

**City of Springfield, IL Code of Ordinances  
Chapter 90**

**\*STATE LAW REFERENCE(S)--LIQUOR CONTROL ACT , 235 IL CS 5/1-2 THROUGH 5/11-2.**

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## **ARTICLE I. IN GENERAL**

### **§ 90.01. Purpose.**

This chapter shall be liberally construed, to the end that the health, safety, and welfare of the people shall be protected and temperance in the consumption of alcoholic liquors shall be fostered and promoted by sound and careful control and regulation of the sale and distribution of alcoholic liquor.

### **§ 90.02. Definitions.**

For the purpose of this chapter the following definitions shall apply unless the context clearly indicates or requires a different meaning:

*Alcohol.* The product of distillation of any fermented liquid, whether rectified or diluted, whatever may be the origin thereof, including synthetic ethyl alcohol, but not including denatured alcohol or wood alcohol.

*Alcoholic liquor.* Any alcohol, spirits, wine, beer, or other liquid or solid containing alcohol, spirits, wine or beer which is capable of being consumed as a beverage by a human being.

*Beer.* A beverage obtained by alcoholic fermentation of an infusion or concoction of barley or other grain, malt, and hops in water, and including among other things, beer, ale, stout, lager beer, porter, and the like.

*Caterer retailer.* A person who serves alcoholic liquors for consumption as an incidental part of food service that serves prepared food items. Prepared meals and alcoholic liquors are sold at a packaged price agreed upon under contract.

*Club.* A patriotic or veteran's society organized under the laws of the United States or the State of Illinois, or a corporation organized under the laws of the United States or the State of Illinois but not for pecuniary profit, solely for the promotion of some common object other than the sale or consumption of alcoholic liquors kept, used, and maintained by its members through the payment of annual dues and owning, hiring, or leasing a building or space in a building of such extent and character as may be suitable and adequate for the reasonable and comfortable use and accommodation of its members and their guests and provided with suitable and adequate kitchen and dining room space and equipment and maintaining a sufficient number of servants and employees for cooking, preparing, and serving food and meals for its members and guests, provided that such club files with the mayor at the time of its application for a license under this chapter two copies of a list of names and residences of its members and similarly files within ten 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 at their annual meeting and that no member or any officer, agent, or employee of the club is paid, or directly or indirectly receives in the form of salary or other compensation any profits from the distribution or sale of alcoholic liquor to the club or the members of the club or its guests introduced by members beyond the amount of such salary as may be fixed and voted at any annual meeting by the members or by its board of directors or other governing body out of the general revenue of the club and which:

(1) Is affiliated with a national club or organization or clubs or organizations in all 50 states; or

(2) Maintains eating, golf, and swimming facilities on club premises for the use of members and their guests; or

(3) Was chartered as a not-for-profit corporation prior to December 3, 1933, and regularly and routinely restricts admittance to the premises to members of the club and their guests.

*Commercial day-care center.* Any child care facility receiving more than eight children for daytime care during all or part of a day. The term "commercial day-care center" includes facilities commonly called child care centers, day nurseries, nursery schools, and kindergartens.

*Continuous operation.* Operation of the licensed business for at least five hours a day for a period of at least five days a week.

*Convention center.* Any facility designed and actually used for the purpose of accommodating conventions, concerts, trade shows, sporting events, or other mass entertainment, provided that such facility is organized as a municipal corporation and provided further, that the structure is capable of seating at least 3,000 people, regardless of the number of people seated at any particular event.

*Deviate sexual conduct.* Any act of sexual gratification involving the sex organs of one person and the mouth or anus of another.

*Distributor.* Any person, other than a manufacturer, who is engaged in the city in purchasing, storing, possessing, or warehousing any alcoholic liquors for resale.

*Golf course/club house.* A public or private golf course with a club house having facilities used, kept and maintained as a place where food is served, 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 items, or to allow for the catering of prepared food items.

*Hotel--Full-service.* Every building or other structure kept, used, maintained, advertised, and held out to the public to be a place where food is actually served and consumed and sleeping accommodations are offered for adequate pay to travelers and guests, whether transient, permanent, or residential, in which 25 or more rooms are used for sleeping accommodations of such guests and having one or more public dining rooms where meals are served to such guests, such sleeping accommodations and dining rooms being conducted in the same building or buildings in connection therewith and such building or buildings, structure or structures being provided with adequate and sanitary kitchen and dining room equipment and capacity.

*Hotel--Limited service.* Any building or other structure that meets all requirements of the definition of "Hotel--Full Service" other than having a dining room or a kitchen on the premises.

*Illinois Liquor Control Act.* An act passed by the Illinois General Assembly entitled "An act relating to alcoholic liquors", approved January 31, 1934, as amended.

*Illinois liquor control commission or state commission.* The commission created by the Illinois Liquor Control Act, 235 ILCS 5/3-1.

*Intoxicating liquors.* (See "Alcoholic liquors.")

*Keg.* "Keg" shall mean any metal, wood, plastic, paper or other container designed to hold four (4) or more gallons of liquid and which actually contains any amount of alcoholic liquor.

*Licensed premises.* The premises described in the application for the license, permit or certificate or the place where the business to be covered or covered by the license, permit or certificate is to be, or is carried on. Except for the issuance of a permit or certificate this term shall include only the permanent structure housing the licensed business and shall not include parking lots and property outside such permanent structure unless otherwise licensed in accordance with the provisions of this chapter.

*Licensee.* All persons who are owners or are in control of any place where the sale or

distribution of alcoholic liquor is carried on, whether they be individuals, partners, corporations, joint stock companies, fiduciaries or officers, directors, stockholders of corporations, or otherwise. This definition excludes an employee, manager, or bartender.

*Lounge.* An enclosed or separated area, in a hotel, set aside primarily for the sale and consumption of alcoholic beverages, in which entertainment may be provided.

*Manager.* A person employed by a licensee for the purpose of overseeing the operation of a licensed business and exercising discretionary authority on behalf of the licensee during the hours that the manager is on duty.

*Masturbation.* The act of inducing sexual excitement or gratification by self-manipulation of the sex organ.

*Original package.* Any bottle, flask, jug, can, barrel, keg, hogshead, or other receptacle or container, whatsoever, used, corked or capped, sealed and labeled by the manufacturer of an alcoholic liquor, to contain and to convey any alcoholic liquor.

*Package sales.* The sale or offering for sale at retail of alcoholic liquor, in the original package, and not to be consumed or in fact consumed in whole or in part on the premises where sold.

*Rental hall business.* A business organized in such a way that it provides a place, available for rental by members of the general public. The building housing the business must be designed to accommodate a minimum of 250 persons safely. Such a business is typified by wedding celebrations, parties, or dances by private clubs or individuals. In this type of business, the lessor or licensee is paid a fee by the lessee for use of the hall and for providing alcoholic liquor.

*Restaurant.* Any public place having regular menus, which is 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, such space being provided with adequate and separate sanitary kitchen and dining room equipment and capacity and having employed a sufficient number and kind of employees to prepare, cook, and serve suitable food for its guests. In addition, any business claiming to be a restaurant must document, on demand, that 50% or more of its gross receipts is derived from the sale of food as distinguished from alcoholic liquor.

*Retailer.* A person who sells, or offers for sale, alcoholic liquor for use or consumption and not for resale in any form.

*Retail establishment where the sale of alcoholic liquor is not the principal business.* Any establishment holding a license for the sale of alcoholic liquor wherein more than 50% of its gross sales or revenues in the preceding 12 months are for items or services other than alcoholic liquors.

*Sale.* Any transfer, exchange, or barter in any manner or means whatsoever for a

consideration, and includes and means all sales made by a person, whether principal, proprietor, agent, servant, or employee.

*Sell at retail or sale at retail.* Sales for use or consumption and not for resale in any form.

*Sexual penetration.* Any contact, however slight, or any intrusion however slight between the sex organ of one person and the sex organ, mouth or anus of another person.

*Spirits.* Any beverage which contains alcohol obtained by distillation, mixed with water or other substance in solution and includes brandy, rum, whiskey, gin, or other spirituous liquors, and such liquors when rectified, blended, or otherwise mixed with alcohol or other substances.

*To sell.* To solicit or receive an order for, to keep or expose for sale, or to keep with intent to sell.

*Wine.* Any alcoholic beverage obtained by the fermentation of the natural contents of fruits or vegetables, containing sugar, including such beverages when fortified by the addition of alcohol or spirits, as above defined.

(Ord. No. 445-5-91, 5-21-91; Ord. No. 275-4-96, § 1(Exh. A), 4-16-96; Ord. No. 426-6-96, § 1(Exh. A), 6-18-96; Ord. No. 371-6-97, § 1(Exh. A), 6-17-97)

### **§ 90.03. License or permit required.**

No person shall, either by himself or through an agent, or any person acting as an agent, barkeeper, clerk, or servant of another, dispense, sell, or offer for sale at retail any alcoholic beverage or engage in any sale as defined in section 90.02 of this chapter within the corporate limits without first having obtained a license or permit to do so as provided in this chapter. It shall be unlawful for any such person to sell or offer for sale any intoxicating liquors, alcoholic liquors, or engage in any sale as defined in section 90.02 of this chapter in violation of the terms and conditions of such license or permit. Persons licensed by the State of Illinois as distributors are specifically prohibited from selling at retail any alcoholic beverages, in any quantity whatsoever. Each sale on a given date shall be deemed a separate violation.

Cross reference(s)--Licenses generally, Ch. 110.

**§ 90.03.01. Consumption, possession and storage of alcoholic liquors on unlicensed premises.**

- (a) No owner, proprietor, associate, member, or officer, agent or employee thereof, of any establishment inviting or permitting public patronage, or use by club members and guests, shall in the ordinary course of operation permit the consumption or possession of, and no person shall consume or possess alcoholic liquors on the premises and no person shall permit alcoholic liquor to be brought into or bring into such public place or club except those specifically licensed for possession, consumption or sale of alcoholic liquor on the premises.
- (b) No person shall provide nor sell at retail for consumption on the premises any nonalcoholic beverages or ice, knowing same to be intended to be mixed with or consumed with any alcoholic liquor.
- (c) No person shall keep or store alcoholic liquor in any building or premises used in whole or in part for a nonresidential establishment of any type inviting or permitting public patronage or use by club members or guests, unless such establishment is licensed to sell alcoholic liquor.
- (d) No person shall frequent or patronize any house, building, store or place which such person knows or has reason to believe is selling alcoholic liquor without a license as required by this chapter.
- (e) This section shall not be construed to prevent possession or consumption of alcoholic liquor for personal use by the occupants of apartments or dwelling rooms in the same building in which a liquor establishment is located whether licensed to sell alcoholic liquor or not; provided such apartments or rooms are not directly connected with or accessible from such establishment.
- (f) This section shall not be construed to prevent possession of alcoholic liquor for personal use in a nonresidential establishment inviting public patronage where that personal use is limited to occasional consumption by employees of the establishment only. Nor shall this section be construed to prevent the owner or occupant of a nonresidential establishment, but not third parties, from having an open house with attendance by invitation only or employee party where 50 or fewer persons are in attendance upon the premises at any one time and where neither alcoholic liquor nor nonalcoholic beverages or ice are sold for personal consumption. This subsection shall not apply to premises which are or should be licensed.



**§ 90.04. Privilege granted by license.**

A license shall be purely a personal privilege, valid for not to exceed one calendar year, unless sooner revoked as provided for in this chapter. It shall not constitute property, nor shall it be subject to attachment, assignment, garnishment, or execution, voluntarily or involuntarily, or subject to being encumbered or hypothecated. All licenses issued under this chapter shall be considered personal, and no license may be transferred to any person. Such license shall not descend by the laws of testate or intestate devolution, but it shall cease on the death of the licensee, provided, that in the event of the death of a licensee, the spouse or any child of the licensee may apply for the transfer of the license to such spouse or child, within six months of the death of the licensee, provided that such applicant meets all qualifications required of all applicants, and provided, that the executor of the will or administrator of the estate of any deceased licensee, and the trustee of any insolvent or bankrupt licensee, when such estate consists in part of alcoholic liquor, may continue the business of the sale at retail of alcoholic liquor under order of the appropriate court, and may exercise the privileges of the deceased or insolvent or bankrupt licensee until the expiration of such license or until six months after the death, insolvency, or bankruptcy of such licensee, whichever is the shorter period of time, provided that such person shall be bound by all conditions of the license as fully as the licensee himself.

(Ord. No. 1088-11-79, 11-13-79; Ord. No. 426-6-96, § 1(Exh. A), 6-18-96)

**§ 90.05. Local liquor control commissioner.**

- (a) The mayor shall be the local liquor control commissioner, and shall be charged with the administration of the appropriate provisions of the Illinois Liquor Control Act, of this chapter, and of such ordinances, resolutions, rules, and regulations relating to alcoholic liquor as may be adopted. Whenever, in this chapter, the local liquor control commissioner shall be referred to, it shall include the local liquor commission and such other persons as may be appointed by the local liquor control commissioner to assist him in the performance of the duties herein provided for him.
- (b) The local liquor control commissioner shall have the following powers and duties:
  - (1) To grant or deny all licenses, permits or certificates applied for or issued under this chapter to persons for premises within his jurisdiction.
  - (2) To enter into and to authorize any investigator, inspector or police officer of the city to enter onto any licensed premises at any time licensee or its agent, employee or unauthorized person is on the licensed premises to determine whether any of the provisions of the Illinois Liquor Control Act, or of this chapter, or of any rules and regulations adopted by him or by the state commission have been or are being violated.
  - (3) To exercise all the powers, functions, and duties which now or hereafter may be

granted to him by the Illinois Liquor Control Act, or by this chapter.

