices of drinks of alcoholic liquor~~Alcoholic Liquor in lieu of, in whole or in part, a cover charge to offset the cost of special entertainment not regularly scheduled.
- ~~(D) 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)

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~~Premises, or on the property owned, rented, leased or used for business by the licensee.

(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~~Sale at ~~retail~~Retail any ~~alcoholic liquor~~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 Control Commissioner, any member of the Liquor Commission 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 and the licensee's adjacent/contiguous property, including but not limited to all outdoor areas covered by a Class K license and/or all Special Areas covered by a Class L license, 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)
Penalty, see § 112.99

RETAIL LICENSES**§ 112.20 CLASSIFICATION OF LIQUOR LICENSES; NUMBER OF LICENSES PERMITTED**

Licenses to ~~sell~~Sell liquor at ~~retail~~Retail are divided into ~~seventhe~~ classes, as follows:

- (A) **Class A.** Class A licenses shall authorize the ~~retail—sale~~Retail Sale on the ~~premises~~Premises of ~~alcoholic liquors~~Alcoholic Liquors for consumption on or off the ~~premises~~Premises. There shall be two types of Class A licenses: A-1 and A-2. ~~A-1 licenses shall allow the sale of alcoholic beverages between the hours of 8:00 a.m. and 1:00 a.m. on Monday through Saturday and from 12:00 p.m. to 1:00 a.m. on Sunday. The holders of Class A-2 licenses shall be allowed to remain open and sell or offer for sale alcoholic beverages until 2:00 a.m. on Friday, Saturday, and Sunday mornings of each week.~~ The license fee for Class A-1 licenses shall be nine hundred dollars (\$900.00) per year. The license fee for Class A-2 licenses shall be one thousand dollars (\$1,000.00) per year.

(Am. Ord. 3034, passed 5-6-13)

- (B) **Class B.** Class B licenses shall authorize the ~~retail-sale~~Retail Sale of ~~alcoholic liquor in package~~Alcoholic Liquor In Package and not for consumption on the premises where sold. This license shall be known as a supermarket license and shall be available only to an enterprise conducted where food and other beverages are sold, the building to contain an area of more than five thousand (5,000) square feet, and the business conducted at said location to have a gross annual sales of all merchandise of more than four hundred thousand dollars (\$400,000.00). The license fee for such license shall be one thousand dollars (\$1,000.00) per year.
- (C) **Class C.** Class C licenses shall authorize the ~~retail-sale~~Retail Sale of ~~malt, ale, beer,~~Beer and ~~vinous beverages in package~~Wine In Package and not for consumption on the premises where sold. The license fee for such license shall be seven hundred fifty dollars (\$750.00) per year.
- (D) **Class D.** Class D licenses shall authorize the ~~retail-sale~~Retail Sale of ~~malt, ale, beer,~~Beer and ~~vinous beverages~~Wine as well as the sale of up to a one (1) ounce shot of ~~liqueur~~Liqueur served and mixed in a non-alcoholic beverage of at least twelve (12) ounces for consumption on the ~~premises~~Premises where sold only. The license fee for such license shall be seven hundred fifty dollars (\$750.00) per year.

(Am. Ord. 3028, passed 4-15-13)

(E) **Class E.**

- (1) Class E licenses shall permit the retail sale of ~~alcoholic liquor~~Alcoholic Liquor for consumption only on the ~~premises~~Premises where sold, to be issued to a regularly organized ~~club~~Club, as ~~hereinafter~~herein defined, such sales to be made only to members of their ~~club~~Club and their duly registered guests. The annual fee for such license shall be one hundred dollars (\$100.00).
- (2) Each ~~club~~Club shall keep a current and complete list of all the names and addresses of the ~~club~~Club members.
- (3) ~~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.~~
- (4) No Class E license shall be issued until the ~~Mayor~~Liquor Control Commissioner has satisfied himself that the ~~club~~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~~Alcoholic Liquor.

- (F) **Class F.** Class F liquor licenses shall authorize the ~~retail sale~~Retail Sale of ~~alcoholic liquor in package~~Alcoholic Liquor In Package and not for consumption on the premises where sold. The license fee for such license shall be one thousand dollars (\$1,000.00) per year.

