

CITY OF ROCK ISLAND



Mayor/Local Liquor Commissioner's Office
1528 3rd Avenue
Rock Island, IL 61201
Phone: (309) 732-2012
FAX: (309) 732-2055

Liquor License Procedures:

An applicant must obtain a liquor license application packet from the Executive Secretary in the Mayor's office. The applicant will be instructed to complete the application and deliver the completed document to the Mayor's office. After the Mayor has approved the application, the forms will be forwarded to the Support Services Division of the Police Department for background investigation and credit rating check. The time involved in processing the application by the Police Department usually takes between 10-21 days, depending on the availability of people to process the information and the time required in obtaining replies from other agencies contacted to complete the investigation.

If there is a question by the applicant pertaining to the application during the period that the Police Department is investigating the applicant, he/she may contact the Office of Professional Standards Agent Mike Sponsler of the Police Department, in person or by phoning 732-2402 between the hours of 8:00 a.m. and 4:00 p.m., Monday through Friday.

After the Police Department has completed the background investigation of the applicant, the application along with the findings of the investigation are then sealed and forwarded to the Mayor, who is the Liquor Commissioner. It is the decision of the Mayor to approve or reject the issuance of a license based upon the information he has received. The remainder of the process is completed by the Mayor's Office and Finance Department personnel.



CITY OF ROCK ISLAND

Mayor/Local Liquor Commissioner's Office
1528 3rd Avenue
Rock Island, IL 61201
Phone: (309) 732-2012 Fax: (309) 732-2055

APPLICATION FOR CLASS _____ ALCOHOLIC LIQUOR LICENSE, made pursuant to a Special Ordinance amending Chapter 3 of the Code of Ordinances of the City of Rock Island, Illinois.

Name of Applicant (Person(s) or Corporation applying): _____

Business Name: (if different than applicant) _____

Business Address: _____

Full Name of Manager/Agent for Business: _____

Address: _____

Home Phone No.: _____ Business Phone No.: _____

Date of Birth: _____ Sex: _____ Soc. Sec. No.: _____

Name, address, and location of area to be licensed: _____

Is proposed location within 100 feet of any church, school, hospital, home for the aged or indigent persons, or for veterans, their wives, or children or any military or naval station? Yes: _____ No: _____

Do you have any financial connections with a manufacturer, bottler, jobber or wholesaler of liquor, wine, or beer? Yes: _____ No: _____

Criminal arrest record, if any (not including traffic): Yes: _____ No: _____ If yes, list each arrest, date of arrest and place of arrest:

Charge: _____ Charge: _____

Date: _____ Date: _____

Place: _____ Place: _____

Convicted? Yes: _____ No: _____ Convicted? Yes: _____ No: _____

Business activity other than selling of alcoholic liquor: _____

Is the named business a corporation? Yes: _____ No: _____

If yes, what was the date of incorporation: _____

Provide the following information with regard to all officers of the corporation or if a partnership with regards to all partners (Attach separate sheet if necessary):

Name: _____ Name: _____

Title: _____ Title: _____

Date of Birth: _____ Sex: _____ Date of Birth: _____ Sex: _____

Social Security No.: _____ Social Security No.: _____

Address: _____ Address: _____

Daytime Phone Number: _____ Daytime Phone Number: _____

Percentage of ownership: _____ Percentage of ownership: _____

Length of time corporation or business has been selling liquor, wine, and beer: _____

If a corporation requesting as a Private Club, you must also supply a list of all club officers and their address for the preceding three years and a copy of the Articles of Incorporation, or Articles of Association, and Bylaws of the Corporation.

Do you have a lease? Yes: _____ No: _____ (must have at least one year)

Name and address of landlord: _____

List *exactly* how you want the name on the Liquor License to appear: (Note: If other than the name of the applicant, the applicant's name should also be included.)