- (4) To investigate by all means, in accordance with law, violations of this Code or of the Illinois Liquor Control Act.
- (5) To suspend or revoke any license, permit or certificate issued under this chapter or assess a fine, for each violation of law or ordinance, including, but not limited to, the following reasons:
  - a. The licensee has violated any of the laws of the United States relating to the sale of alcoholic liquor, or any of the provisions of the Illinois Liquor Control Act, or any ordinance enacted by the city council, including this chapter, or any applicable rules and regulations adopted by the local liquor control commissioner or by the state commission.
  - b. The willful making of any false statement in an application for a license, permit or certificate.
  - c. Refusal of any licensee to testify under oath to all relevant and material questions propounded to him at any hearing conducted by the local liquor control commissioner.
  - d. Refusal of any licensee or his employee or agent to produce for inspection by the local liquor control commissioner any document requested which may be relevant to any hearing or investigation of alleged violations of the state liquor control act, this chapter, or any rule or regulation of the commissioner.
  - e. The state commission has suspended or revoked the license of the licensee.
  - f. That within 60 days of the granting of a license, i.e. the approval of transfer or the passage of an ordinance, the licensee has failed to operate the business at the location in the license except upon petition to and an order issued by the local liquor control commission granting an extension period.
  - g. The licensee has failed to keep the business referred to in the license in continuous operation after the business has been opened pursuant to the time limitations set forth in subsection (5)f above.
  - h. Failure to make formal application to have a background investigation completed on any new managers within seven days after any such manager begins working.

- i. Allow a coin-operated amusement device on the premises, which has no valid license, issued by the city.
  - j. The failure to obey any lawful order of the commissioner.
  - k. Employment of any manager or agent who would not be eligible to receive a license except for the reason of citizenship.
  - l. The licensed premise constitutes a nuisance as defined in section 90.11 of this chapter.
- (6) To examine or cause to be examined under oath any applicant for a local license, permit or certificate or for a renewal thereof, or any licensee on whom notice of hearing has been served, to hear testimony and take proof for his information in the performance of his duties, and for such purposes to issue subpoenas which shall be effective in any part of the State of Illinois.
- (7) To receive the complaint of any person and to investigate on such complaint, or to investigate on his own initiative, any alleged violation of any law of the United States relating to the sale of alcoholic liquor, or any of the provisions of the Illinois Liquor Control Act, or any ordinance of the city including this chapter, or any applicable rules and regulations adopted by the local liquor control commissioner or by the state commission.
- (8) To make, promulgate, alter, amend, repeal, and enforce such rules and regulations relating to the administration and enforcement of the provisions of this chapter as may be deemed by him to be desirable to facilitate the duties hereinabove enumerated. Such rules and regulations to be adopted only after being placed on file in the city clerk's office for a period of 30 days after notice to the public.
- (c) For the purpose of administering and enforcing the provisions of this chapter, the local liquor control commissioner may, in his discretion, hold public hearings at any time concerning any matters embraced within this chapter.

(Ord. No. 158-3-97, § 1(Exh. A), 3-4-97)

State law reference(s)--Local liquor control commission and commissioner, 235 ILCS 5/4-2 through 5/4-6.

**§ 90.06. Emergency closing.**

- (a) In all cases where, in the opinion of the mayor, or if the mayor is unavailable, the acting mayor, the public peace or the safety or health of any person, is likely to be endangered by the keeping open of such places where intoxicating liquor is sold at retail or dispensed, it shall be lawful for the mayor or acting mayor, without a hearing, to close such place or places. Such closing shall be by order of the local liquor control commission under the seal of the city. Such order shall state the reasons for such closing, commanding and enjoining any or all persons so licensed or permitted by the city, and their servants and agents to neither sell, give away, nor suffer to be drunk any alcoholic liquors in or about their premises during the time mentioned in the order. No such emergency closing order shall be valid for more than seven days and the licensee or permittee shall be given an opportunity to be heard during a period of emergency closure.
- (b) The chief of police may order, in his discretion, a licensed premises to be closed without hearing:
  - (1) For a period of 24 hours, if the premises constitutes a crime scene and such closing could prevent the loss or destruction of evidence and facilitate a police investigation.
  - (2) Or if the premises was the scene of a violent disturbance involving injury or threat to citizens or the use of firearms.
  - (3) Such closing, and the reasons therefore, will be documented by the chief of police and a report submitted to the mayor.
- (c) If such licensee or permittee shall also be engaged in the conduct of another business or businesses on the licensed premises such order shall not be applicable to such other business or businesses.

(Ord. No. 426-6-96, § 1(Exh. A), 6-18-96)

State law reference(s)--Revocation or suspension of local license, 235 ILCS 5/7-5)

**ARTICLE II. LOCAL LIQUOR CONTROL COMMISSION**

**§ 90.07. Organization; hearing procedure.**

- (a) The mayor shall appoint three persons designated deputy liquor control commissioners, to assist him in the exercise of the powers and the performance of the duties assigned to him as local liquor control commissioner, but all decisions shall be those of the commissioner. Such persons shall constitute the local liquor control commission.

- (b) Each deputy commissioner shall hold office at the pleasure of the mayor. The local liquor control commission is authorized to employ, when necessary or advisable, a stenographer or court reporter to take and preserve testimony or evidence at any hearing conducted by it. The chairman of the commission, designated by the mayor, and each deputy commissioner shall be paid an annual salary as set by council, which sums shall be paid from the money received and paid into the city treasury as license fees collected under the provisions of this Code.
- (c) The duties of the local liquor control commission regulations shall be those assigned by the commissioner and may include:
  - (1) Review of license, permit and certificate applications and providing recommendations for approval and denial.
  - (2) Conduct public hearings on complaints and provide recommendations for action by the commissioner.
  - (3) Conduct of disciplinary hearings for suspension or revocation of licenses, permits or certificates, provide recommendations and findings of fact, sustaining, in whole or in part, or dismissing complaints against licensees.
  - (4) Conduct investigations of licensees, authorize the request for an issuance of and issue subpoenas to effectuate such investigation or any hearings.
- (d) In the event that: A license, permit or certificate is revoked or suspended; or a written request for a transfer or renewal of a current license, permit or certificate is denied; or a complaint or notice from the commissioner has been issued to effect the same, the following due process hearing procedures shall apply:
  - (1) In the case of an emergency closing as set forth in section 90.06 of this chapter, the licensee shall be entitled to a hearing before the liquor commission or commissioner during the period of said emergency closure.
  - (2) In all other cases, upon the licensee's receipt of a complaint or notice issued by the commissioner, the licensee shall be entitled to a hearing before the liquor commission or commissioner prior to any final decision being issued by the commissioner. No hearing may convene, over the objection of the licensee, with less than 14 days' written notice of such hearing.
- (e) At any hearing, irrelevant, immaterial, or unduly repetitious evidence shall be excluded. The rules of evidence and privilege as applied in civil cases in the circuit courts of this state shall be followed. However, evidence not admissible under such rules of evidence may be admitted if it is of a type commonly relied upon by a reasonably prudent person in the conduct of their affairs. Objections to evidentiary offers may be made and shall be noted in the record. Subject to these requirements, when a hearing will be expedited and the interests of the parties will not be prejudiced, any part of the evidence may be

received in written form. Subject to the evidentiary requirements of this section, a party may conduct cross-examination required for a full and fair disclosure of the facts.

- (f) Within five working days following a hearing, the local liquor control commissioner shall receive findings of facts and recommendations from the commission and issue and serve an order. Failure to meet this schedule shall not constitute a jurisdictional defect and an order may be issued by the commissioner within any reasonable time.
- (g) In the event that the liquor control commissioner shall find a licensee guilty of violating any provision of this chapter, he may:
  - (1) Order the licensee to pay a fine not to exceed \$1,000 for each violation; each day on which a violation continues shall constitute a separate violation.
  - (2) Order the suspension or revocation of the license.
  - (3) Order the licensee to pay reasonable attorney's fees incurred by the city and/or the liquor control commission.
  - (4) Order the licensee to pay reasonable costs incurred at the hearing, including court reporter's fees, police personnel and inspectors.
- (h) Any fine assessed under this chapter shall be payable on the order of the commissioner unless notice of appeal has been filed by the licensee, in which case payment is stayed until the final decision of the Illinois Liquor Control Commission.

(Ord. No. 507-7-96, § 1(Exh. A), 7-16-96)

State law reference(s)--Local liquor control commission and commissioner, 235 ILCS 5/4-2 through 5/4-6.

#### **§ 90.08. Appeal.**

Whenever any order or action of the local liquor control commissioner imposing a fine, granting or refusing to grant a license, revoking or suspending or refusing to revoke or suspend a license or refusing for more than 30 days to grant a hearing on a complaint to revoke or suspend a license is appealed to the state liquor control commission, the appeal shall be limited to a review of the official record of the proceedings of the local liquor control commissioner.

#### **§ 90.09. Duties of city clerk.**

The city clerk shall receive all license, permit and certificate applications and issue all

licenses, permits and certificates when directed to do so by the local liquor control commissioner, and perform such other duties and functions as are assigned by the commissioner. The city clerk shall also furnish routine stenographic services to the liquor control commission upon the request of the chairman of the liquor control commission.

**§ 90.10. Duties of commission counsel.**

The local liquor control commissioner shall designate an assistant corporation counsel as counsel to the commissioner. Such counsel's duties shall include administrative supervision of the licensing system, investigation of complaints and representations of the commissioner at commission hearings and at any appeals taken from orders of the commissioner.

**§ 90.11. Abatement of place used in violation.**

Every lot, parcel, or tract of land, and every building, structure, establishment, or place whatsoever, together with all furniture, fixtures, and ornaments located thereon, wherein there shall be conducted any unlawful distribution or sale of any alcoholic liquor, or whereon or wherein there shall be kept, stored, concealed, or allowed any alcoholic liquor intended for illegal sale or to be sold, disposed of, or in any other manner used in violation of any of the provisions of this chapter, or a place used for purposes of lewdness, assignation, or prostitution, or premises which is detrimental to the peace and well-being of the neighborhood is declared to be a public nuisance and shall be abated and may be enjoined as provided by the laws of this state for the abatement of public nuisances.

**ARTICLE III. LICENSING**

**§ 90.15. Classification of licenses and fees.**

Licenses to sell alcoholic liquor at retail shall be of the following classes:

- (a) Class AA. A Class AA license shall entitle the licensee to sell alcoholic liquor, at retail, for consumption either on the premises by the drink or pitcher or off of the premises where sold in the original package. The annual fee for such license shall be \$1,000.
- (b) Class A. A Class A license shall entitle the licensee to sell alcoholic liquor at retail by the drink or pitcher, for consumption only on the premises where sold. The annual fee for such license shall be \$900.
- (c) Class B. A Class B license shall entitle the licensee to sell alcoholic liquor, in the original package only, for consumption off of the premises, but shall not authorize

consumption on the premises. The annual fee for such license shall be \$800.

- (d) Class B1. A Class B1 license shall entitle the licensee to sell alcoholic liquor in the original package only, for consumption off of the premises, but shall not authorize consumption on the premises. Said license shall entitle the licensee to sell alcoholic liquor from 7:00 a.m. until 10:00 p.m., Monday through Saturday and from 12:00 noon until 10:00 p.m., Sunday. The annual fee for such license shall be \$700.
- (e) Class C. A Class C license shall entitle the licensee to sell beer and wine only, in the original package only, for consumption off of the premises, but shall not authorize consumption on the premises. The annual fee for such license shall be \$600.
- (f) Class C1. A Class C1 license shall entitle the licensee to sell beer and wine only, in the original package only, for consumption off of the premises, but shall not authorize consumption on the premises. Said license shall entitle the licensee to sell beer and wine from 7:00 a.m. until 10:00 p.m., Monday through Saturday and from 12:00 noon until 10:00 p.m., Sunday. The annual fee for such license shall be \$500.
- (g) Class D. A Class D license shall entitle the licensee to sell alcoholic liquor, by the drink or pitcher, as part of a restaurant business, for consumption on the premises only. The annual fee for such license shall be \$800.
- (h) Class E. A Class E license shall entitle the licensee to sell beer and wine only, by the drink or pitcher, as part of a restaurant business, for consumption on the premises only. The annual fee for such license shall be \$500.
- (i) Class F. A Class F license shall entitle the licensee to sell alcoholic liquor, at retail, for consumption either on the premises by the drink or pitcher, or off the premises where sold in the original package. In addition to other requirements, in order to qualify for a Class F license, a licensee shall provide an establishment, the gross building area of which is not less than 5,000 square feet, live or recorded music designed and actually used for dancing. The establishment must be open to the public not less than five nights a week. A Class F license shall be issued only in a nonresidential area. Commencing January 1, 1989, the annual fee for such license shall be \$1,750.
- (j) Class G. A Class G license shall entitle the licensee to sell alcoholic liquor, at retail by the drink or pitcher only, for consumption on the premises only, by clubs. The annual fee for such license shall be \$700.
- (k) Class H. A Class H license shall entitle the licensee to sell alcoholic liquor at retail, by the drink or pitcher only, for consumption on the premises only, by a convention center. The annual fee for such license shall be \$1,250.
- (l) Class I. A Class I license shall entitle the licensee to sell alcoholic beverages at retail, by



the drink or pitcher only, for consumption on the premises only, in the course of a rental hall business. In the course of this business, the licensee is totally responsible for control of patrons in the business premises and at no time may patrons be allowed to act as bartenders or to otherwise dispense liquor. At all times that the premises are used for the sale of alcoholic liquor, the licensee or a manager acting for the licensee must be on the premises. The annual fee for such license shall be \$250.