(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)

- (G) **Class G.** Class G licenses shall authorize the ~~retail sale~~Retail Sale of ~~alcoholic liquors~~Alcoholic Liquors on the ~~premises~~Premises only, 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~~Private Function. This license shall be known as a Banquet Facility license. Such licenses shall permit the sale of ~~alcoholic liquor~~Alcoholic Liquor and beverages between the hours of 6:00 a.m. and 1:00 a.m. on Monday, Tuesday and Wednesday; from 6:00 a.m. to 2:00 a.m. on Thursday, Friday, and Saturday; and from 12:00 noon to 1:00 a.m. on Sunday. Notwithstanding the above, on New Year's Day of each year license holders may remain open and sell or offer for sale alcoholic beverages until 2:00 a.m. The license fee for such licenses shall be seven hundred dollars (\$700.00) per year.

(Am. Ord. 3066, passed 2-3-14)

- (H) **Class H.** Class H liquor licenses shall permit the ~~sale~~Sale of ~~retail~~Retail of ~~beer, wine, beer and wine coolers~~Beer and Wine for consumption on the premises ("Festival Gardens") or other areas licensed under Section 112.20 where sold in specific areas of the City during community-wide celebrations. Such sales shall be by responsible ~~persons~~Persons and shall be allowed for limited periods of time in a limited space which shall be ~~set forth~~ in resolution of the City Council authorizing the Festival Garden.

The area of the Festival Garden shall be enclosed with a restraining fence or structure satisfactory to the ~~Mayer~~Liquor Control Commissioner or his designee and shall have a single point of ingress and egress. The hours of operation must be conspicuously posted at the entrance.

Unless directed otherwise by the Liquor Control Commissioner, a Washington ~~police officer~~Police Officer must be present as a security officer at the point of entry and egress during the period of operation of the Festival Garden and the expense of the security officer, including ~~their~~his/her salary, shall be the sole responsibility of the licensee. 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 Specific Event Retail Liquor License issued by the Illinois Liquor Control Commission. A license fee for such license shall be \$50.00, for a period not to exceed five (5) days.

~~A license fee for such license shall be \$50.00, for a period not to exceed five (5) days.~~

(Ord. 2505, passed 01-05-04, Am. Ord. 2795, passed 8-18-08)

- (I) **Class I.** Class I liquor licenses shall permit the ~~sale~~Sale at ~~retail~~Retail of ~~beer, wine, Beer and wine coolers~~Wine for consumption on the ~~premises ("Event Location")~~Premises or other areas licensed under Section 112.20 to be sold for ~~a special~~an event by an educational, fraternal, political, civic, religious or not-for profit corporation. Such sales shall be by responsible ~~persons~~Persons and shall be allowed for limited periods of time in a specific location as determined by the City Liquor Control Commissioner. The City Liquor Control 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.

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 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. A license fee for such license shall be \$100.00, for a period not to exceed forty-eight (48) hours.

~~A license fee for such license shall be \$100.00, for a period not to exceed forty eight (48) hours.~~

(Am. Ord. 3142, passed 8-3-15)

- (J) **Class J.** Class J licenses shall authorize the ~~retail sale~~Retail Sale of ~~alcoholic liquors~~Alcoholic Liquors for consumption on the ~~premises~~Premises of a ~~restaurant~~Restaurant described in the license. No more than 25% of the total annual gross sales of such ~~restaurant~~Restaurant establishment shall be derived from the sale of ~~alcoholic liquors~~Alcoholic Liquors, and it shall be the responsibility of the licensee to provide satisfactory evidence of such gross and liquor sales to the City Liquor ~~Commissioner each year in conjunction with the license renewal process.~~ Restaurant means any public place kept, used, maintained, advertised and held out to the public as a place where meals are served, and where meals are actually and regularly served, without sleeping accommodations, such space being provided with adequate and sanitary kitchen and dining room equipment and capacity, and having employed therein a sufficient number and kind of employees to prepare, cook and serve suitable food for its guests. Control Commissioner each year in conjunction with the license renewal process. The license fee for Class J licenses shall be eight hundred fifty dollars (\$850.00) per year.