I certify that the above statements are true and any untruths or omissions could be grounds for my license to be revoked. I have read and understand the Ordinance concerning Liquor Licenses and realize that I am subject to any standards issued by the Liquor Commission and agree to abide by them and any amendments thereto. I further understand and agree to the following:

- 1) A Memorandum of Insurance as proof of dram shop liability coverage must be furnished before initial license is issued and at each renewal period thereafter.
- 2) A criminal background investigation will be conducted on me (the applicant), the Manager/Agent for the business, and the officers of the business and/or corporation.
- 3) Any police officer or other official of the City of Rock Island is permitted a free and unrestricted access to the premises for which a license is herein applied for the purpose of inspecting same.
- 4) The license is nontransferable and is for listed address only.

- 5) All applications for initial licensing shall be accompanied by a eight-hundred dollar (\$800.00) non-refundable application fee.
- 6) To observe all laws of the United States, State of Illinois, and the City of Rock Island in the conduct of any business.

Date: _____ Signed: _____

Title: _____

Date: _____ Approved: _____

Mayor/Local Liquor Commissioner

Please refer to the attached Liquor License Ordinance and check the type of License you are applying for:

	<u>Annual Fee</u>
_____ Class A (Store/package sales only).....	\$ 1,000.00
_____ Class B (Bar/limited package sales).....	\$ 1,000.00
_____ Class C (Bar and package sales).....	\$ 1,300.00
_____ Class D (Hotel).....	\$ 1,000.00
_____ Class E (Packaged beer and wine only).....	\$ 1,000.00
_____ Class G (Golf course and baseball complex).....	\$ 250.00
_____ Class H (Restaurant/no package sales).....	\$ 1,000.00

Class A, B, C, D and H Licensees, please refer to Liquor License Ordinance and check any License Options you desire:

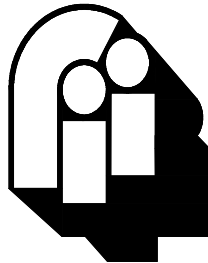
_____ Option 1 (Extended hours—Not available for Class H).....	\$ 800.00
_____ Option 2 (Live entertainment - limited).....	\$ 200.00
_____ Option 3 (Live entertainment - continuous).....	\$ 400.00

TOTAL ANNUAL FEE \$ _____

To calculate semi-annual fee, divide total annual fee by two. Liquor licenses issued on a semi-annual basis shall be subject to a twenty-five dollar (\$25.00) handling fee to be paid with the regular license fee for the second six (6) month period of any licensing year.

LIQUOR ORDINANCE
CITY OF ROCK ISLAND, ILLINOIS

**1528 3RD AVENUE
ROCK ISLAND, IL 61201**



(Revisions through 7/25/00)

A SPECIAL ORDINANCE AMENDING CHAPTER 3 OF THE CODE OF ORDINANCES OF THE CITY OF ROCK ISLAND, ILLINOIS

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ROCK ISLAND, ILLINOIS:

Section 1. Chapter 3 of the Code of Ordinances of the City of Rock Island, Illinois be and is hereby amended by deleting all of said Chapter and by inserting in lieu thereof the following language:

CHAPTER 3
ALCOHOLIC LIQUOR

Section 3.1
Definitions

The following words and terms shall have the meanings respectively ascribed to them:

- (a) **Alcoholic liquor** includes alcohol, spirits, wine and beer, and every liquid or solid, patented or not, containing alcohol, spirits, wine or beer, and capable of being consumed by a human being and containing more than one-half of one percent of alcohol by volume.
- (b) **Alcohol** means the product of distillation of any fermented liquid, whether rectified or diluted, whatever may be the origin thereof, and includes synthetic ethyl alcohol. It does not include denatured alcohol or wood alcohol.
- (c) **Spirits** shall mean 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.
- (d) **Wine** shall mean 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.
- (e) **Beer** shall mean a beverage obtained by the alcoholic fermentation of and infusion or concoction of barley, or other grain, malt and hops in water, and includes among other things, beer, ale, stout, lager beer, porter and the like.
- (f) **Bar** means any facility for serving or dispensing alcoholic liquor located on premises which have a valid liquor license.
- (g) **Bartender** shall mean any male or female over the age of twenty-one (21) employed in the mixing and serving of alcoholic liquor.
- (h) **Convenience Store** shall mean a retail establishment which offers for sale a variety of food and non-food items including pop, cigarettes, snacks and toiletries, etc., in a limited

physical space.