- (m) Class J. A Class J license shall entitle the licensee to sell alcoholic beverages at retail, by the drink or pitcher or in the original package, by a golf course/club house, for consumption in the club house and on the golf course. The license shall only be available for premises defined as a golf course/club house within this chapter which has a minimum of 20 total acres. The annual fee for such license shall be \$800.
- (n) Class K. A Class K license shall entitle the licensee to sell alcoholic liquor at retail, by the drink or pitcher, for consumption on the premises where sold. The license shall only be available for premises defined within this chapter as a "Hotel--Full service." The licensee shall be authorized to place small, locked refrigerated units containing alcoholic liquor ("mini-bars") in the guest room; keys for "mini-bars" or access to "mini-bars" by some other system established to verify the age of the person seeking access, may only be provided to hotel guests who are at least 21 years of age and may be accessed 24 hours a day. If the hotel has a lounge, as defined herein, it shall be unlawful for any person under 21 years of age to be present in said lounge after the hour of 9:00 p.m. or at the time when live or recorded musical entertainment (with the exception of jukeboxes) commences, whichever is earlier, and otherwise, in accordance with other sections of this chapter. The annual fee for such license shall be \$1,750.
- (o) Class L. A Class L license shall entitle the licensee to sell alcoholic liquor to registered guests of the hotel, or special invited guests attending a special event sponsored by the hotel, for consumption on the premises where sold. The license shall only be available for premises defined as a "Hotel--Limited service." If the hotel has a lounge, as defined herein, it shall be unlawful for any person under 21 years of age to be present in said lounge after 9:00 p.m. or at the time when live or recorded musical entertainment (with the exception of jukeboxes) commences, whichever is earlier, and otherwise in accordance with other sections of this chapter. The annual fee for such license shall be \$875.
- (p) Subclass 1. A Subclass 1 license shall entitle the holder of a Class AA, A, and G license to sell alcoholic beverages until the hour of 3:00 a.m. (excluding package liquor sales in Class AA licensed premises after 1:00 a.m.) on Saturday and Sunday mornings. A Subclass 1 license shall be deemed separate from the licensee's primary classification and shall be subject to independent disciplinary proceedings seeking a fine, suspension or revocation. A Subclass 1 license may not be issued under the provisions of section 90.26 to the purchaser of an established licensed business, in the event of the sale of a licensed business bearing a Subclass 1 license. No licensee may apply for a Subclass 1 license until the licensee has operated the business under the primary license classification for at least six months. A Subclass 1 license issued to a partnership, limited

partnership or corporation shall be void and shall be surrendered to the liquor commission in the event that, if a partnership or limited partnership, any partner, general partner or limited partner, or combination of partners, general partners, or limited partners acquires a 50% or greater interest in the partnership or limited partnership, and such partner, general partner, limited partner, or combination did not own the same interest at the time application was made for the Subclass 1 license, or if a corporation, any stockholder or combination of stockholders acquires 50% or more of the stock and such stockholder or combination of stockholders did not own the same percentage of the stock at the time application was made for the Subclass 1 license. Such partnership, limited partnership or corporation may reapply for a Subclass 1 license, provided that the licensee has operated the business under the primary license classification for at least six months from the date of such above-described acquisition of interest or stock. The annual fee for such license shall be \$500.

- (q) Subclass 2. A Subclass 2 license shall entitle the holder of a Class AA, A, and G license to sell alcoholic beverages until the hour of 3:00 a.m. (excluding package liquor sales in Class AA licensed premises after 1:00 a.m.) on Friday, Saturday and Sunday mornings. A Subclass 2 license shall be deemed separate from the licensee's primary classification and shall be subject to independent disciplinary proceedings seeking a fine, suspension or revocation. A Subclass 2 license may not be issued under the provisions of section 90.26 to the purchaser of an establishment licensed business, in the event of the sale of a licensed business bearing a Subclass 2 license. No licensee may apply for a Subclass 2 license until the licensee has operated the business under the primary classification for at least six months. A Subclass 2 license issued to a partnership, limited partnership or corporation shall be void and shall be surrendered to the liquor commission in the event that, if a partnership or limited partnership, any partner, general partner or limited partner, or combination of partners, general partners, or limited partners acquires a 50% or greater interest in the partnership or limited partnership, and such partner, general partner, limited partner, or combination did not own the same interest at the time application was made for the Subclass 2 license, or if a corporation, any stockholder or combination of stockholders acquires 50% or more of the stock and such stockholder or combination of stockholders did not own the same percentage of stock at the time application was made for the Subclass 2 license. Such partnership, limited partnership or corporation may reapply for a Subclass 2 license, provided that the licensee has operated the business under the primary license classification for at least six months from the date of such above-described acquisition of interest or stock. The annual fee for such license shall be \$750.

- (r) Subclass 3. A Subclass 3 license shall be available to holders of a Class AA or A who also hold a food service establishment operator's license for the premises or a food service establishment operator's license (food license) for a separate area within the premises. The holder of a Subclass 3 license shall be entitled to be regulated by § 90.42 and § 90.43 of this chapter as if they are the holder of a license other than a Class AA or

A, during the hours of 10:30 a.m. to 3:00 p.m., Monday through Sunday. This in no way shall be interpreted as exempting the licensee from compliance with all other sections of this Code. A Subclass 3 license shall be suspended or revoked, respectively, by order of the commissioner, upon the suspension (including ordered temporary closure) or revocation of the licensee's food license, when the commissioner is notified of such suspension or revocation, in writing, by the manager of the Springfield Department of Public Health. The length of the suspension of the Subclass 3 license, due to the suspension of the food license, shall be for the same duration as the food license suspension, but shall not be for a length of time greater than otherwise allowed by this chapter. A Subclass 3 license shall be deemed separate from the licensee's primary classification and shall be subject to independent disciplinary proceedings seeking a fine, suspension or revocation. A Subclass 3 license may not be issued under the provisions of § 90.26 to the purchaser of an establishment licensed business, in the event of the sale of a licensed business bearing a Subclass 3 license. No licensee may apply for a Subclass 3 license until the licensee has operated the business under the primary classification for at least six months. A Subclass 3 license issued to a partnership, limited partnership or corporation shall be void and shall be surrendered to the liquor commission in the event that, if a partnership or limited partnership, any partner, general partner or limited partner, or combination of partners, general partners or limited partners acquires a 50% or greater interest in the partnership or limited partnership, and such partner, general partner, limited partner, or combination did not own the same interest at the time application was made for the Subclass 3 license, or if a corporation, any stockholder or combination of stockholders acquires 50% or more of the stock and such stockholder or combination of stockholders did not own the same percentage of stock at the time application was made for the Subclass 3 license. Such partnership, limited partnership or corporation may reapply for a Subclass 3 license, provided that the licensee has operated the business under the primary license classification for at least six months from the date of such above-described acquisition of interest or stock. The annual fee for such license shall be \$200.

- (s) Subclass 4. A Subclass 4 license shall be available to holders of a Class AA or A who also hold a food service establishment operator's license for the premises or a food service establishment operator's license (food license) for a separate area within the premises. The holder of a Subclass 4 license shall be entitled to be regulated by § 90.42 and § 90.43 of this chapter as if they are the holder of a license other than a Class AA or A, during the hours of 10:00 a.m. to 10:00 p.m., Monday through Sunday. This in no way shall be interpreted as exempting the licensee from compliance with all other sections of this Code. A Subclass 4 license shall be suspended or revoked, respectively, by order of the commissioner, upon the suspension (including ordered temporary closure) or revocation of the licensee's food license, when the commissioner is notified of such suspension or revocation, in writing, by the manager of the Springfield Department of Public Health. The length of the suspension of the Subclass 4 license, due to the suspension of the food license, shall be for the same duration as the food license suspension, but shall not be for a length of time greater than otherwise allowed by this chapter. A Subclass 4 license shall be deemed separate from the licensee's primary classification and shall be subject to independent disciplinary proceedings seeking a fine,

suspension or revocation. A Subclass 4 license may not be issued under the provisions of § 90.26 to the purchaser of an establishment licensed business, in the event of the sale of a licensed business bearing a Subclass 4 license. No licensee may apply for a Subclass 4 license until the licensee has operated the business under the primary classification for at least six months. A Subclass 4 license issued to a partnership, limited partnership or corporation shall be void and shall be surrendered to the liquor commission in the event that, if a partnership or limited partnership, any partner, general partner or limited partner, or combination of partners, general partners or limited partners acquires a 50% or greater interest in the partnership or limited partnership, and such partner, general partner, limited partner, or combination did not own the same interest at the time application was made for the Subclass 4 license, or if a corporation, any stockholder or combination of stockholders acquires 50% or more of the stock and such stockholder or combination of stockholders did not own the same percentage of stock at the time application was made for the Subclass 4 license. Such partnership, limited partnership or corporation may reapply for a Subclass 4 license, provided that the licensee has operated the business under the primary license classification for at least six months from the date of such above-described acquisition of interest or stock. The annual fee for such license shall be \$200.

(Ord. No. 910-11-91, 11-19-91; Ord. No. 354-5-96, § 1(Exh. A), 5-21-96; Ord. No. 426-6-96, § 1(Exh. A), 6-18-96; Ord. No. 854-12-96, § 1(Exh. A), 12-17-96; Ord. No. 158-3-97, § 1(Exh. A), 3-4-97; Ord. No. 371-6-97, § 1(Exh. A), 6-17-97; Ord. No. 348-7-98, § 1, 7-7-98, Ord. No. 588-11-98, § 1, 11-17-98)

#### **§ 90.15.1. Term of licenses.**

As provided in section 90.04 of this chapter, each license issued under this chapter shall be for a period of one year, commencing on January 1 of each year and terminating on December 31 of each year.

(Ord. No. 426-6-96, § 1(Exh. A), 6-18-96)

#### **§ 90.15.2. Term of annual permits and certificates.**

Each annual permit and certificate, excepting a caterer retailer permit, issued under this chapter shall be for a period of one year, or as otherwise is determined by this chapter, and shall commence and terminate on the dates for which the licensee's primary classification shall commence and terminate.

(Ord. No. 426-6-96, § 1(Exh. A), 6-18-96)

#### **§ 90.16. Application and investigation fees.**

The following fees will accompany applications authorized by this chapter:

Application for license	\$50
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Annual renewal/investigation fee for licenses and outdoor café permits and caterer retailer permits	15
Application for change of location only	40
Application for change of name of licensed premises only	15
Background investigation of an individual, a manager, new partner, or new corporate officer or director	25
Certificate for hotel dining room restaurant, club or alcoholic liquor not principal business	25
Application for initial caterer retailer permit	50
Application for dance certificate	25
Application for permit for outside sales	25
Application for permit for outdoor café	25
Late payment fee	50
Installment fee for annual licenses or annual permits (due with first payment)	75
Duplicate license, permit or certificate issuance fee (for lost, missing, etc., originals)	15
(Ord. No. 275-4-96, § 1(Exh. A), 4-16-96; Ord. No. 355-5-96, § 1(Exh. A), 5-21-96; Ord. No. 426-6-96, § 1(Exh. A), 6-18-96)	

**§ 90.17. Limitation on number of licenses issued.**

By separate ordinance, the city council may set a limitation on the number of licenses to sell alcoholic liquor at retail to be issued for each classification of license. This restriction on the number of licenses shall not limit the right to the renewal of any existing license nor to the issuance of a license to the purchaser of an established licensed business as a going concern, but as licenses are revoked, expire without renewal or for any other reason cease to exist, then the

total number of licenses for each classification shall be reduced until the total of each such class shall not exceed the number authorized by the city council. Note: Contact city liquor control commission for current limit on the number of licenses per classification.

**§ 90.18. Restrictions on issuance of licenses.**

- (a) No license, permit or certificate authorized by this chapter may be issued to:
  - (1) An applicant under the age of 21 years or an applicant under any legal disability.
  - (2) An applicant who is not of good character and reputation in the community in which he resides.
  - (3) An applicant who is not a citizen of the United States.
  - (4) An applicant who has been convicted of a felony, pandering or any other crime or misdemeanor opposed to decency and morality if the commissioner determines, after investigation, that such person has not been sufficiently rehabilitated to warrant a public trust.
  - (5) An applicant who has been convicted of being the keeper or is keeping a house of ill fame.
  - (6) An applicant who has been convicted of a violation of any federal or state law concerning the manufacture, possession, or sale of alcoholic liquor, subsequent to July 12, 1937, or shall have forfeited his bond to appear in court to answer charges for any such violation, if the commissioner determines, after investigation, that such person has not been sufficiently rehabilitated to warrant a public trust.
  - (7) An applicant convicted of any crime involving the illegal distribution or abuse of alcoholic beverages, including driving while intoxicated or the illegal transportation of liquor, if the commissioner determines, after investigation, that such person has not been sufficiently rehabilitated to warrant a public trust.
  - (8) An applicant who previously had a license, permit or certificate issued under this chapter revoked or denied renewal for any cause.
  - (9) An applicant who at the time of application for renewal of any license, permit or certificate issued hereunder would not be eligible for such license, permit or certificate on a first application.
  - (10) An applicant who is not a beneficial owner of the business to be operated by the

licensee.