- (K) **Class K.** Notwithstanding any other provision of this code, it shall be unlawful for any retail liquor licensee to serve or allow to be consumed ~~alcoholic liquor at an outdoor eating, drinking and seating area~~Alcoholic Liquor in an Outdoor Refreshment Area without first obtaining a license as provided herein. Class K liquor licenses shall be a supplementary license permitting the sale ~~of alcoholic liquors in an outdoor eating, drinking or seating area (i.e. beer garden, open air cafe, patio, etc.) located adjacent to and operated by and in conjunction with an otherwise licensed premise and consumption of Alcoholic Liquors in an Outdoor Refreshment Area~~ subject to the following:

(1) Only those licensees holding a Class A, Class D, Class J or Class ~~JN~~ liquor license shall be eligible to apply for, receive and hold a Class K license, which allows for the sale and consumption of ~~alcoholic liquor off-premises~~Alcoholic Liquor in an Outdoor Refreshment Area. Only those ~~alcoholic liquors~~Alcoholic Liquors lawfully licensed to be sold and consumed in the adjacent licensed ~~premises~~Premises may be sold and/or consumed in the ~~outdoor eating, drinking or seating area~~Outdoor Refreshment Area. All other provisions of the Washington Municipal Code pertaining to the respective Class A, Class D, Class J, or Class ~~JN~~ liquor license shall apply to the Class K licensed area unless otherwise provided herein.

(2) ~~The outdoor eating, drinking or seating area~~(2) The Outdoor Refreshment Area must comply with the following: a) be immediately adjacent and contiguous to the Class A, Class D, Class J or Class ~~JN~~ licensed ~~premises~~Premises, b) be no greater in area than the gross floor area of the licensed ~~premises~~Premises, c) for Class A, Class D and Class ~~JN~~ licenses, be accessible to customers and patrons from the interior of the licensed ~~premises~~Premises only; be entirely and completely contained by fencing or other suitable material at least six feet in height, measured from the finished floor elevation of the outdoor eating, drinking or seating area, which effectively prevents the passing of alcohol to the outside; and defines the seating area and sets that area apart from the surrounding property; and be reasonably viewable and accessible from the exterior, d) for Class J licenses, be 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~~Outdoor Refreshment Area. The hours of operation of the outdoor eating, drinking and seating area of a Class J license holder shall not extend past 11:00 pm daily, e) for Class A licenses, where 75% of the total annual gross sales is derived from the sale of food the Class J license regulations contained herein shall apply.

(Am. Ord. 3142, passed 8-3-15)

(3) At least one, fully operable, emergency only exit shall be provided from the ~~outdoor eating, drinking or seating area~~Outdoor Refreshment Area directly to the outside for all Class A, Class D and ~~Class N~~ licenses and for any Class J license where the only other means of egress is through the interior of the licensed ~~premises~~Premises. Said emergency only exit shall be in addition to the access provided directly from the licensed ~~premises~~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~~Premises and may be used for the purpose of taking delivery of products, materials and supplies.

~~(4) Existing Class A liquor license holders selling alcoholic liquors in outdoor eating, drinking or seating areas on or before January 1, 2008, shall obtain the required Class K license on or before September 19, 2008, and shall have until October 1, 2009, to come into compliance with the regulations stipulated in paragraphs (2) and (3) above. All other license holders shall obtain the required Class K license and come into compliance with all applicable regulations within 60 days after passage of this ordinance.~~

~~(4) 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, provided that all Class A or Class D establishments holding licenses on August 1, 2008, shall be exempt from this additional parking requirement.~~

~~(6)~~(4) No amplified sound or music nor any live entertainment shall be permitted in the ~~outdoor eating, drinking or seating area~~Outdoor Refreshment Area after 10:00 p.m. and said area shall at all times be subject to all noise limitations of the City.

~~(7)~~(5) Each and every owner, operator and/or manager licensed to sell ~~alcoholic liquors in an outdoor eating, drinking or seating area~~Alcoholic Liquors in an Outdoor Refreshment Area shall provide regular, diligent and effective management and employee oversight and control of such ~~outdoor eating, drinking or seating area~~Outdoor Refreshment Area to assure compliance with the provisions of this Chapter and the Code of Ordinances of the City of Washington, Illinois.

~~(8)~~(6) The annual fee for the Class K license shall be \$100.00 which shall be in addition to any other fees required by license holders pursuant to this Chapter.

~~For purposes of this Subsection (K) 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 the licenseholder also holds a Class K license.~~

- (L) **Class L.** Class L liquor supplementary licenses shall permit the Sale at Retail of Alcoholic Liquor for sale at retail of alcoholic liquor for and consumption on the premises to be sold within a Special Area at a temporary event by a currently licensed retail seller of ~~alcoholic liquor~~ Alcoholic Liquor in the City of Washington, for a one (1) day period of time, to be held on Saturdays only. Such sales shall be by responsible ~~persons~~ 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 or Class N liquor licenses, issued by the City of Washington, ~~—~~ may apply for a ~~Temporary Event~~ temporary event license under the provisions of this Paragraph (L).