- (i) **Discount Store** shall mean a retail establishment which concentrates in mass merchandising for the purpose of offering goods for sale at reduced prices.
- (j) **Drug Store** shall mean a retail establishment which offers the service of a licensed pharmacist to fill prescriptions of licensed physicians, surgeons and dentists, as well as the sale of over-the-counter medication and everyday home and office supplies such as toiletries, cosmetics and stationery.
- (k) **Golf Course** shall mean a green available to the general public which is run by the Rock Island Park Board and contains at least nine (9) holes. This terrain shall be devoted to the game of golf only. Miniature golf shall not be included in this description.
- (l) **Grocery Store** shall mean a retail establishment which offers for sale all types of foodstuffs both perishable and non-perishable for consumption off the premises. To a smaller extent, toiletries, magazines, cigarettes and other pharmaceutical supplies are offered for sale. In some instances, a bakery, delicatessen and meat section within said establishment may also be included in this definition.
- (m) **Hotel/Motel** shall mean a single or multi-story building where overnight accommodations are available for at least twenty five (25) travelers and guests for an adequate fee.
- (n) **Licensee** shall mean any person, firm, partnership, club association or corporation who receives a license under this ordinance by original application or renewal.
- (o) **Liquor Store** shall mean a licensed establishment which engages in the retail sale of packaged alcoholic liquor for use off the premises.
- (p) **Live Entertainment** shall mean the availability of music, singing, dancing or acting whether it be live performance, recorded music or instrumental.
- (q) **Minor** shall mean any person under the age of twenty-one (21).
- (r) **Motor Fuel Station** shall mean a retail establishment which offers the sale and pumping of gasoline as well as vehicle maintenance items and repairs as its primary business.
- (s) **Officer** shall mean any director, stockholder, owner manager or person who has a financial interest of any nature in a private club or directs any policy of a private club.
- (t) **Original Package** shall mean any bottle, flask, jug, can, cask, barrel, keg, hogshead, or other receptacle or container whatsoever used, corked or capped, sealed and labeled by the manufacturer of alcoholic liquor, to contain and to convey any alcoholic liquor.
- (u) **Premises** shall mean the location at which alcoholic liquor is licensed for retail sale. Except as otherwise provided hereunder, parking lot areas shall not be considered part of the licensed premises.
- (v) **Private Club** shall mean any association, persons, firm, corporation, key club, bottle club,

locker club, pool club or any kind of club or association excluding the general public from its premises or place of meeting or congregating, which permits on its premises the drinking of alcoholic liquors by members, guests or both, or which operates or exercises control over any other place where persons are permitted to drink alcoholic liquors other than in a private home.

(w) **Restaurant** shall mean any public place where meals are prepared and served by workers specifically hired for such duties; where overnight accommodations are not available and the sale of alcoholic liquor is not the major source of profit.

(x) **Retail Sales** shall mean the sale for use or consumption and not for resale.

(y) **Sale** shall mean any transfer, exchange or barter in any manner including the sales made by any person whether principal, proprietor, agent, servant or employee.

(z) **Wine and Liquor Coolers** shall mean any drink with an alcohol content mixed with other non-alcoholic liquids such as seltzers or fruit juices. For the purposes of this Chapter all wine and liquor coolers shall be categorized with wine and beer. All coolers shall, therefore, be subject to the same requirements and restrictions as wine and beer.

Section 3.2

Liquor Control

(a) The Mayor of the City of Rock Island shall be the Local Liquor Control Commissioner for that area which lies inside the corporate limits of the City of Rock Island and shall be charged with the administration of the laws of the State of Illinois as they relate to licensing within the City of Rock Island and with the provisions of this Chapter.

(b) The Mayor may appoint a person or persons to assist him in the exercises of the powers and the performance of his duties. Such person or persons, together with the Mayor, shall constitute the Local Liquor Commission and shall seek to promote the health, welfare and safety of the citizens of Rock Island by regulation and control of the sale of alcoholic liquor.