- (11) A copartnership, unless all of the members of such copartnership shall be qualified to obtain a license.
- (11.1) A limited partnership, unless all of the general partners of such limited partnership shall be qualified to obtain a license and no limited partner owning more than a 5% interest in the limited partnership would not be eligible to receive a license hereunder for any reason other than citizenship and residence within the city.
- (12) A corporation, if any officer, director, or any stockholder or stockholders owning in the aggregate more than 5% of the stock of such corporation, would not be eligible to receive a license hereunder for any reason other than citizenship and residence within the city.
- (12.1) A corporation unless it is incorporated in Illinois, or unless it is a foreign corporation which is qualified under the Business Corporation Act of 1983 to transact business in Illinois.  
State law reference(s)--Persons ineligible to be licensed, 235 ILCS 5/6-2(a)(10a).
- (13) An applicant who is not an actual resident of the City of Springfield. In the case of a corporate applicant, residency shall not be required for corporate officers and stockholders if the corporate applicant employs a manager to operate the business who is a resident of the city. In the case of a limited partnership applicant, residency shall not be required for limited partners or general partners if the limited partnership applicant employs a manager to operate the business who is a resident of the city.
- (14) An applicant whose place of business is to be conducted by a manager or agent who would not be eligible to receive a license for a reason other than citizenship.
- (15) An applicant who does not own the premises for which a license is sought, or does not have a written lease for the full period for which the license is to be issued.
- (16) An applicant leasing the premises for which a license is sought where the terms of the lease are in conflict with any section of this or any other chapter of the City Code or the Illinois Liquor Control Act.
- (17) Multiple licenses on premises. An applicant requesting a license for a premises already licensed to another licensee under this chapter.
- (18) Any law enforcing public official, including members of the liquor control commission, the mayor, aldermen or any elected official; and no such official shall be interested directly or indirectly in the manufacture, sale or distribution of

alcoholic liquor, except that license may be granted to such official in relation to premises which are not located within the territory subject to the jurisdiction of that official. Providing, that persons described herein may be members or unpaid officers of clubs, as defined in section 90.02 which are licensed in accordance with section 90.15(h) of this chapter.

- (19) Any applicant not eligible for a state retail liquor license.
- (20) An applicant who has not submitted to photographing or fingerprinting, or, in any other way, failed to cooperate in a background investigation required by this chapter as ordered or authorized by the local liquor commissioner.
- (21) An applicant who fails to furnish information or to make the statements required in the application for license as set forth in this Code or requested by the commissioner.
- (22) A person who knowingly furnishes false or misleading information or falsely answers the statements required in the application for license, or one who knowingly furnishes false or misleading information to any investigator during the application process.
- (23) Any applicant whose business appears underfinanced and whose credit history justifies the liquor commissioner's reasonable belief that the applicant is financially unstable and that issuance of license would not be in the public interest.
- (24) A person who has been convicted of a gambling offense as proscribed by any of subsections (a)(3) through (a)(11) of section 28-1 of, or as proscribed by section 8-1.1 or 28-3 of the Illinois Criminal Code of 1961, or as proscribed by a statute replaced by any of the aforesaid statutory provision.  
State law reference--Persons ineligible to be licensed, 235 ILCS 5/6-2(a)(16).
- (25) A person or entity to whom a federal wagering stamp has been issued by the federal government, unless the person or entity is eligible to be issued a license under the Raffles Act or the Illinois Pull Tabs and Jar Games Act.  
State law reference--Persons ineligible to be licensed, 235 ILCS 5/6-2(a)(17).
- (26) Any person if the following criteria is applicable: If any tax payable to the city or other debt owed to the city remains unpaid after its due date and the delinquent taxpayer or debtor (henceforth debtor) holds a license, permit or certificate, for the benefit of the debtor or their property, issued by the city, or the debtor applies for such license, permit or certificate, the director of the office of budget and management may request the licensing or issuing authority to suspend or refuse to issue, renew or extend such license, permit or certificate. The commissioner



shall then suspend or refuse to issue, renew, or extend such license, permit or certificate until such time as all taxes and outstanding debts are paid. Every licensee or applicant for license, permit or certificate shall attest, under penalties of perjury that he has paid all taxes or other debts owed to the city.

- (b) A criminal conviction of a corporation is not grounds for the denial, suspension, or revocation of a license applied for or held by the corporation if the criminal conviction was not the result of a violation of any federal or state law concerning the manufacture, possession or sale of alcoholic liquor, the offense that led to the conviction did not result in any financial gain to the corporation and the corporation has terminated its relationship with each director, officer, employee, or controlling shareholder whose actions directly contributed to the conviction of the corporation. The commission shall determine if all provisions of this subsection (b) have been met before any action on the corporation's license is initiated.

State law reference(s)--Persons ineligible to be licensed, 235 ILCS 5/6-2(b).

(Ord. No. 910-11-91, 11-19-91; Ord. No. 354-5-96, § 1(Exh. A), 5-21-96; Ord. No. 426-6-96, § 1(Exh. A), 6-18-96; Ord. No. 371-6-97, § 1(Exh. A), 6-17-97)

#### **§ 90.18.1. Retail sales near churches, schools, etc.**

- (a) No license shall be issued for the sale at retail of any alcoholic liquor within 100 feet of a church, school, commercial day-care center, hospital, home for aged or indigent persons or for veterans, their spouses or children or any military or naval station, provided, that this prohibition shall not apply to hotels offering restaurant service, regularly organized clubs or to restaurants, food shops, or other places where sale of alcoholic liquors is not the principal business carried on, if such place of business so exempted shall have been established for such purposes prior to the taking effect of this chapter, nor to the renewal of a license for the sale at retail of alcoholic liquor on premises within 100 feet of any church or school or commercial day-care center where such church or school or commercial day-care center has been established within such 100 feet since the issuance of the original license. No alcoholic liquor, other than beer shall be sold for consumption on the premises within 1,500 feet from any building used for regular classroom or laboratory instruction on the main campus of any state university owned or maintained, in whole or in part, by the State of Illinois, provided, this prohibition shall not apply to a place of business which sells beer but does not sell any other alcoholic liquor and was established and operated prior to August 7, 1963, or to premises owned or controlled by a state university and used as a faculty center or an airport.

State law reference(s)--Retail sales near churches, schools, etc., 235 ILCS 5/6-11.

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

(Ord. No. 426-6-96, § 1(Exh. A), 6-18-96; Ord. No. 371-6-97, § 1(Exh. A), 6-17-97)

State law reference(s)--Retail sales near churches, schools, etc., 235 ILCS 5/6-11.

**§ 90.19. Separate license required for each location.**

A separate license must be obtained for each location desired by an applicant for a license under the provisions of this chapter. No more than one license may be issued for any one licensed premises. Each license for the sale of alcoholic beverages must be issued for a separate street address as determined by the address supplied by the applicant and confirmed by the local liquor commissioner, except that more than one license may be issued for one address, if no licensee is a landlord or tenant of any other licensee at the same address.

**§90.20. Annexation of licensed premises.**

Whenever the city annexes land on which a licensed premises is situated, the local liquor commissioner, notwithstanding the limitations imposed under section 90.17, on the number of licenses permitted, may issue a license of substantially the same license classification as that of the annexed premises provided that the licensee and the licensed premises comply with all laws and ordinances applicable to the regulation of the sale of alcoholic liquors. The licensee of any such annexed premises shall make application for a city liquor license not less than 30 days before the effective date of the annexation of the licensed property.

**§ 90.21. Application procedure.**

- (a) Any person desiring a license, permit or certificate authorized by this chapter, shall make application to the local liquor control commissioner. A separate application shall be made for each license, permit or certificate desired by the applicant. Such application shall be typed or legibly handwritten on forms prepared and furnished by the city. Each application for a license, permit or certificate shall be signed by the applicant and verified by him by oath or affidavit, and shall be filed with the office of city clerk. In case the applicant is a partnership, all partners must sign and verify the application. If the applicant is a limited partnership, all general partners and any limited partner owning more than a 50% interest in such limited partnership must sign and verify the application. All limited partners owning more than a 5% interest in the limited partnership must be listed together with the percentage of interest owned. In case the applicant is a corporation or club, all officers, directors and any stockholders owning more than 50% of the stock of such corporation must sign and verify the application and indicate their official position. All stockholders owning more than 5% of the corporate stock must be listed along with the percentage of stock owned. In case any other person is to conduct the place of business as manager or agent of the licensee, he also must submit information where required of him and sign and verify the application. The application shall contain the following information and statements:

- (1) In the case of an individual, the name, address, and date of birth of the applicant. In the case of a partnership, the names, addresses, and dates of birth of all partners and of all persons entitled to share in the profits thereof. If a limited partnership, the names, addresses and dates of birth of all general partners, and of all limited partners owning more than a 5% interest in such limited partnership. If a corporation or club, the objects for which organized, the names, addresses, and dates of birth of the officers, directors, and any stockholder owning more than 5% of the stock of such corporation, and in every case, the name and address and date of birth of each manager or agent who is to conduct or work in the place of business for which the license is sought. A club shall attach to its application two copies of the list of names and residences of its members. A list of managers must be continuously up-to-date.
- (2) A statement of the citizenship of the applicant, and if a naturalized citizen of the United States, the date and place of naturalization. If a partnership, the same information for each partner. If a limited partnership, the same information for each general partner and any limited partner owning more than a 50% interest in the limited partnership. In the case of a corporation, this information must be supplied as to each officer and stockholder owning more than 50% of the corporate stock.
- (3) The location where the prospective licensee is to engage in the business or event for which the application was submitted, and whether or not the proposed location is within 100 feet of any church, school, hospital, home for aged or indigent persons or for war veterans, their wives or children, or of any military or naval station.
- (4) Whether food for human consumption is to be sold at the event conducted or in the place of business if the application is granted. Whether the business will be in combination with a restaurant, and whether 50% of the gross receipts of the licensed business will be or has been from the sale of such food with documentation as available and required by the local liquor commissioner.
- (5) If the applicant does not own the premises for which a license is sought, he must submit the name of the landlord and the terms of the lease including the expiration of the lease or contract for deed. In the event the property is contracted for deed or leased, a copy of the lease or contract for deed shall be attached to the application. If the lease is not written, an affidavit executed by the landlord may be substituted in place of the lease. If the applicant does own the premises, proof of ownership must be submitted in the form of a deed, tax bills or other qualifying documents.
- (6) The purpose of the business of the applicant. If a corporation, the objects for

which it was formed and the date and state of incorporation. If a limited partnership, the date and state of filing of the certificate of limited partnership.

- (7) Whether the applicant has made application for another or similar license and the disposition of any such other application.
- (8) Whether or not any previous license, certificate or permit issued to any of the persons listed on the application relating to alcoholic liquor has ever been fined, suspended or revoked.
- (9) Whether or not any person listed on the application or any agent, bartender, limited partner or stockholder has ever been convicted of being the keeper or an inmate of a house of prostitution, or pandering or of any other crime or misdemeanor, with exception of traffic offenses. However, traffic offenses connected with the misuse of alcoholic beverages must be listed.
- (10) A statement that the applicant is not at the time of making the application, connected directly or indirectly with a house of ill fame and that no such connection will occur during the existence of the license.
- (11) Whether or not the applicant has ever been convicted of a felony, and whether or not the applicant is disqualified to receive the license sought by reason of any violation or prohibition as described by law.
- (12) A statement that should the licensed premises become or constitute a nuisance that the license, permit or certificate may be suspended or revoked or that the licensee may be fined by the local liquor control commissioner.
- (13) Whether or not the applicant, if an individual, or whether each participating partner, in the case of a partnership, is an actual resident of the city. In the case of corporations, officers, directors, or stockholders and in the case of limited partnerships, limited partners and general partners do not have to be actual residents of the city if they employ a resident manager to operate the licensed premises.
- (14) A statement that the applicant will testify under oath and subscribe to the truth in response to all relevant and material questions propounded to him, in any hearing conducted by the local liquor control commission, either before or after the issuance of a license. That he will provide, on receipt of a lawfully authorized subpoena by the local liquor control commissioner, any book or record of his licensed business in connection with any investigation conducted by the commissioner, and that his failure to so testify or provide such books or records shall be sufficient reason for the refusal to issue a license or revocation of any such license which has been issued to him, and a statement that the applicant, any partner, general partner, limited partner, stockholder, manager, bartender, agent

or employee, if requested by the local liquor control commissioner, will permit a record of his or her fingerprints to be made by the city police department for the purpose of additional information and investigation to determine whether the application should be granted.

- (15) A statement that neither the applicant, partner, general partner, limited partner, stockholder, manager, nor any employee has accepted, received, or borrowed money, or anything else of value, or accepted credit (other than merchandise credit in the ordinary course of business for a period not to exceed 30 days) directly or indirectly from any manufacturer, importing distributor, or wholesaler of alcoholic liquor, or from any stockholder or officer of any corporation engaged in, or any other person connected with any such business.
- (16) In the case of the purchase of an existing business, a statement setting forth the value of the physical assets if purchased and proof of purchase and a statement setting forth the amount paid for the business as a going concern having value. In the case of a new business, a statement listing all persons and corporations financing the purchase or construction of the business to be licensed and, if requested, a statement detailing the financial background of the applicant and business to be licensed.
- (17) A statement that neither the applicant, nor any member of applicant's household, nor any partner, general partner, limited partner, nor any stockholders of a corporation is a member or employee of the police department, commissioner, or mayor, nor is any such person interested in any way, directly or indirectly, in the license applied for, the premises or the profits or proceeds from the sale of alcoholic liquor under the license applied for except as provided for in section 90.18 (a) (18) of this chapter.
- (18) A statement authorizing the local liquor control commissioner to have performed an investigation of applicant's credit rating and background prior to issuance of any license.
- (19) In the case of an Illinois corporation, articles of incorporation and a certificate of good standing for preexisting corporations. In the case of a foreign corporation, a certificate from the Secretary of State of Illinois to conduct business in Illinois as a foreign corporation.
- (20) If an Illinois limited partnership, a copy of the filed certificate of limited partnership and a certificate of good standing from the Illinois Secretary of State. If a foreign limited partnership, a copy of the filed certificate of limited partnership in the state of filing, and a copy of the filed application for admission to transact business as a foreign limited partnership in Illinois.