~~(3)~~ (2) A complete liquor license application must be submitted for the Special Area.

~~(4)~~ (3) The Special Area must comply with all of the following requirements:

~~—~~ (a) the Special Area must be adjoining and adjacent to the Premises;
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.

~~(5)~~ (4) The hours of sale within the Special Area may not commence before ~~Noon~~ noon, and must terminate no later than 11:00 p.m. on the Saturday that such temporary event is held or conducted. The hours of sale for the Premises are not affected by the provisions of this paragraph (L), and need not be limited to the hours of sale within the Special Area.

~~(6)~~ (5) The ~~Temporary Event~~ temporary event license will permit the sale of Alcoholic Liquor for one (1) day only, which single day must be a Saturday.

- ~~(7)(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.~~
- ~~(8)(7)~~ A license fee for such license must be paid with the application in an amount equal to One Hundred Fifty Dollars (\$150.00).
- ~~(9)(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~~ 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.
- ~~(5)(9)~~ Not more than two (2) ~~Temporary Event Licenses~~ 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).
- ~~(6)(10)~~ No ~~Temporary Event License~~ 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~~ temporary event license.
- ~~(7)(11)~~ The application for a ~~Temporary Event License~~ temporary event license must be submitted not less than ~~ten (10)~~ twenty-one (21) business 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~~ temporary event license within ten days of the filing of the application for the ~~Temporary Event License~~ temporary event license.
- (M) **Class M.** A Class M liquor license shall be a supplementary license permitting the sale of ~~alcoholic liquor~~ Alcoholic Liquor in connection with the operation of an off-site catering business that serves ~~alcoholic liquor~~ Alcoholic Liquor in connection with the

catering of foods and for consumption only on the ~~premises~~property where the food is catered. Class M licenses shall be subject to the following:

- (1) Only those licensees holding a ~~caterer-retailer~~Caterer Retailer license pursuant to Section 5/1-3.34 of the Illinois Liquor Control Act (235 ILCS 5/1-3.34) and also holding a Class A, Class B, Class D, Class G, or Class J liquor license shall be eligible to apply for, receive and hold a Class M license.
- (2) A Class M license shall only be issued to ~~persons~~Persons who can demonstrate that they are operating a bona fide catering business.
- (3) The sale of ~~alcoholic-liquor~~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~~Alcoholic Liquor at each and every event or function.
- (4) No ~~alcoholic-liquor~~Alcoholic Liquor shall be sold or served at a single location for more than eight (8) consecutive hours. Furthermore, the sale of ~~alcoholic-liquor~~Alcoholic Liquor shall only be allowed on Monday through Saturday from 6:00 a.m. until 1:00 a.m. the following morning and on Sunday from 12:00 noon until 1:00 a.m. the following morning.
- (5) The event or function shall not be open to the general public but only to invited guests. The sale of ~~alcoholic-liquor~~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~~Premises or area where ~~alcoholic-liquor~~Alcoholic Liquor is being sold or consumed.
- (7) The licensee must implement measures to insure that ~~minors~~Minors are not served ~~alcoholic-liquors~~Alcoholic Liquors and do not consume ~~alcoholic-liquor~~Alcoholic Liquor on the ~~premises~~property of the ~~rental hall or any place~~alcoholic-liquor location where the food is catered and Alcoholic Liquor is being served or consumed.
- (8) Class M license holders shall be exempt from Sections 112.05~~-and 112.05A~~ ((distance from churches, schools, hospitals and residential areas) and 112.06 (visibility).
- (9) The annual fee for the Class M license shall be \$250.00 which shall be in addition to any other fees required by license holders pursuant to this Chapter.

~~(N)~~ — ~~Number of licenses.~~

(10) Class M license holders must contractually obligate the owner of the Premises or area where the food is to be catered to allow the City the ability to access the Premises or area to the same extent as those of licensees under Section 112.12. If any caterer determines that the Premises or area where the food is catered fails to allow the City such access the Premises or area, the caterer licensee shall immediately cease the service of Alcoholic Liquor.

