

ORDINANCE 2014-1416

AN ORDINANCE AMENDING ORDINANCE NO. 2013-1386 AND  
2004-1225 TO REGULATE THE SALE, POSSESSION AND  
CONSUMPTION OF ALCOHOLIC LIQUOR IN THE VILLAGE  
OF PEORIA HEIGHTS, ILLINOIS

BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF  
THE VILLAGE OF PEORIA HEIGHTS, ILLINOIS, A MUNICIPAL CORPORATION,  
AS FOLLOWS:

**SECTION ONE: SECTION SEVEN - LICENSE RESTRICTIONS** is amended as  
follows:

**Section Seven - License Restrictions:**

The restrictions shall apply to any individual or any entity, which applies  
for a license, including its applicant and those persons required to be named on  
the application.

That no such license shall be issued to:

1. A person who is not of good character and reputation in the  
community in which he/she resides.
2. A person who is not a citizen of the United States.
3. A person who has been convicted of a felony under the laws of the  
State of Illinois.
4. A person who has been convicted of being the keeper or is keeping  
a house of ill fame.
5. A person who has been convicted of pandering or other crime(s) or  
misdemeanor(s) opposed to decency and morality.
6. A person whose license issued under this Ordinance has been  
revoked for cause.
7. A person who at the time of the application for renewal of any  
license issued hereunder would not be eligible for such license  
upon a first application.
8. A co-partnership or limited partnership, unless a partner shall own  
twenty (20%) percent of such partnership and shall be qualified to  
obtain a license.
9. A corporation or other entity, if any officer, manager or director  
thereof, or any stockholder or stockholders owning in the  
aggregate more than ten (10%) percent of the stock of such  
corporation, would not be eligible to receive a license hereunder  
for any reason other than citizenship and residency within the  
Village.
10. A person whose place of business is conducted by a manager or  
agent unless said manager or agent possess the same qualifications  
required of the licensee.
11. A person, employee, agent, or any applicant, or parties required to  
be disclosed on any application, who has been convicted of a

violation of any federal or state law concerning the manufacture, possession or sale of alcoholic liquor, subsequent to the passage of this Ordinance, or shall have forfeited his bond to appear in court to answer charges for any such violation.

12. A person or entity who or which does not own the premises for which a license is sought, or does not have a lease thereon for the full period for which the license is to be issued.
13. Any law enforcing public official, Village President or member of the Board of Trustees, and no such official shall have an interest in any way, either directly or indirectly, in the manufacture, sale or distribution of alcoholic liquor, beer, ale or wine.
14. Any person, partnership, association, corporation or entity not eligible for a State Retail Liquor Dealer's license.

## **SECTION TWO: INSURANCE REQUIREMENTS**

1. That all applicants applying for any classification of liquor license and all licensees applying for liquor license renewal to be issued by the Village of Peoria Heights, including any subclassification license, before any liquor license or permit is authorized and issued pursuant to the liquor ordinances of the Village of Peoria Heights, shall provide to the Village Administrator an endorsement on insurance policies insuring the Village of Peoria Heights as an insured for the period the license is in effect, to wit: dram shop insurance for the maximum limits required by the Illinois Liquor Control Act of 1943, as amended, and on a general liability policy in the amount of One Million Dollars (\$1,000,000).
2. These requirements shall be complied with before the issuance or renewal of any liquor license or permit.

## **SECTION THREE: SECTION ELEVEN: LICENSE CLASSIFICATIONS** is hereby amended as follows:

1. Class A-1: Class "A-1" Licenses shall authorize the retail sale of alcoholic liquor on the premises of any tavern for the consumption on the premises, as well as, other retail sales of such liquor.
2. Class A-2: Class "A-2" Licenses shall authorize the retail sale of alcoholic liquors on the premises in any restaurant which complies with the requirement that thirty-three (33 1/3%) percent or more of the gross revenue in any month from the operation of the licensed premises must be derived from the serving of meals, for the consumption on the premises, as well as other retail sales of such liquor.
3. Class B: Licenses which shall authorize the retail sale of beer, ale and wine, but not alcoholic liquor, for consumption on the premises, as well as, other retail sales of such beer, ale and wine.
4. Class C: Licenses which shall authorize the retail sale of alcoholic liquor, beer, ale and wine in packages, but not for consumption on the premises where sold.
  - a. There is created a sub-class C-1 license. A C-1 license is a supplemental license to a Class C license and authorizes the sale of alcoholic liquor, beer, ale, and wine in packages, but not

for consumption on the premises where sold, for 24 hours a day, 7 days a week.