- (b) All information required must be supplied at the time of application and clearly typed or legibly handwritten. It is the applicant's responsibility to supply on the application, the name and address of each manager or agent to be employed and to insure that a background investigation is completed on each, including the submission of fingerprints.
- (c) The requirement of supplying all of the above information is a continuing one. If any supplied information or statements become invalid, it is the duty of the licensee to provide updated information to the local liquor control commissioner. This includes charges in the makeup or control of partnerships or corporations.
  - (1) If a limited partnership, the liquor commission must be informed within 30 days of the sale or acquisition of a 5% interest in the limited partnership by any one general or limited partner, or upon any general or limited partner or combination thereof acquiring a 50% or greater interest in the limited partnership if such partner or combination was not shown to own a 50% or greater interest on prior application or renewals.
  - (2) In the case of corporations, specifically the liquor commission must be informed within 30 days of the resignation or replacement of any officer or of the sale or acquisition of 5% of the corporate stock by any one stockholder or on any stockholder or combination of stockholders acquiring 50% or more of the stock if such stockholder or combination of stockholders was not shown to own 50% or more of the stock on prior application or subsequent renewals.
- (d) The local liquor control commissioner may request additional information, which is necessary to effectuate the purposes of this chapter.  
(Ord. No. 910-11-91, 11-19-90; Ord. No. 354-5-96, § 1(Exh. A), 5-21-96; Ord. No. 426-6-96, § 1(Exh. A), 6-18-96; Ord. No. 507-7-96, § 1(Exh. A), 7-16-96; Ord. No. 854-12-96, § 1(Exh. A), 12-17-96; Ord. No. 589-10-97, § 1, 10-21-97)

**§ 90.21.1. Fee--Application for original licenses; annual permits; certificates.**

Each original application for an original license, or annual permit, or certificate shall be accompanied by a nonrefundable fee of \$50.  
(Ord. No. 426-6-96, § 1(Exh. A), 6-18-96)

**§ 90.21.2. Fee and payment--Licenses; annual permits; certificates.**

Each approved license, annual permit, or certificate may be issued upon the payment of the license, or annual permit, or certificate fee, respectively, in full or in two payments due on January 1, and July 1 each year. The annual fee for an approved annual permit or annual license shall be prorated. If payment is made in two installments, an administrative fee of \$75 shall be

paid with the first installment.

(Ord. No. 426-6-96, § 1(Exh. A), 6-18-96; Ord. No. 507-7-96, § 1(Exh. A), 7-16-96; Ord. No. 589-10-97, § 1, 10-21-97)

**§ 90.22. Bond required; amount; conditions.**

Each person desiring a liquor license shall execute a penal bond in the sum of \$2,000 and file it in the city clerk's office with the application for such license. This bond must be with a solvent surety company licensed to do business in the State of Illinois, and approved by the local liquor control commissioner or by cashier's check. The bond shall be made payable to the city and conditioned on the faithful observance by the licensee, of the provisions of this chapter, the Code, and of the laws of the State of Illinois and of the United States of America applying to the sale and possession of intoxicating liquor and shall be further conditioned on the payment of all fines and costs which may be assessed against the licensee for the violation of any of the provisions hereof.

**§ 90.23. Revocation of license; forfeiture of bond.**

If a licensee shall be convicted of the violation of any of the provisions of this chapter or of the Illinois Liquor Control Act, or his license shall be revoked by the local or state liquor commissioners and no appeal is taken from the order of revocation or any appeal taken therefrom is decided adversely to the licensee, the bond required by this chapter shall be forfeited and the local liquor control commissioner shall institute suit on such bond in the name of the city for the entire amount of the bond and costs.

**§ 90.24. Renewal of licenses; annual permit; certificates.**

- (a) Each licensee, permittee of an annual permit or certificate holder may renew his license at the expiration thereof, provided, that he is then qualified to receive a license, and the premises for which such renewal license is sought are suitable for the purpose, provided further, that the renewal privilege herein contained 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 the city.
- (b) The requirements and procedures for obtaining a renewal of a license shall be the same as that provided for in case of an original application for a license.
- (c) Applications for renewal of a liquor license, annual permit, or certificate shall be filed with the local liquor control commissioner not less than 60 days prior to the date for which the license is to expire.
- (d) The annual license, annual permit, or certificate fee, as distinguished from the renewal fee provided for in section 90.16 of this chapter, must be paid at the time the license, annual permit, or certificate is issued by the city clerk whether it is being paid in one or two installment(s), as provided in section 90.21.2 of this chapter.

- (e) No licensee, permittee, or certificate holder may renew their license, permit, or certificate if the following criteria is applicable: if any tax payable to the city or other debt owed to the city remains unpaid after its due date and the delinquent taxpayer or debtor (henceforth debtor) holds a license, permit or certificate, for the benefit of the debtor or their property, issued by the city, or the debtor applies for such license, permit or certificate, the director of the office of budget and management may request the licensing or issuing authority to suspend or refuse to issue, renew or extend such license, permit or certificate. The commissioner shall then suspend or refuse to issue, renew or extend such license, permit or certificate until such time as all taxes and outstanding debts are paid. Every license or applicant for license, permit or certificate shall attest, under penalties of perjury that he has paid all taxes or other debts owed to the city. (Ord. No. 426-6-96, § 1(Exh. A), 6-18-96; Ord. No. 507-7-96, § 1(Exh. A), 7-16-96)

**§ 90.24.1. Failure to make timely renewal--Penalties.**

The failure to renew a license, annual permit, or certificate as prescribed or to pay the required annual license, annual permit, or certificate fees before the expiration date shown on the license being renewed shall result in the lapse of the license, annual permit, or certificate. No licensee, permittee of an annual permit, or certificate holder may sell liquor after the expiration of his license, annual permit, or certificate until the license, annual permit, or certificate has been reissued after payment of the annual license, annual permit; or certificate fee. Failure to pay the annual license, annual permit, or certificate fee, or the second installment thereof shall be grounds to revoke the license, annual permit, or certificate if the appropriate fee is not paid in full, within five working days of the date due, along with a \$50 late payment fee. (Ord. No. 426-6-96, § 1(Exh. A), 6-18-96; Ord. No. 507-7-96, § 1(Exh. A), 7-16-96)

**§ 90.24.2. Fee--Application for renewal licenses; annual permit; certificates.**

Each renewal application shall be accompanied by a nonrefundable fee of \$15. (Ord. No. 426-6-96, § 1(Exh. A), 6-18-96)

**§ 90.25. Change of location.**

Any license issued under this chapter shall be for a single and particular location. On application being filed with the city clerk for a change of location, and on payment of an investigation fee in the amount as shall now or may be required by this chapter, the liquor control commissioner may allow the location authorized by the particular license to be changed. In case the applicant has not personally operated his business at the particular location for at least 90 days prior to the application for change of location, such application shall be rejected. The application blank shall be similar to that required of an original applicant for license under section 90.21. After investigation, the change of location may be approved or rejected, as in the case of original license applications, and if approved, the authorized change of location shall be shown by endorsement on the face of the existing license. Nothing herein contained shall be



construed to permit any licensee to change the location of his business to, or operate his business, or a portion thereof, as a subtenant or otherwise at a site or place of business which under these sections would be prohibited or denied to an original applicant.

**§ 90.26. Sale of licensed business.**

On application being filed with the city clerk, and on payment of an investigation fee in the amount as now or hereafter may be required by this chapter, the local liquor control commissioner may issue a license to the purchaser of an established licensed business as a going concern. In case the business is sold, or proposed to be sold, has in fact no goodwill or other value as a going concern, in addition to the value of its physical assets, such application shall be rejected. Any such sale shall include all furniture, fixtures, and equipment used in such business or on such premises or place of business for sale, offering for sale or dispensing of alcoholic liquor. Such application must be for exactly the same class of license as that held by the seller, and such application shall be only for the same location as the previously licensed business. Any such purchaser shall make application for the issuance of a new license to him, and in such application he shall state the actual facts in respect to his purchase of such business. Such application must be accompanied by a letter, signed and notarized by the current licensee, evidencing his intent to relinquish his license, should the applicant's request for a license be granted. The applicant shall also complete an application blank and furnish the information and make the statements required of any other licensee under section 90.21. Such application shall be investigated and approved or rejected as in the case of applications for an original license, and if approved, a license shall be issued to such purchaser and the license of the prior licensee terminated on payment to the city clerk of the license fee then due. Such license fee, if received after the commencement of any semiannual period shall be prorated to include the month in which the license is issued. On proper application after approval of transfer of license and payment of license fee by the purchaser of the established business, the holder of an expiring license may make application, within 60 days of the issuance of the new license, for refund of that portion of the annual or semiannual license fee paid. No refund shall be paid for the month within which the new license is issued, nor shall any refund be made for more than nine months in any annual period or for more than three months in any semiannual period.

**§ 90.27. Reserved.**

**§ 90.28. Designated locations or enclosures required where principal business is not sale of alcoholic liquor.**

Where the sale of alcoholic liquor is not the principal business of the licensee, such alcoholic liquor shall be offered for sale only at designated locations or enclosures within the licensed premises which shall be solely restricted to the sale of alcoholic liquor. Such locations or enclosures shall be separated from the remainder of the premises devoted to the sale of items other than alcoholic liquors by doors, slides, screens, counters, shades, or other apparatus clearly identifying a separate section of the premises, provided that alcoholic beverages known as wine

or beer, as those terms are defined in this Code, shall be exempt from the provisions of the above restrictions in establishments where the primary business is the sale of food as a grocery or market.

(Ord. No. 492-7-95, § 1, 7-5-95)

**§ 90.29. Application for certificate where sale of alcoholic liquor is not the principal business.**

Any person licensed to sell alcoholic liquors under this chapter who operates a licensed premises that is also a hotel dining room, restaurant, club, or retail establishment where the sale of alcoholic liquor is not the principal business, who desires to keep any hotel dining room, restaurant, club, or retail establishment open for a lawful business other than the sale of alcoholic liquor during the hours that the licensed premises is otherwise required by this Code to remain closed, may make application to the mayor for such privilege in the following manner:

- (a) Such application shall be made to the city clerk and on the form or forms prescribed by the mayor.
- (b) After due investigation, if the mayor shall determine that such licensed premises actually is a hotel dining room, or a restaurant, or a club, or a retail establishment where the sale of alcoholic liquor is not the principal business, the mayor shall so certify on the applicant's liquor license for the period then in effect, and until revoked or suspended, such certifications shall be evidence of the authority of such licensee to have the privilege to keep those premises open at hours other than the legal closing hours for purposes other than the sale of alcoholic liquor.
- (c) The privilege so granted may be revoked or suspended by the mayor in accordance with the procedure provided for in section 90.05(b), and in no event shall extend for any greater length of time than the period for which a liquor license is issued, and shall be renewable only in the discretion of the mayor.
- (d) The investigation fee for any certificate granted by this section shall be \$25 per year payable by January 1 of each year.

**§ 90.30. Hours of operation.**

- (a) Except as provided below, it shall be unlawful for any liquor licensee other than the holder of a Class B1 or Class C1, as defined in 90.15 (d) and (f), or the holder of a supplemental Subclass 1 or Subclass 2 license as defined in section 90.15 (p) & (q), or employee of such licensee, to sell or offer for sale at retail, on the premises, any alcoholic liquor during the following hours:

Monday through Saturday

1:00 a.m. until 7:00 a.m.

Sunday

1:00 a.m. until 12:00 noon

- (b) On January 1 of each year and on operating dates of the Illinois State Fair, it shall be unlawful for licensees, or their employees, to sell or offer for sale at retail, on the premises, alcoholic liquor during the following hours:

Monday through Saturday

3:00 a.m. until 7:00 a.m.

Sunday

3:00 a.m. until 12:00 noon

- (c) Neither the holder of a class F liquor license and the holder of a class K liquor license whose immediately preceding liquor license was a class F license, nor any employee, may lawfully sell or offer for sale at retail, on the premises, any alcoholic liquor during the following hours:

Monday through Saturday

3:00 a.m. until 7:00 a.m.

Sunday

3:00 a.m. until 12:00 noon

- (d) The periods of time the sale of liquor is prohibited until the time that liquor may again be sold shall be known as the closed hours.

(Ord. No. 426-6-96, § 1(Exh. A), 6-18-96; Ord. No. 854-12-96, § 1(Exh. A), 12-17-96; Ord. No. 348-7-98, § 1, 7-7-98)

**§ 90.31. Hours public denied access to premises; authorization to enter licensed premises.**

- (a) No patron shall remain or be permitted to remain or be admitted to any licensed premises more than 30 minutes after the sale of alcoholic liquors as prohibited by section 90.30, above, for the remainder of the closed hours described therein, except where the licensee has been issued and displays a certificate issued in accordance with section 90.29 of this chapter allowing the business to operate after the sale of liquor is prohibited.
- (b) Consumption of liquor is prohibited, without exception, including employees or agents of the licensee, more than 30 minutes after the sale of alcoholic liquor is prohibited by section 90.30, above, for the remainder of the closed hours described therein.