(N) Class N. Class N licenses shall authorize the Retail Sale on the Premises of Alcoholic Liquors for consumption on or off the Premises when the Premise is a Brew Pub manufacturing no less than 7,000 gallons of Beer per year. The retail sale privilege for a Class N licensee does not take effect unless and until the licensee produces at least 500 gallons of Beer on the Premises. The retail sale privilege for a Class N licensee shall be withdrawn on the last day of the month in any full calendar month that the licensee does not produce at least 250 gallons of Beer on the Premises and may be reinstated by the Liquor Control Commissioner upon showing that the licensee has the capacity to brew and sell the required 7,000 gallons of Beer per annum and has brewed at least 500 gallons of Beer on the Premises within any 60-day period after the withdrawal of the retail sale privilege. The license fee for such license shall be seven hundred fifty dollars (\$750.00) per year.

(O) Number of licenses.

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

(2) There shall be no more than three (3) Class B licenses for the ~~sale~~Sale of ~~alcoholic liquor~~Alcoholic Liquor at ~~retail~~Retail in the City in force at any one time.

(3) There shall be no more than three (3) Class C licenses for the sale of ~~beer~~Beer and ~~wine~~Wine at retail in the City in force at any one time.

(4) There shall be no more than three (3) Class D licenses for the sale of ~~beer,~~Beer, Wine and ~~liqueur~~Liqueur at ~~retail~~Retail in the City in force at any one time.

(5) There shall be no more than two (2) Class E licenses for the ~~sale~~Sale of ~~alcoholic liquor~~Alcoholic Liquor at ~~retail~~Retail in the City in force at any one time.

(6) There shall be no more than ~~five (5)~~six (6) Class F licenses for the ~~sale~~Sale of ~~alcoholic liquor~~Alcoholic Liquor at ~~retail~~Retail in the City in force at any one time.

(7) There shall be no more than two (2) Class G license for the ~~sale~~Sale of ~~alcoholic liquor~~Alcoholic Liquor at ~~retail~~Retail in the City in force at any one time.

(8) There shall be no more than ~~four (4)~~two (2) Class J license for the ~~sale~~Sale of ~~alcoholic liquor~~Alcoholic Liquor at ~~retail~~Retail in the City in force at any one time.

(9) There shall be no more than one (1) Class N license for the sale of alcoholic liquor at retail in the City in force at any one time.

(8)

(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)
Penalty, see § 112.99

§ 112.21 LICENSE REQUIRED

It shall be unlawful for any ~~person~~Person, either by himself or his agent, or any ~~person~~Person acting as an agent, barkeeper, clerk, or servant of another, to ~~sell~~Sell or offer for ~~sale~~Sale at ~~retail~~Retail in the ~~city~~City, any ~~alcoholic liquor~~Alcoholic Liquor, without first having obtained a license to do so as provided in this ~~chapter~~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~~Alcoholic 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 [§Section](#) 112.21 of this chapter shall be made in writing to the ~~Mayor~~[Liquor Control Commissioner](#), 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~~[Liquor Control Commissioner](#) at least ~~fifteen~~ [thirty \(30\)](#) days prior to the issuance of any license.
- (B) An applicant for a retail license from the ~~city~~[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~~[Premises](#) are leased;
 - (7) The date of the applicant's first request for a state or ~~city~~[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~~[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~~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 12343,~~ Paragraph 145, as amended from time to time ;

- (25) In addition to any other requirement of this ~~section~~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~~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.~~

~~(29)~~ Applicant, including all owners, managers, directors, partners or others who must comply with terms of license issuance, must agree to and authorize a background check and provide information for said check beyond the conviction information required by Section 112.22(C).