(c) The Local Liquor Control Commissioner and said Local Liquor Commission shall possess all the powers and duties as provided for in the Illinois Liquor Control Act (Chapter 43, Illinois Revised Statutes).

Section 3.3

Remedies for Violation

(a) Any violation of the provisions of this Chapter, except as otherwise provided, shall be punishable by a minimum fine of two hundred dollars (\$200.00). In the event any person is accused of a violation hereof and does not wish to contest said allegation prior to the time a complaint is issued for the violation then said person so accused may pay to the city at police headquarters a penalty in the sum of one hundred dollars (\$100.00) for and in full satisfaction of said violation.

Said fines are in addition to administrative provisions for suspension, revocation or forfeiture of a

license issued pursuant to this Chapter and payment of such fine shall not constitute an admission of guilt or innocence for purposes of such administrative proceedings for suspension, revocation or forfeiture.

(b) The Local Liquor Control Commissioner may revoke or suspend any license issued by him/her if he/she determines that the licensee has violated any of the provisions of this Chapter or of the Illinois Control Act. In the case of a suspension, the suspension shall not exceed thirty (30) days. During such period of suspension, no alcoholic liquor shall be sold, dispensed, or consumed on said licensed premises. In lieu of suspension or revocation, the Local Liquor Control Commissioner may instead levy a fine on the licensee for such violations. The fine imposed shall not exceed \$1,000.00 for each violation; each day on which a violation continues shall constitute a separate violation. Not more than \$10,000.00 in fines may be imposed against any licensee during the period of his/her license.

If the Commission determines that a letter of reprimand is warranted or the license shall be suspended or revoked, it shall issue a written order within five (5) days after the hearing, stating the reasons for the determination, and shall cause a copy of such order to be served upon the licensee within ten (10) days. In the event a fine is imposed, the order shall specify the date by which the fine shall be paid. If the fine is not paid by the specified date, the license shall be suspended for a stated period of time.

(c) Upon receipt of a complaint being made of a violation of the Illinois Liquor Control Act or of this Chapter, the Local Liquor Commissioner shall set the matter for hearing and shall serve notice upon the licensee of the time and place of such hearing and of the particular charge. Notice as herein required shall be by registered mail or by leaving a copy of said notice at said licensed place of business at least three (3) days prior to the date set for hearing. Such hearings shall be open to the public and written minutes of all proceedings shall be maintained.

(d) In instances when the Local Liquor Commissioner has reason to believe that continued operation of a licensed establishment will immediately threaten the welfare of the community, he may upon issuance of a written order stating the reason for such conclusion and without notice, order the licensed premises closed for not more than seven (7) days during which time a hearing shall be held. When a licensee is engaged in the conduct of another business or businesses upon the licensed premises such order shall not be applicable to such other business or businesses.

(e) Licenses granted under the provisions of this Chapter may be revoked by the Local Liquor Commissioner for any violation of the provisions of this Chapter, or of the Illinois Liquor Control Act including, but not limited to, the following:

1. Conviction of the licensee of any felony.
2. Conviction of the licensee for violation of the law relating to the regulation of the sale of alcoholic liquor.
3. Conviction of the licensee for any violation of the law relating to the possession and/or sale of any controlled substance upon the licensed premises.
4. The willful making of any false or fraudulent statement by the licensee in an application for any license described herein.

(f) All proceedings for the revocation of a license shall follow the procedures described in Section 3.3 (c).

(g) Any violation of this Chapter and/or of the Illinois Liquor Control Act, by any licensee, manager, agent, officer, director, or employee shall be the sole responsibility of the licensee regardless of whether the unlawful act or omission occurred without the licensee's knowledge.