- (c) The doors of each licensed premises shall be locked and no person not in the employ of the licensee shall be admitted to or upon the premises during the times when patrons are prohibited from being on the licensed premises.
- (d) Any licensed premises where the sale of alcoholic beverages is not the principal business, which fact is certified by the mayor in the manner provided in section 90.29 of this chapter, may remain open to the public during the hours that the public would otherwise be prohibited from being on the premises, providing the following conditions are observed:
  - (1) All alcoholic beverages must be either removed from view or placed behind doors or slides or screens or counters or shades, or other apparatus clearly indicating that such beverages are not presently offered for sale.
  - (2) A sign shall be displayed prominently and shall read: "Closed hours, no alcoholic liquors sold or served."
  - (3) No alcoholic liquors shall be sold, donated, bartered, exchanged, served, or consumed therein during said closed hours.
- (e) Nothing herein contained shall be construed as granting any licensee the privilege to sell alcoholic liquor during the aforesaid closed hours and any licensee not certified by the mayor to be in fact a retail establishment where the sale of alcoholic liquor is not the principal business must keep its doors locked and the public barred therefrom during the closed hours.
- (f) Nothing herein contained shall be construed as requiring any adult clerk in a licensed premises where the sale of alcoholic liquors is not the principal business to be limited in duties solely relating to the sale of alcoholic liquor.
- (g) Nothing herein contained shall be construed as permitting any minor employee of any premises to handle, mix, sell, exchange, serve, or in any way take part in a licensee's business of selling alcoholic liquors.
- (h) Pursuant to the powers and duties of the local liquor control commissioner as set forth in section 90.05 of this chapter, all establishments licensed under this chapter shall have the entrance to said premises unlocked at all times during which the premises are open for business, and shall not lock or otherwise bar entrance to any section within said establishment in which people are assembled and permit investigators, inspectors and police officers of the city unobstructed access to all such areas.
- (i) During the hours when the public is denied access to a licensed premises in accordance with the provisions of sections 90.30 and 90.31 of this chapter, investigators, inspectors, and police officers of the city shall have the right of entry for inspection of the licensed premises in the event that person(s) are present within the establishment to determine if any provisions of this chapter or any state laws pertaining to the consumption, sale or

distribution of alcoholic liquors have been or are being violated.  
(Ord. No. 371-6-97, § 1(Exh. A), 6-17-97)

**§ 90.32. Continuous operation; temporary closing.**

- (a) The provisions set forth in section 90.05(b)(5)g of this chapter pertaining to the failure of the licensee to continuously operate the licensed premise shall not apply to:
- (1) Businesses which operate seasonally, including but not limited to, baseball parks and golf courses where the licensee has applied for in writing and been granted an exemption by the local liquor control commissioner.
  - (2) The holder of a Class H or I license.
  - (3) The holder of a temporary permit, special temporary permit, state fair permit, permit for outside sales, outdoor café permit, caterer retailer permit or sidewalk café permit.
  - (4) Licensees who cease continuous operation for a period of consecutive days, not to exceed 30 consecutive days during the one-year period for which the license is issued, because of remodeling or vacation of the licensee. Any voluntary closure of the licensed premises under these conditions shall be required to be reported in writing to the commissioner by the licensee at least five working days prior to the closure. Any closure of the licensed premises due to fire damage or sickness shall be reported by the licensee, in writing to the commissioner, at least five working days after the occurrence of such fire damage or sickness. The number and length of periods during which the licensee may cease continuous operation may be extended by the local liquor control commissioner on a showing of good cause by the licensee.

(Ord. No. 275-4-96, § 1(Exh. A), 4-16-96; Ord. No. 355-5-96, § 1(Exh. A), 5-21-96; Ord. No. 158-3-97, § 1(Exh. A), 3-4-97)

**ARTICLE IV. PERMITS**

**§ 90.34. Sidewalk café permit.**

On application and payment of an investigation and processing fee as set forth in section 90.16, the holder of a Class D or E license may be issued a sidewalk café permit which shall authorize the retail sale of alcoholic beverages as an incidental sale of food items in a sidewalk restaurant provided the sidewalk restaurant is contiguous to the primary classifications licensed premises and the entrance to the licensed premises is located within or adjacent to the geographic area bounded by the following sidewalks of the following streets; the north and south sidewalks of Washington Street between 5th Street and 6th Street; the east and west

sidewalks of 5th Street between Washington Street and American Legion Avenue; the east and west sidewalks of 6th Street between American Legion Avenue and Washington Street; the north and south sidewalks of Monroe between 4th Street and 5th Street.

(Ord. No. 355-5-96, § 1(Exh. A), 5-21-96)

**§ 90.34.1. Application for sidewalk café permit.**

(a) Applications for sidewalk café permit shall be subject to the following conditions:

(1) All applications shall be made to the city clerk on a form provided by the approving authority and shall be subject to the requirements of section 90.21.

(2) All applications must be accompanied by proof that the applicant's dram shop insurance incorporates the sidewalk restaurant area.

(3) Number of patrons to be accommodated.

(4) Five copies of plat or drawing indicating, to scale, the amount of surface the applicant is seeking permission to use and the location of furniture, equipment and any other article occupying public space.

(5) A statement by applicant that said applicant will, in consideration of being issued a permit for the use of surface space, agree to hold harmless the City of Springfield and the officers and employees of the city for any loss or damage arising out of the use.

(6) The mayor shall be the approving authority.

(Ord. No. 355-5-96, § 1(Exh. A), 5-21-96)

**§ 90.34.2. Review of application.**

Such application shall be reviewed by the liquor commissioner, and by such other city departments as the liquor commissioner deems warranted, in order to secure recommendations relative to the amount of pedestrian movement to be accommodated, the accuracy and appropriateness of the area to be licensed, and any recommended changes. After reviewing the application and the recommendations received from the departments of the city to whom the plan was referred, the liquor commissioner shall either issue or deny the permit or issue it subject to compliance with any changes which the commissioner may deem appropriate.

(Ord. No. 355-5-96, § 1(Exh. A), 5-21-96)

**§ 90.34.3. Permit conditions.**

- (a) Sidewalk café permits shall be subject to the following conditions:
- (1) The alcoholic beverages authorized for sale by the primary classification shall be the same as those authorized for sale in a sidewalk café.
  - (2) Alcoholic beverages may be served only in a container made of a product that does not easily shatter or break; including, but not limited to glass.
  - (3) Between the street side perimeter of said service area and the curb of said street, there shall be a pedestrian passageway measuring no less than five feet in width, provided however, that whenever permanent obstructions are located between the perimeter of the service area and the curb, the required passageway may be reduced to four feet in width as measured from such perimeter to such obstruction.
  - (4) All holders of a sidewalk café permit may begin sales at 11:00 a.m. on Monday through Saturday, and at 12:00 pm. on Sunday, and must conclude all sales and clear the café area no later than 9:00 p.m.
  - (5) All holders of a sidewalk café permit may provide non-amplified live entertainment in sidewalk café area if performed by no more than two instrumentalists, one who may be a vocalist.
  - (6) All holders of a sidewalk café permit, their employees, or customers shall not remove alcoholic liquor from the sidewalk café area, except for a permittee or their employee carrying alcoholic liquor directly between the establishment and the sidewalk restaurant area.
  - (7) All holders of a sidewalk café permit or their employees shall not sell or serve or allow customers to consume alcoholic liquor in the sidewalk café unless customers are seated in the seating provided in accordance with the approved site plans.
  - (8) Any tables and chairs, as well as any temporary barrier, used in connection with the permitted service area shall be removed from the public right-of-way no later than 30 minutes after the service area is to be cleared, as required in (a)(4) of this section.
  - (9) Condiments, dishes and other service items shall not be permitted on tables when unoccupied.
  - (10) The permittee shall promptly remove any litter deposited on or in the vicinity of the surface space used by the permittee resulting from the activity or activities conducted by the permittee on or adjoining such space.
  - (11) The permittee shall at all times conduct such activity or activities in an orderly

fashion and in such a manner as to protect the public health and safety.

- (12) Such permit area shall be used for business purposes only during the hours specified on the permit authorizing such use, and neither before nor after such hours.
- (13) The permittee shall comply with all health and sanitation regulations.
- (14) The permit issued pursuant to this section is a personal privilege and may not be transferred or alienated voluntarily or involuntarily.
- (15) Where exigent circumstances exist and a police officer or other authorized officer or employee of the city gives notice to a permittee to temporarily move from a location, such permittee shall comply with the notice.

For purposes of this subsection, exigent circumstances shall include, but not be limited to, unusually heavy pedestrian or vehicular traffic, existence of any obstructions in the public space at or near such location, an accident, fire or other emergency situations at or near such locations, or a parade, demonstration, or other such event or occurrence at or near such location.

- (16) Any umbrella in a sidewalk café shall be no less than six and one-half feet above ground level.
  - (17) All sidewalk cafes shall be located only in the exact location described in the approved application. Approved furnishings may not be modified or substituted.
  - (18) A sidewalk café service area shall not extend more than five (5) feet from the permanent structure of the licensed premises, however, the service area may extend to no more than ten feet if the conditions required in (a)(3) of this section are still met by doing so.
  - (19) The licensee shall be allowed to provide a temporary barrier to the service area. The commission shall approve the arrangement and type of such barrier prior to its use.
- (b) All holders of a sidewalk café permit shall be subject to an annual renewal in accordance with section 90.24.  
(Ord. No. 355-5-96, § 1, Exh. A, 5-21-96; Ord. No. 371-6-97, § 1(Exh. A), 6-17-97)

#### **§ 90.34.4. Display of sidewalk café permit.**

A copy of the sidewalk café permit shall be displayed in accordance with section 90.56 of this chapter.

(Ord. No. 355-5-96, § 1(Exh. A), 5-21-96)



**§ 90.34.5. Sidewalk café permit fee.**

The annual fee for a sidewalk café permit shall be \$100.  
(Ord. No. 355-5-96, § 1(Exh. A), 5-21-96; Ord. No. 371-6-97, § 1(Exh. A), 6-17-97)

**§90.35. Temporary permits to sell or dispense alcoholic liquor.**

Temporary permits may be granted on written application, and investigation by the commissioner to individuals, corporations, or civil, educational, benevolent, fraternal, political, religious or patriotic organizations for special events or catered functions. Issuance of permits within this section are further restricted by section 90.19 of this chapter. Proof of dram shop insurance coverage must be submitted with completed applications. No applicant may obtain a temporary permit I or II more than six times in one calendar year. No temporary permit authorized by this chapter shall be issued consecutively with any other temporary permit authorized by this chapter. Applications for all permits must be made 14 days before the first date of the permit. The 14-day deadline may be waived by the commissioner if the applicant shows good cause for the late filing; however, all applicants filing late shall be assessed a \$10 late filing fee.

- (a) Temporary permit I. A temporary permit I shall authorize the retail sale, on the premises, for consumption on the premises, of alcoholic liquor for a period of three days or less. Notwithstanding any other section of this Code, a temporary permit I may be issued to allow sales and consumption of alcoholic beverages out-of-doors on the public right-of-way. This may be allowed only with specific approval of the commissioner and under guidelines specifically approved by the commissioner in advance of the date of the permit. An application shall have attached a written agreement between the permit applicant and the owner of the property within which the permitted event is taking place. The fee for such permit shall be \$50, plus, \$15 for each day for which the permit is to be used.
  
- (b) Temporary permit II. A temporary permit II shall authorize the retail sale, on the premises, for consumption on the premises, of beer and wine only for a period of three days or less. Notwithstanding any other section of this Code, a temporary permit II may be issued to allow sales and consumption of alcoholic beverages out-of-doors on the public right-of-way. This may be allowed only with specific approval of the commissioner and under guidelines specifically approved by the commissioner in advance of the date of the permit. The fee for such permit shall be \$30, plus, \$15 for each day for which the permit is to be used.
  
- (c) Special temporary permit. A special temporary permit shall authorize the sale of alcoholic beverages by any recognized nonpolitical civic or not-for-profit organization on an intermittent basis under such conditions as the commissioner shall prescribe in the public interest. This permit shall not be issued in lieu of a regular license nor where a temporary permit I or II will apply. Such permits shall not authorize the sale of specified

alcoholic liquors on more than 45 dates per year. The fee for such permit shall be \$10 per day for each day the permit is to be used. Notwithstanding any other section of this Code, a special temporary permit may be issued to allow sales and consumption of alcoholic beverages out-of-doors on the public right-of-way. This may be allowed only with specific approval of the commissioner and under guidelines specifically approved by the commissioner not less than ten days in advance of the date of the permit.

- (d) State Fair Permit. A state fair permit shall authorize the holder of a class AA or class A license to sell alcoholic liquor, at retail, by the drink for consumption on the premises, but outside of the building normally used by the licensee for his business. All such sales must be made to persons on property owned or leased by the licensee and not inconsistent with any lease held by the licensee. It is further required that all sales be made from a tent or other temporary structure and that seating be available for patrons to consume the purchased beverages. No musical entertainment of any kind may be located outside of the licensee's building and this permit may be revoked at any time if the public interest is adversely affected. This permit is only valid during the Illinois State Fair and applicant's premises must be within 500 feet of the Illinois State Fairgrounds. The fee for such permit shall be \$100 per year.

(Ord. No. 354-5-96, § 1(Exh. A), 5-21-96; Ord. No. 854-12-96, § 1 Exh. A, 12-17-97)

### **§ 90.36. Permit for outside sales.**

- (a) On application and payment of an investigation and processing fee as set forth in section 90.16, the holder of a Class AA, A, D, E, or G license may be issued a permit to sell alcoholic liquor as authorized by his classification, outside of the permanent structure and on the property where the licensee's permanent structure is located under the following conditions:
- (1) A temporary fencing, not less than four feet in height, made of wood or other similar material shall be erected. The fencing shall be designed and positioned so as to separate the licensee's patrons from the general public.
  - (2) Access into the outside area shall be from the permanent structure only and no access shall be permitted from the street, sidewalk or adjoining property. Emergency exits as required by city ordinance must be provided.
  - (3) No music of any kind may be played or broadcast from the outside area or within the permanent structure which is of such a volume so as to disturb the neighborhood in any manner. Music shall not be played or broadcast after 10:00 p.m.
  - (4) Outdoor portable sanitary facilities must be provided by the licensee as required.