~~Rev. Stat., Ch. 43, § 145)~~

- (C) In addition to other forms and applications required by this ~~section~~Section, all applications for the license required by ~~§~~Section 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~~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~~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 timely and completely in the office of the City Clerk and a receipt showing payment to the ~~city~~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 ~~Mayer of the city~~Liquor Control Commissioner, or anyone designated by him may, from time to time, grant licenses for the ~~retail-sale~~Retail Sale of ~~alcoholic liquors~~Alcoholic Liquors within the ~~city~~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~~Residents of the ~~city~~City; provided that an application is made to him in writing, and that any and all such persons furnish sufficient evidence to satisfy the ~~Mayer~~Liquor Control Commissioner, 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~~Person not of legal age or under any legal disability.
- (B) A ~~person~~Person not a resident of the ~~city~~City.
- (C) A ~~person~~Person who is not of good moral character and reputation in the community in which he resides.
- (D) A ~~person~~Person who is not a citizen or legal resident of the United States.
- (E) A ~~person~~Person who has been convicted by a felony under any federal or state law, unless the Illinois Liquor Control Commission determines that such ~~person~~Person has been sufficiently rehabilitated to warrant the public trust after considering matters set forth in such ~~person's~~Person's application and such Commission's investigation.
- (F) A ~~person~~Person who has been convicted of being a keeper or is keeping a house of ill fame.
- (G) A ~~person~~Person who has been convicted of pandering or other crime or misdemeanor opposed to decency and morality.
- (H) A ~~person~~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~~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 or limited liability company unless it is incorporated or organized in Illinois, or unless it is a foreign corporation or foreign limited liability company which is qualified under the ~~Illinois~~-Business Corporation Act of 1983 (~~805 ILCS 5/1.01 et seq.~~), as amended, or the Limited Liability Company Act to transact business in Illinois.
- (M) A ~~person~~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~~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~~Alcoholic Liquor, or shall have forfeited his bond to appear in court to answer charges for any such violation.
- (O) A ~~person~~Person who does not beneficially own the ~~premises~~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~~Certain public ~~official~~officials, including ~~the Mayor and including~~ members of ~~local liquor control commissions and any mayor, alderman,~~Local Liquor Control Commissions or ~~member~~members of the City Council; and no such official shall be interested directly in the manufacture, sale or distribution of ~~alcoholic liquor~~Alcoholic Liquor, except that the license may be granted to such official in relation to ~~premises~~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. The license may be granted to the Mayor as long as the council or board over which he or she presides has appointed an attorney, other than the Mayor, as the local Liquor Control Commissioner. The license may be granted to a City Council member if said City Council member abstains from discussing and voting on alcoholic liquor issues pending before the board or council to which the license holder is elected.
- (Q) A ~~person~~Person who is not a beneficial owner of the business to be operated by the licensee.
- (R) Any ~~person~~Person not eligible for a state retail liquor dealer's license.
- (S) A ~~person~~Person who has been convicted of a gambling offense as ~~prescribed~~proscribed by any of subsections (a) (3) through (a) (11) of Section 28-1, or as proscribed by Ill. Rev. Stat., Ch. 38, § 28-1(a) (3) — (a) (10) or as prescribed⁴³, Paragraph 120, as amended from time to time, or as proscribed by a statute replacing any of the aforesaid statutory provisions.
- (T) A ~~person~~Person to whom a federal wagering stamp has been issued by the federal government for the current tax period, unless the Person is eligible to be issued a license under the Raffles and Poker Runs Act or the Illinois Pull Tabs and Jar Games Act.
- (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, unless the partner(s) is eligible to be issued a license under the Raffles and Poker Runs Act or the Illinois Pull Tabs and Jar Games Act..

- (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~~Premises for which a federal wagering stamp has been issued by the federal government for the current tax period, unless the Premises is eligible to be issued a license under the Raffles and Poker Runs Act or the Illinois Pull Tabs and Jar Games Act..
- (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.~~period, unless the limited liability company is eligible to be issued a license under the Raffles and Poker Runs Act or the Illinois Pull Tabs and Jar Games Act.

(Ord. 1712, passed 4-6-92; Am. Ord. 2923, passed 1-18-11)

§ 112.26 BOND

- (A) 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~~Person, firm, or corporation to which such license shall be issued, their heirs, executors, successors, and assignees shall save and keep the ~~city~~City harmless from any and all loss from damage and claims for damage arising out of the operation of the business under said license. Such bond shall be for the payment of all fines and penalties by reason of the violation thereof. Security on the bond is to be approved by the Local Liquor Control Commissioner. The maximum liability of any and all securities on such bond shall be limited to the penalty thereof, the sum of one thousand dollars (\$1,000).
- (B) If a licensee shall be convicted of a violation of this chapter, or his license shall be revoked or a fine imposed, and no appeal is taken from said order of revocation or order imposing a fine or any appeal taken therefrom is decided adversely to the licensee, said bond shall thereupon be forfeited.