- b. No more than three (3) C-1 licenses shall be in effect at any one time.
  
- 5. Class D: Licenses to clubs which shall authorize such organization's retail sale, only to club members and guests accompanied by club members on the premises specified of alcoholic liquor, beer, ale and wine for consumption on the premises only.
  
- 6. Class E: Licenses issued to civic, religious, fraternal and non-profit organizations for the retail sale of alcoholic liquor, beer, ale and wine for a temporary period not to exceed ten (10) days and any such license so issued under this classification shall be intended to be used only for a bon fide special event or occasion.

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

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

Class F - Single Event License A Single Event license is issued for a six (6) hour period during a single day only, between the hours of 4:00 p.m. and 10:00 p.m., from Monday through Saturday, for the dispensing of wine and beer during a single event held by a civic, religious, business,

not-for-profit, governmental body, or fraternal organization. Any food served at the event must comply with all Public Health rules and regulations. A single permit license issuing pursuant to this Section may only be issued once per year to any organization.

- a. That the proposed licensee shall submit proof of adequate dram shop insurance required by the Illinois Liquor Control Act of 1934 as amended or in the future revised prior to being issued such license.

**SECTION FOUR: SECTION THIRTEEN - LICENSE SUB-CLASSIFICATIONS**  
is hereby amended as follows:

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

1. Subclassification Number 1: That a category of liquor license is hereby created as a subclassification number 1, separate from all other licenses issued pursuant to this Ordinance, and shall be available to those licensees holding a currently valid A-1, A-2, B or D license issued under this Ordinance.
2. Subclassification Number 1A: That a category of liquor license is hereby created as subclassification number 1A, separate from all other licenses issued pursuant to this Ordinance, and shall be available to those licensees holding a currently valid A-1, A-2, or B license issued for the B-1 Central Business District.
3. Subclassification Number 2: That a category of liquor license is hereby created as sub-classification number two (2), which shall be separate from all other license issued under this Ordinance, available only to those licensees currently issued a valid A-1, A-2, B or D license under this Ordinance.

**SECTION FIVE: SECTION FOURTEEN- Restrictions and Requirements for Subclassification:**

1. Subclassification Number 1: That said subclassification number 1 shall govern the outdoor sale and consumption of alcoholic liquor, beer, ale, or wine. In addition to all other requirements pursuant to this Ordinance, the following requirements shall be met:
  - A. That areas designated for outdoor sale and consumption of alcoholic liquor shall be attached or directly adjacent to the existing building for which a currently valid liquor license is in effect.
  - B. That a scale drawing be submitted to show the method of confinement that will be utilized to restrict the removal by patrons of alcoholic liquor from the designated outdoor area.
  - C. That a minimum of two exits shall exist from the designated outdoor area, only one of which is to be through the building attached or directly adjacent thereto.
  - D. That all licensees shall provide a reasonably substantial structure across which the alcoholic liquor shall be served.

E. That as part of the application process, the Village Clerk shall cause notices to be sent to surrounding property owners within a 300 ft. radius of the proposed designated, outdoor area announcing the licensee's intention and requesting written comments. The receipt of any written comments from surrounding property owners received within ten (10) days from the date of notice shall be considered by the Village President in the granting or denial of a subclassification number 1 license. Any and all expenses occurred in the processing of these notices shall be the responsibility of the applicant.