- (5) No sales or dispensing of alcoholic liquor may be made from the outside area or permanent structure to any person upon adjoining property, public street, sidewalk or alley, and no alcoholic liquor served in an open container may be removed from the outside area or permanent structure.
  - (6) Proof of dram shop insurance coverage on the outside area must be submitted with the completed application.
  - (7) Adequate security must be provided by the licensee.
  - (8) Outside area activities may not begin prior to 12:00 p.m. (noon) and will cease at 12:00 (midnight), unless otherwise noted on the permit.
- (b) An outside sales permit may be issued for a maximum of two consecutive days. Not more than two permits may be issued to a licensee during a calendar year.
  - (c) The fee for an outside sales permit shall be \$50.00 for each day for which the permit is to be used. Issuance of an outside sales permit to a licensee shall be treated separately from the licensee's primary license and shall be subject to suspension or revocation by the commissioner for just cause.
- (Ord. No. 507-7-96, § 1(Exh. A), 7-16-96)

**§ 90.37. Outdoor café permit.**

- (a) On application and payment of an investigation and processing fee as set forth in section 90.16, the holder of a Class AA, A, D, E, or F license may be issued an outdoor café permit.
- (b) An outdoor café permit shall, upon issuance, entitle the holder of Class AA, A, D, E or F licenses to sell alcoholic liquor as authorized by his primary classification, outside of the permanent structure of his premises under the following conditions:
  - (1) The holder of an outdoor café permit must conclude all sales and clear the café area no later than 1:00 a.m.
  - (2) A permanent fence, not less than five feet in height, made of wood or other similar material, and when erected not less than six feet in height from the sidewalk or ground level shall be erected. The fence shall be designed in such a manner so that the vision of a person on either side of the fence is obscured when viewing through the fence. The fencing shall be positioned between the area in which alcoholic liquor can be consumed outside and any adjoining residential or commercial property.

- (3) Access into the outdoor café shall be from the permanent structure only and no access shall be permitted from the street, sidewalk, or adjoining property. Emergency exits as required by city ordinances must be provided.
  - (4) No music of any kind may be played or broadcast from the outdoor café or within the permanent structure which is of such a volume so as to disturb the neighborhood in any manner. Music shall not be played or broadcast after 10:00 p.m.
  - (5) No sales or dispensing of alcoholic liquor may be made from the outside area or permanent structure to any person upon adjoining property, public street, sidewalk or alley, and no alcoholic liquor served in an open container may be removed from the outdoor café or permanent structure.
  - (6) The permit for the outdoor café shall be displayed in accordance with section 90.56 of the Code and shall be subject to suspension or revocation by the commission.
  - (7) The foregoing requirements shall be prospectively applicable in all instances upon the passage of this section in ordinance form. The commissioner shall have the right to modify or waive any requirement and approve the issuance of a permit at his discretion upon a showing of unique circumstances by the applicant.
  - (8) The annual fee for an outdoor café permit shall be \$100, with a \$15 annual renewal/inspection fee.
- (Ord. No. 910-11-91, 11-19-91)

**§90.38. Keg permit and permit sticker.**

- (a) It shall be unlawful for any person to possess, purchase, or attempt to purchase a keg within the City of Springfield without having first obtained a permit and permit sticker as set forth herein. It shall be unlawful for any person to possess a keg within the City of Springfield which does not have a permit sticker affixed thereto.
- (b) It shall be unlawful for any licensee or licensee's agent or employee to sell a keg to any person who does not first obtain from the licensee, a permit and permit sticker issued by the City of Springfield, and present proof of identity and age. The licensee or licensee's agent or employee shall cause the permit sticker to be affixed to the keg in a conspicuous place before allowing the keg to be removed from his premises. The licensee shall maintain a record of all permits obtained for the purchase of kegs and shall be presented for inspection by the liquor control commission upon request.

- (c) Any person of lawful age may obtain a keg permit and permit sticker subject to the limitations, exceptions, and fees set forth herein.
- (1) The permit shall be issued for each keg without charge.
  - (2) No application for a keg permit shall be approved without the applicant first providing written authorization from the lessor or owner of the premises where the applicant will be possessing the keg or the lessor's or owner's agent on the application form provided by the city.
  - (3) Any person desiring to obtain a keg permit shall complete an application form provided by the city setting forth the applicant's full name, address and telephone number; the address and date(s) where the applicant will be possessing the keg; the name and telephone number of the owner or lessor of that address; and the name and address of the licensee from where the keg is to be purchased; and information relevant to subsection (4) below. In addition, the applicant must provide proof of identity and age in the form of a valid driver's license or other picture identification. Falsifying any information on the permit application shall constitute a violation of this chapter.
  - (4) No person shall be issued a keg permit or permit sticker if that person has been adjudicated in violation of any provision of chapter 90 of the 1988 Springfield City Code of Ordinances or any provision of 235 ILCS 5/1-1 et seq. within the previous 365 days.
  - (5) No person issued a permit and permit sticker under these provisions may sell alcoholic liquor, directly, or indirectly by means of an admission charge, cup fee or any other device.
  - (6) No permit and permit sticker shall be valid for a period exceeding 30 days from the date of issuance by the licensee.
  - (7) A permittee shall have the permit present at the location where the keg is possessed at all times, and shall exhibit the permit upon the request of any peace officer.
  - (8) No permit or sticker under this section shall be required for a keg utilized in a licensed premise for licensed sales of alcoholic liquor, or for a keg utilized for the sale of alcoholic liquor pursuant to a permit issued under sections 90.35, 90.36 or 90.37 of this chapter.
- (Ord. No. 445-5-91, 5-21-91)

**§ 90.39. Caterer retail permit.**

- (a) Upon approval of application and payment of application and investigation fees as set forth in section 90.16, a caterer retailer permit shall be issued to a caterer retailer, as defined in section 90.02 of this Code and shall allow the permit holder to serve alcoholic liquors as an incidental part of a food service that serves prepared food items. The issuance of the caterer retailer permit shall be subject to the following conditions:
- (1) All restrictions contained in section 90.18 shall apply to all caterer retailer permit applications with the exception of subsections 90.18(a)(13), (14), (15), (16), (17) and (24) of this chapter.
  - (2) All application procedures contained in section 90.21 shall apply for an applicant for a caterer retailer permit with the exception of subsections 90.21(a)(3) and (5) of this chapter.
  - (3) All applicants for a caterer retailer permit shall comply with requirements for a penal bond as contained in sections 90.22 and 90.23 of this chapter.
  - (4) All holders of caterer retailer permits may renew their permits pursuant to the terms and conditions of section 90.24 of this chapter.
  - (5) All caterer retailers shall provide a written list of catered events including locations and hours no less than 10 working days prior to the catered event on a form provided by the department of licensing.
  - (6) All applicants shall submit proof of dram shop insurance with completed application.
  - (7) No holder of a caterer retailer permit shall sell, offer for sale or dispense any alcoholic liquor during the following hours;

Monday through Saturday 1:00 a.m. until 7:00 a.m.

Sunday 1:00 a.m. until 12:00 noon

- (b) A copy of the caterer retailer permit shall be displayed in accordance with section 90.56 of this chapter.
- (c) The annual fee for a caterer retailer permit shall be \$500.
- (d) Each caterer retailer permit shall be for a period of one year, or as otherwise is determined by this chapter by suspension or revocation, and shall commence on January 1 and terminate on December 31.

(Ord. No. 275-4-96, § 1(Exh. A), 4-16-96; Ord. No. 426-6-96, § 1(Exh. A), 6-18-96)

## ARTICLE V. MISCELLANEOUS VIOLATIONS AND REQUIREMENTS

### § 90.40. No sale, gift, or delivery to or by minors or incompetents.

- (a) No licensee or any officer, associate, member, representative, agent or employee of such licensee shall sell, give, deliver, or serve any alcoholic liquor to any person under the age of 21 years or to any intoxicated person or to any person known to be a spend-thrift, insane, mentally ill, mentally deficient, or a habitual drunkard.
- (b) No person under the age of 21 years shall purchase, accept, or procure or to attempt to purchase, accept, or procure any alcoholic liquor from any retail liquor dealer in the city or from any other person.
- (c) No person shall purchase or otherwise obtain alcoholic liquor and then to sell, give, or deliver such alcoholic liquor to another person under the age of 21 years unless in the performance of a religious ceremony or service.
- (d) No person under the age of 21 years shall have any alcoholic beverage in an open container in his possession on any street or highway or in any public place or in any place open to the public.
- (e) No person to whom the sale, gift, delivery, or service of any alcoholic liquor is prohibited because of age shall consume or possess in any manner, including by consumption, any such alcoholic liquor, except as otherwise provided by law. The violation referred to in this section which relates to the possession of alcohol after it has been consumed may be identified as "illegal possession of alcohol by consumption". This violation may be proven by evidence which indicates that the breath of the person charged with such offense had a smell associated generally or specifically with any alcoholic liquor. No additional evidence relating thereto shall be necessary to find the defendant to be in violation of this chapter. It shall not be necessary to show that the person charged with an offense hereunder was at the time in question under the influence of any alcoholic liquor in any manner, but such evidence shall be admissible to prove a violation of this chapter.
- (f) The possession, dispensing, or consumption by a minor of alcoholic liquor in the performance of a religious service or ceremony or the consumption of alcoholic liquor by a minor under the direct supervision and direct approval of the parents or parent of such minor in the privacy of a home is not prohibited by this chapter and this provision shall be considered only as a defense for which the burden of proving that it applies to and was reasonably relied on in a particular case shall be on the person charged with an offense under this chapter.
- (g) No parent or guardian shall suffer or permit his or her child or ward under the age of 18 years to violate any provisions of this chapter.

- (h) Whoever violates this section of this chapter, shall be fined a minimum of not less than \$500 nor more than \$1,000 for each offense; and a separate offense shall be deemed committed on each day during or on which a violation occurs or continues or for each separate violation occurring on the same day.

(Ord. No. 445-5-91, 5-21-91)

**§ 90.41. Warning signs to be posted.**

In every premises on which the sale of alcoholic liquor is licensed, a sign, clearly visible to the public, shall be posted at the entrance and at the cash register, by the licensee thereof, to be furnished by the licensee, which shall read substantially as follows:

Warning to Minors

You must be 21 years old to purchase any liquor and you must be able to prove it. You are subject to prosecution and fine for the purchase of alcoholic beverages or misrepresentation of your age for the purpose of purchasing alcoholic beverages.

**§ 90.42. Employment of minors.**

- (a) No licensee, agent, or employee shall permit any person under the age of 21 years to draw, pour, or mix any alcoholic liquor in the premises or make sales of any alcoholic liquor either as an employee or gratuitously.
- (b) No licensee of a business holding a class AA, or A license shall permit any person under the age of 21 years to be employed on his licensed premises; provided, however, that if the exceptions of § 90.43(a)(3) and (b)(3) apply to such licensee or the licensee holds a Subclass 3 or Subclass 4 license, the requirements of (a) and (c) of this subparagraph shall apply to such licensee, respectively, during their hours of operation or during the hours pertaining to the Subclass 3 or Subclass 4 license.
- (c) No licensee, agent or employee of a business holding any class of license other than AA, or A, shall permit any person under the age of 19 to serve, dispense or in any other way to handle alcoholic liquor, including packaged liquor, on his licensed premises.

(Ord. No. 910-11-91, 11-19-91; Ord. No. 354-5-96, § 1(Exh. A), 5-21-96; Ord. No. 158-3-97, § 1(Exh. A), 3-4-97; Ord. No. 588-11-98, § 1, 11-17-98)

**§ 90.43. No underage or intoxicated person in licensed premises; exceptions.**

- (a) No intoxicated person or any person under the age of 21 years shall be or remain in any premises which is licensed hereunder except that any person under the age of 21 years may be or remain in such premises:



- (1) If accompanied by his or her parent or legally appointed guardian.
  - (2) If such premises is the subject of a license classification other than a Class AA or A license.
  - (3) If more than 50% of the gross business income received therein, in the preceding 12 months of an alleged violation of this section, results from the sale of services or commodities other than alcoholic liquor.
  - (4) As authorized by section 90.62 of the 1988 Springfield City Code of Ordinances, as amended.
- (b) No licensee hereunder or his officer, partner, associate, representative, agent, or employee shall suffer or permit any intoxicated person or any person under the age of 21 years to be or remain in any premises which is licensed except that any person under the age of 21 years may be or remain in such premises:
- (1) If accompanied by his or her parent or guardian.
  - (2) If such premises are the subject of a license classification other than a Class AA or A license.
  - (3) If more than 50% of the gross business income received therein, in the preceding 12 months of an alleged violation of this section, results from the sale of services or commodities other than alcoholic liquor.
  - (4) As authorized by § 90.62 of the 1988 Springfield City Code of Ordinances, as amended.

(Ord. No. 775-10-95, § 1, 10-17-95; Ord. No. 371-6-97, § 1(Exh. A), 6-17-97)

#### **§ 90.44. Determination of age and identity.**

- (a) A licensee or any officer, associate, member, representative, agent, or employee of such licensee may demand written evidence and may not rely on oral evidence of the prospective recipient's age and identity before making a sale, gift, delivery, or service to a prospective recipient of any alcoholic liquor, the decision whether or not to demand such evidence rests with the licensee and his agents and employees. However, if no evidence is demanded, such decision is made at the licensee's peril.
  - (1) Any person from whom such written evidence is demanded shall display his motor vehicle operator's license, secretary of state's identification card, federal selective service card, federal armed forces identification card, or other written evidence of age and identity issued by a public officer in the performance of his

official duties.