(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~~his/her license at the expiration thereof, provided: (1) the licensee is then qualified to receive a license; (2) the ~~premises~~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 ~~renew~~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~~Liquor Control Commissioner by 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~~Alcoholic Liquors, may continue the business of the sale of ~~alcoholic liquor~~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~~Alcoholic Liquor only in the ~~premises~~Premises or other area described in the application and license. Such location may be

changed only upon the written permit to make such changes issued by the ~~Mayer~~Liquor Control Commissioner. No change of location shall be permitted unless the proposed new location is a proper one for the retail sale of ~~alcoholic liquor~~Alcoholic Liquor under the law of this state and the regulations of this ~~city~~City.

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

§ 112.30 DISPLAY OF LICENSE

Every ~~person~~Person licensed in accordance with the provisions of this chapter shall immediately post the license and, while it is in force keep it posted ~~while in force~~ in a conspicuous place on the ~~premises~~Premises, or, when the licensed area is not a Premise or immediately contiguous to a Premise, in the licensed area, ~~the license so issued~~. Whenever this license shall be lost or destroyed, a duplicate in lieu thereof shall be issued by the ~~Mayer~~Liquor Control Commissioner upon payment of \$25.

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

Penalty, see § 112.99

§ 112.31 ~~REVOCATION AND SUSPENSION~~DELETED

(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 or other areas licensed under Section 112.20 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 except that Product Sampling, as defined in this Chapter, is not a violation of this Chapter. In any event, all provisions of Section 112.11 shall apply to Product Sampling.

(B) There shall be no refund of any license fee paid under the provisions of this chapter, except as above provided. Any licensee 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 for which such renewal is sought are suitable for such purpose. The renewal right shall not be deemed to restrict the right of the Liquor Control Commissioner to revoke any such license.

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

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

The Liquor Control Commissioner 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 record listing the licensees by number and 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 Liquor Control Commissioner 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 Liquor Control Commissioner 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 Liquor Control Commissioner, 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 Liquor Control Commissioner. 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, Paragraph 149, as amended from time to time; 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. If the Mayor is interested directly in the manufacture, sale or distribution of Alcoholic Liquor, the City Council shall appoint an attorney, other than the Mayor, as the Liquor Control Commissioner for the City of Washington.
- (B) The local Liquor Control Commissioner may appoint individuals to serve on the Liquor Control Commission as established pursuant to Chapter 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 licensed 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 electronic video gaming machine operated on a liquor licensee's licensed property in violation of Section 112.40 may be subject to seizure by the City and forfeiture.

(Ord. 3003, passed 9-4-2012)

NON-RETAIL LICENSES

§ 112.50 PUBLIC ACCOMMODATION (PA) LICENSE

(A) For purposes of this Section the following definitions shall apply:

- (1) **Public Accommodation** is defined as "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."
- (2) **Business Property** is defined as "the building out of and real property upon which the public accommodation operates."
- (3) **Licensed Premises** is defined as "the area within a building for which a license authorizing the consumption of beer and wine is issued and which is actually used in connection with the consumption of beer and wine, 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."
- (4) **PA License** is defined as "a license authorizing the consumption of beer and wine only inside the licensed premises of a person or business entity operating as a public accommodation."

(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.

(C) A Public Accommodation meeting the following business classification, as determined by the City, may apply for a PA License: (1) a ceramic arts hobby facility/business establishment; and (2) a painting arts hobby/business establishment.

(D) Beer and Wine 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 Beer and Wine is only provided to the Person's or entity's invitees.
- (E) 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.
- (F) 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.
- (G) Consumption of Beer and Wine 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 12:00 p.m. and 12:00 a.m. on Sunday. The licensee shall not permit any invitee to remain at the Licensed Premises for longer than one-half hour after the aforementioned closing times.
- (H) Licensees are prohibited from providing any outdoor entertainment on the Business Property.
- (I) All applicants for the PA License must submit a written application to the Liquor Control Commissioner, 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 Liquor Control Commissioner, or the party designated by him/her. All information required of a retail license applicant may be required for a PA License applicant.
- (J) All licensees must obtain dram shop and/or host liquor liability insurance coverage, and must provide and submit proof of insurance when submitting the PA License application.
- (K) 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 two hundred fifty dollars (\$250.00). All applications for renewal must be received by April 1.
- (L) Except as expressly modified in this Section, licensees of a PA License are subject to all other provisions of Chapter 112.