1A. Subclassification Number 1A: That subclassification number 1A shall govern the outdoor sale and consumption of alcoholic liquor, beer, ale or wine in the Village right-of-way and located in the B-1 Central Business District. In addition to all other requirements pursuant to this Ordinance, the following requirements shall be met:

- a. Meet all criteria included under Subclassification Number 1.
- b. Licensee shall be responsible to see that no customers, employees, or other persons remove alcoholic liquor and beverages from the area of the designated outdoor sidewalk, except for the employee carrying alcoholic liquor directly between the establishment and the sidewalk area.
- c. Licensee shall be responsible to see that no customer, employee or other person removes alcoholic liquor from the area designated as the sidewalk restaurant, except for an employee carrying alcoholic liquors directly between the establishment and the sidewalk restaurant area.
- d. The licensee shall be responsible to see that no person is served or consumes alcoholic liquor in the sidewalk restaurant area unless seated in the seating which has been provided in the sidewalk area.
- e. Any Class A-1, A-2, or B license holders in the B-1 Central Business District who has a subclassification 1-A permit for sidewalk sales shall be permitted the sale of alcoholic liquor from 11:00 a.m. to the closing hours authorized for A-1, A-2, and B license holders.

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

**SECTION SIX: SECTION TWENTY-SEVEN - CLOSING HOURS - NEW YEAR'S EVE shall be amended as follows:**

**Section Twenty-Seven - Closing Hours - New Year's Eve:**

That the closing hours provided for herein shall not apply on New Year's Eve to license classifications A-I, A-2, B or D, provided that the licensed establishment does not permit any additional patrons on the licensed premises after normal closing hours as enumerated in Section Fifteen of this Ordinance and further provided that the licensed establishment not advertise or indicate in any manner that it is open for business after the normal closing hours. Further, that should a disturbance occur on the licensed premises during the extended closing



hours hereinabove designated which in the opinion of the Police Chief or his delegate appears to endanger the lives, property or person of the patrons of a licensed premises, said Police Chief or his delegate may order the licensed establishment to close its business until the next business day and may order all patrons to leave the licensed premises immediately.

**SECTION SEVEN: SECTION THIRTY-NINE - PENALTY AND ENFORCEMENT shall be amended as follows:**

**Section Thirty-Nine - Penalty and Enforcement:**

In addition to the Penalty and Enforcement provisions of Section Thirty-Eight, the following penalties shall apply:

- A. Penalty: Any licensee, manager of licensee, person, firm, principal partners, principal stockholders of a corporation or partners or limited partners who are licensees, or entity, manager or agent being found guilty of a violation of any section or provision of this Ordinance or Ordinance No. 2004-1225, as amended, upon conviction and finding and being adjudged guilty, shall be fined not less than three hundred (\$300) dollars and no more than two thousand (\$2,000) dollars for each offense, and that each day a violation continues to exist shall constitute a separate offense. A finding of guilty and finding being adjudged guilty for any violation of this ordinance for a second and subsequent violation shall be fined a minimum of five hundred (\$500) dollars for each subsequent violation. In addition, upon a finding and the entry of a judgment of guilty, the court may assess, in addition to any fine ordered to be paid, costs of seventy-five (\$75) dollars payable to the Village of Peoria Heights, which would be an addition to any costs assessed by the Circuit Clerk of Peoria County. Any and all fines imposed pursuant to this Ordinance shall bear interest at a rate of one (1%) percent per month on the unpaid balance from the date of fine imposition.

**SECTION EIGHT: Section 40 of Ordinance 2004-1225 is repealed.**

**SECTION NINE: Section 43 Powers of Local Liquor Commissioner Subsection Eight is amended as follows:**

**Subsection Eight:** To issue citations for any violations of any provisions of this ordinance.

**SECTION TEN: Ordinance 2009-1310, 2009-1316, and 2005-1243 are repealed.**

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

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

**PASSED AND APPROVED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF PEORIA HEIGHTS, ILLINOIS THIS 16th DAY OF September, 2014**

AYES 4

NAYS 0

1 abstain

Michael Ball  
VILLAGE PRESIDENT

[SEAL] Anna M. Messelino  
ATTEST: Anna M. Messelino  
VILLAGE CLERK