- (2) If any such person fails to present such written evidence, he shall be considered to be an underage person who is not entitled to any such alcoholic liquor. However, if such written evidence of age and identity is produced and shows the prospective recipient to be of the age required to purchase such alcoholic liquor and if such a sale, gift, delivery, or service of alcoholic liquor is made in reasonable reliance thereon, then the licensee and his representative shall not be subject to any penalty provisions of this chapter.
  - (3) The burden of proving that a demand of written evidence of the age and identity was made, that such written evidence was shown, the content of the written evidence presented, and the reasonableness of the reliance thereon shall be on the person charged with an offense under this chapter.
- (b) No person shall present or offer to any licensee or to any officer, associate, member, representative, agent or employee of a licensee or to any other person any written, printed or photostatic evidence of his age and identity or that of any other person which is false or fraudulent, for the purpose of ordering, purchasing, attempting to purchase, or otherwise procuring or attempting to procure any alcoholic liquor of any kind or description in violation of this chapter, or to have in his possession any false or fraudulent written, printed, or photostatic evidence of age and identity.
- (c) No person shall sell, give, or otherwise furnish to any person any type of such false or fraudulent written, printed, or photostatic evidence of age or identity.

#### **§ 90.45. Approval of sales.**

Every licensee operating under the provisions of this chapter shall so conduct his licensed premises that every sale of alcoholic beverages is approved on behalf of the licensee by an adult competent person, at least 21 years of age, so designated by the licensee. (Ord. No. 371-6-97, § 1(Exh. A), 6-17-97)

#### **§ 90.46. Solicitation of drinks prohibited.**

No licensee shall employ or permit any person to solicit any other person to purchase the solicitor a drink or drinks in or about any licensed premises offering alcoholic beverages for sale.

#### **§ 90.47. No gambling or disorderly conduct permitted.**

No gambling shall be permitted and no gambling device shall be kept in any premises licensed hereunder. However, this prohibition shall not apply to any game or gaming event for which a license or permit has been issued by the Illinois Department of Revenue pursuant to the

Pull Tabs and Jar Games Act, 230 ILCS 20/1 et seq.; the Bingo License and Tax Act, 230 ILCS 25/1 et seq. or the Charitable Games Act, 230 ILCS 30/1 et seq., and such game or gaming event is conducted in compliance with all requirements of said acts and all rules and regulations of the Illinois Department of Revenue. No riotous, disorderly, indecent, or offensive conduct of any kind shall be allowed in or about any licensed premises.  
(Ord. No. 1005-12-91, 12-17-91)

**§ 90.48. Open containers.**

No licensee or officer, employee, or agent of a licensee shall permit and such persons are in fact obliged to attempt to prevent, without causing a breach of the peace, any person on the licensed premises from leaving the licensed premises with any open container of any alcoholic beverage. Any person removing an open container of any alcoholic beverage from a licensed premises shall be subject to a fine of not less than \$25 nor more than \$100.

**§ 90.49. Sanitary facilities.**

Except for liquor license Class B and C licensed premises, the licensee shall provide separate toilets and washstands for male and female patrons, and shall maintain the same in a clean and sanitary condition and shall comply with the health ordinances of the city.

**§ 90.50. Extension of credit.**

No licensee, his agent or employee, shall sell or furnish alcoholic liquor at retail to any person on credit, or order on a store, or in exchange for any goods, wares, or merchandise, provided that a bona fide check, money orders, or generally recognized credit cards may be accepted in payment for any services rendered, provided that nothing herein contained shall be construed to prevent any club from permitting checks or statements for alcoholic liquor to be signed by members or bona fide guests of members and charged to the account of such member or guest in accordance with the bylaws of the club, provided further, that nothing herein contained shall be construed to prevent any hotel from permitting checks or statements for liquor to be signed by regular guests residing at the hotel and charged to the accounts of the guests.

**§ 90.51. Transporting in motor vehicles.**

No person shall transport, carry, possess, or have any alcoholic liquor within the passenger area of any motor vehicle on a public way, including but not limited to public highways, alleys, or sidewalks, except in the original package and with the seal unbroken.

**§ 90.52. Serving to persons in motor vehicles.**

No licensee, his agent, or employee, shall serve, give, or in any manner be concerned with placing any alcoholic liquor in or on or about any motor vehicle, or to any occupant of a motor vehicle whether such vehicle is moving or parked or is at a curb or in a public place or on the licensee's premises or other private place except in the original package and with the seal unbroken.

**§ 90.53. Outside service.**

No outside service for the sale of alcoholic liquor shall be carried on in connection with premises for which a license has been granted for the sale of intoxicating liquors, malt, or vinaceous beverages, for consumption on the premises, but outside of the permanent structure, or on the public street or private property, contiguous to such premises so licensed except as provided in sections 90.34, 90.35 and 90.39, and except as provided in section 90.36 dealing with permits for outside sales.

(Ord. No. 275-4-96, § 1(Exh. A), 4-16-96; Ord. No. 355-5-96, § 1(Exh. A), 5-21-96)

**§ 90.54. Drinking on a public way.**

No person shall consume any alcoholic liquor on any public way or right-of-way, including but not limited to public highways, streets, alleys, or sidewalks, within the corporate limits of the city, unless such consumption is allowed in accordance with a permit issued in accordance with sections 90.34, 90.35 and 90.39.

(Ord. No. 275-4-96, § 1(Exh. A), 4-16-96; Ord. No. 355-5-96, § 1(Exh. A), 5-21-96)

**§ 90.55. Possession on a public way.**

No person shall carry or possess, transport, or have any alcoholic liquor on any public way or right-of-way, including but not limited to public highways, streets, alleys, or sidewalks, except in the original package and with the seal unbroken, within the corporate limits of the city, unless such consumption is allowed in accordance with a permit issued in accordance with sections 90.34, 90.35, and 90.39.

(Ord. No. 275-4-96, § 1(Exh. A), 4-16-96; Ord. No. 355-5-96, § 1(Exh. A), 5-21-96)

**§90.56. License to be posted.**

Every licensee under the provisions of this chapter shall cause his license to be framed and hung in plain view in a conspicuous place on the licensed premises visible to customers.

**§ 90.57. Knowledge; accountability; witnesses.**

In all prosecutions or commission hearings held under this chapter, it shall not be necessary to show the knowledge of the principal to hold him responsible for the acts of any

agent or servant. Every act or omission of any nature constituting a violation of any of the provisions of this act by any officer, director, manager, agent, or employee of any licensee shall be deemed and held to be the act of such licensee and the licensee shall be punishable in the same manner as if such acts or omissions had been done or omitted by him personally. In all cases, persons to whom intoxicating liquors shall be sold in violation of the provisions of this chapter shall be competent witnesses.

**§ 90.58. Nudity on premises where alcoholic liquor is offered for sale; sexual conduct prohibited.**

- (a) It shall be unlawful for any licensee, his agent, or employee or manager operating a licensed establishment at which alcoholic liquors are offered for sale for consumption on the licensed premises:
  - (1) To permit any female person, while on the premises of that establishment, to expose to the public view that area of the human breast at or below the areola thereof.
  - (2) To permit any female person, while on the premises of that establishment, to employ any device or covering which is intended to give the appearance of or simulate those portions of the human female breast as described in subsection (a)(1).
  - (3) To permit any person, while on the premises of that establishment, to expose to public view his genitals, pubic area, buttocks, anus, or anal cleft or cleavage.
  - (4) To permit any person, while on the premises of that establishment, to employ any device or covering which is intended to give the appearance of or simulate the genitals, pubic area, buttocks, anus, or anal cleft or cleavage.
- (b) It shall be unlawful for any female person, while on the premises of an establishment at which alcoholic liquor is offered for sale for consumption on the premises, to expose to public view that area of the human female breast at or below the areola thereof, or to employ any device or covering which is intended to give the appearance or simulate those areas of the female breast as described herein.
- (c) It shall be unlawful for any person, while on the premises of an establishment at which alcoholic liquor is offered for sale for consumption on the premises, to expose to public view his or her genitals, pubic area, buttocks, anus, or anal cleft or cleavage, or to employ any device or covering which is intended to give the appearance of or simulate the genitals, pubic area, buttocks, anus, or anal cleft or cleavage.
- (d) The following conduct on premises licensed to sell alcoholic liquor for consumption on the premises is prohibited:

- (1) The performance of acts, or simulated acts, of sexual intercourse, masturbation, or deviate sexual conduct.
  - (2) The actual or simulated touching, caressing, or fondling of the genitals, buttocks, or female breast.
  - (3) The displaying of films or pictures depicting acts set forth in subsection (a)(1) and (2) above.
- (e) It shall be unlawful for any licensee, his agent, employee, or manager to suffer or permit any person or persons to perform any of the acts set forth in subsection (a) above.

**§ 90.59. Reporting of incidents to the police; telephone required on the premises.**

- (a) Pursuant to the powers and duties of the local liquor control commissioner as set forth in section 90.05, it shall be the duty of each licensee and each of his or her agents and employees to promptly report to the police department of the City of Springfield any crime or illegal activity occurring on or about the licensed premises and in his knowledge or view. No licensee or his agents or employees shall withhold information or fail to aid police in their investigation.
- (b) Each licensee shall maintain on each licensed premises not less than one telephone in operating order which phone must be within the easy access of the bartender or other responsible person in charge of the premises at all times for the purpose of reporting to the police department incidents occurring on or about the licensed premises.

**§ 90.60. Reserved.**

Editor's note--Ord. No. 354-5-96, § 1(Exh. A), adopted May 21, 1996, deleted § 90.60, Adoption of state law. Such section bore no history note.

**§ 90.61. Dwarf-tossing prohibited.**

- (a) It shall be unlawful for any licensee, his agent, or employee or manager operating a licensed establishment at which alcoholic liquors are offered for sale or consumption on the licensed premises to permit any contest or promotion or other form of recreational activity involving exploitation endangering the health, safety and welfare of any person with dwarfism.
- (b) For the purpose of this section, the term "dwarfism" means a disproportionate or proportionate short stature most often caused by a genetic syndrome.

Cross reference(s)--Dwarf-tossing in commercial establishments, §§ 110.501 through 110.504.

**§ 90.62. No alcohol events for underage persons.**

- (a) The licensee of a Class AA or A licensed premises shall notify the Springfield Police Department at least 48 hours in advance of any date on which persons under the age of 21 will be present on the licensed premises. Each such nonalcohol events notice shall specify the date or dates on which the event is to occur and the time or times of commencement. All notices shall be filed with the Springfield Police Department during normal working hours, 8:00 a.m. to 5:00 p.m., and shall be given on forms prescribed by the Springfield Police Department. After a nonalcohol event notice has been given, the licensee may cancel an event only by giving like notice to the Springfield Police Department in accordance with the provision of this subsection. Regardless of date given, all notices shall expire and be deemed cancelled no later than the date of expiration or revocation of the applicable license to sell alcoholic beverages.
- (b) During the period of any nonalcohol event a notice card prescribed by the police department shall be posted at all public entrances to the licensed premises notifying the general public that no alcohol beverages may be consumed, sold or given away on or carried into the designated area where the nonalcohol event is to take place.
- (c) Once a nonalcohol event has commenced, no alcoholic beverages may be consumed, sold or given away on or carried into the area designated for the nonalcohol event until at least one (1) hour after the conclusion of the event.
- (d) During the period of a nonalcohol event individuals under the age of 21 years may frequent designated portions of the licensed premises provided that said designated portion of the licensed premises serves no alcoholic beverages nor allows consumption of any alcoholic beverages in said portion of that premises during time of occupation by persons under the age of 21 years, and further provided that said portion of the licensed premises be segregated by physical barricades from any portion or portions of the premises which serves alcoholic beverages during times of frequenting by individuals under the age of 21 years.

(Ord. No. 775-10-95, § 2, 10-17-95)

**§90.63. No alcohol events for underage persons; continuous approval.**

- (a) The licensee of a Class AA or A licensed premises, who has fully complied with all provisions of § 90.62 and has had events referenced in § 90.62 for a period of at least six months without violating any section of this chapter relative to the events referenced in § 90.62, may request, in writing to the commissioner, the written approval of the commissioner to have events outlined in § 90.62 on a continuous basis without giving the notice required in § 90.62(a).
- (b) If written approval from the commissioner is given, the commissioner shall require that the provisions of § 90.62(b), (c), and (d) shall continue to apply to the events described

in § 90.62 and that only the provision of § 90.62(a) shall be waived. The written approval from the commissioner as described in this subparagraph shall be valid for a period of six months. A copy of the commissioner's written approval shall be forwarded to the Springfield Police Department. At the conclusion of the six month period, the licensee shall again make a written request to the commissioner in the manner described and for the purposes described in subparagraph (a) of this section.

- (c) The written approval of the commissioner, as described in subparagraph (b) above, shall be deemed withdrawn if the licensee is found to be in violation of any section of this chapter or in the event of the sale of licensee's established business in the manner otherwise described in § 90.15(n) and (o) relative to subclass licenses.
- (d) If the commissioner, pursuant to § 90.63(a) denies the written request of the licensee, the commissioner shall inform the licensee in writing of the reason for the denial.  
(Ord. No. 33-1-97, § 1, 1-21-97)

## **ARTICLE X. PENALTY**

### **§ 90.999. Penalty for violation of chapter.**

- (a) Unless specifically provided, any person violating any provision of this title shall, unless otherwise provided in the title, be fined not less than \$100 nor more than \$1,000 for each offense; and a separate offense shall be deemed committed on each day during or on which a violation occurs or continues or for each separate violation occurring on the same day. Not more than \$10,000 in fines under this title may be imposed against any licensee during the period of the license.
- (b) For violations of this chapter, the penalty provided in subsection (a) above is in addition to, not in lieu of, any administrative action taken by the liquor commission.  
(Ord. No. 426-6-96, § 1(Exh. A), 6-18-96)  
State law reference--Penalty, 235 ILCS 5/7-5.