(Ord. 2970, passed 3-19-12)

§ 112.99 PENALTY

- (A) ~~The Mayor~~(A) The Liquor Control Commissioner 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~~Alcoholic Liquor, as amended from time to time. In addition to the revocation or suspension, the ~~Mayer~~Liquor Control Commissioner 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. Licensee shall also be responsible for all costs associated with such violation(s).

- ~~(B)~~ (B) Any natural person who violates any of the provisions of this chapter shall be fined not more than seven hundred fifty dollars (\$750.00) for each offense plus all costs associated with such violation(s); each day on which a violation(s) continues shall constitute a separate violation.
- (C) No license shall be so revoked or suspended and no licensee shall be fined except after a public hearing by the ~~Mayer~~Liquor Control Commissioner 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.), as amended from time to time).
- (D) Violations of any provisions of this Chapter may be eligible for settlement in lieu of court proceedings or a hearing before the Liquor Control Commissioner. Any Person accused of such violation may settle the violation by completing the terms of the settlement which may include, among other things, paying a fine and costs, serving a license suspension, and/or relinquishing the affected license. Settlement terms involving a fine must include the Person paying the settlement amount established by the Liquor Control Commissioner, or the party designated by him/her for such violation within fourteen (14) days of receipt of notice of the violation. Payments to the City shall be made to either the City of Washington City Clerk, 301 Walnut Street, Washington, Illinois, 61571, or the City of Washington Police Department, 115 W. Jefferson Street, Washington, Illinois 61571. The settlement option shall not apply to a second and subsequent violation of the City Code or any City ordinance within twelve (12) months from the date of the first violation. Upon the failure to timely pay the settlement amount, the Person accused of violation of the City Code shall be required to appear in the Circuit Court of Tazewell County in Pekin, Illinois, or before the Liquor Control Commissioner, whichever is applicable, at the time, date and place set forth on the violation notice originally issued to the Person, or a subsequently issued notice to appear, if applicable. The settlement option does not preclude the City from taking any other action authorized by the City Code or any City ordinance or by federal or state law against a Person accused of violation of the City Code or City ordinance. Additionally, the City's prosecuting attorney may refuse/refund settlement payments if the prosecuting attorney or Liquor Control Commissioner believes that such settlement would not be in the best interest of the City or its citizens.

~~(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 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 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 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.~~

~~(Ord. 1712, passed 4-6-92; Am. Ord. 2021, passed 2-18-13)~~

~~§ 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. 2021, 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 § 112.09~~

~~§ 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, 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)~~

~~NON RETAIL LICENSES~~

~~§ 112.50 PUBLIC ACCOMMODATION (PA) LICENSE~~

~~(A) For purposes of this Section the following definitions shall apply:~~

- ~~(1) "public accommodation" is defined as "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."~~
- ~~(2) "business property" is defined as "the building out of and real property upon which the public accommodation operates."~~
- ~~(3) "licensed premises" is defined as "the area within a building for which a license authorizing the consumption of beer and wine is issued and which is actually used in connection with the consumption of beer and wine, 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."~~
- ~~(4) "PA License" is defined as "a license authorizing the consumption of beer and wine only inside the licensed premises of a person or business entity operating as a public accommodation."~~

- ~~(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.~~
- ~~(C) A public accommodation meeting the following business classification, as determined by the City, may apply for a PA License: (1) a ceramic arts hobby facility/business establishment; and (2) a painting arts hobby/business establishment.~~
- ~~(D) Beer and wine 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 beer and wine is only provided to the person's or entity's invitees.~~~~
- ~~(E) 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.~~
- ~~(F) 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.~~
- ~~(G) Consumption of beer and wine 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 12:00 p.m. and 12:00 a.m. on Sunday. The licensee shall not permit any invitee to remain at the licensed premises for longer than one half hour after the aforementioned closing times.~~
- ~~(H) Licensees are prohibited from providing any outdoor entertainment on the business property.~~
- ~~(I)(A) 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.~~
- ~~(J)(A) All licensees must obtain dram shop and/or host liquor liability insurance coverage, and must provide and submit proof of insurance when submitting the PA License application.~~

~~(K) 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 two hundred fifty dollars (\$250.00).~~

~~(L)(A) Except as expressly modified in this Section, licensees of a PA License are subject to all other provisions of Chapter 112.~~
~~(Ord. 2970, passed 3-19-12)~~

~~§ 112.09 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)~~

~~Am. Ord. 1293, passed 12-3-79; Am. Ord. 3067, passed 3-3-14)~~