Section 3.4

Persons Ineligible to be Licensed

No license shall be issued under the provisions of this Chapter to:

1. A person who is not a citizen of the United States of America;
2. A person who is not a resident of Rock Island County, Illinois;
3. A person who has been convicted of a felony under any federal or state law;
4. A person who has been convicted of keeping a house of ill fame, pandering, or other crime or misdemeanor opposed to decency or morality;
5. A person who has been convicted of two (2) or more criminal misdemeanors, other than traffic violations, within two (2) years preceding the application;
6. A person who has been convicted of a violation of any federal or state law concerning the manufacture, possession, or sale of alcoholic liquor, or has forfeited his bond to appear in court to answer charges for any such violation;
7. A person who has been convicted of a violation of any federal or state law concerning gambling;
8. A person who does not beneficially 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;
9. A person whose license issued under this Chapter or under the Illinois Liquor Control Act has been revoked for cause;
10. A person who at the time of application for renewal of any license issued hereunder would not be eligible for such license upon a first application;
11. A person whose place of business is supervised by a manager or agent, unless said manager or agent possesses the same qualifications required by the licensee and is a citizen of the United States of America and of Rock Island County, Illinois;
12. A person who is not a beneficial owner of the business to be operated by the licensee;
13. A co-partnership, unless all persons forming a part of such co-partnership shall be qualified to obtain a license, except that only one partner shall be required to be a resident of Rock Island County;
14. A corporation unless it is incorporated in Illinois, or unless it is a foreign corporation qualified under Illinois law to do business in the state;
15. A corporation, if any officer, manager, or director thereof, or any stockholder owning in the aggregate more than five (5) percent of the stock of such corporation, would not be eligible to receive a license hereunder for any reason other than citizenship and/or residence within Rock Island County;
16. Any law enforcing public official, including members of the Local Liquor Control Commissions, any mayor, alderman, members of the City Council, or any president or member of a county board and no such official shall be interested directly 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 if the issuance of such license is approved by the State Liquor Control Commission.

Section 3.5 Licensing Procedure

No liquor license shall be issued under the provisions of this Chapter unless the applicant has completed the following application process:

(a) **Application Form.** All applicants shall complete an application form which shall include, but not to be limited to, the following information:

1. The applicant's name, address, telephone number, date and place of birth, social security number, driver's license number, employment history and criminal arrest record. In the case of a co-partnership or corporation, the aforementioned information shall be provided on all officers of the corporation and all partners.
2. The name, address and telephone number of the location which is to be licensed.
3. The type of license and any options requested.
4. If the applicant is a corporation, the date and place of incorporation.
5. The length of time the business or corporation has been engaged in the sale of alcoholic liquor.
6. The name and address of the landlord if the proposed location is not owned by the applicant.
7. A statement that the applicant has no financial connections with any manufacturer, bottler, jobber or wholesaler of alcoholic liquor.
8. A statement that the proposed location is not located within 100 feet of any church, school, hospital, home for the aged or indigent persons, or for veterans, their wives or children, or any military or naval base.
9. T.I.P.S Training: Applicants for a supplemental extended hours license, as provided in Sec. 3-9(a)(1), or any renewal thereof, who allow on-site consumption of alcohol, shall provide proof that all on-site personnel, including managers and employees, have successfully completed a "Training for Intervention ProcedureS" (T.I.P.S) course instructed by a certified T.I.P.S trainer and evidenced by a currently valid T.I.P.S certification. Applicants shall further maintain on-site evidence of current T.I.P.S certification of all employees and as a condition of the extended hours license, shall provide an affidavit that all new hires will be T.I.P.S certified within 30 days of hiring. @

(b) **Application Fee.** All applications for initial licensing shall be accompanied by an Eight Hundred dollar (\$800.00) non-refundable application fee.

(c) **Affidavit Signed.** All applicants shall sign an affidavit stating that the statements made in the application form are true and that any untruths or omissions shall be grounds for revocation of a license. The affidavit shall further state that the applicant agrees to observe all laws of the United States, the State of Illinois, and the City of Rock Island in the conduct of their business.

(d) **Review and Investigation.** All applications for licensing hereunder shall be reviewed by the Local Liquor Commissioner. The Local Liquor Commissioner or his/her designee shall

investigate all information contained in the application and if upon said investigation the Local Liquor Commissioner is satisfied that the information contained therein is true and that the applicant has complied with all the requirements of the State of Illinois and the City of Rock Island, he/she shall approve the application. Upon receipt by the City Collector of all required license fees, the Local Liquor Commissioner shall then issue a license in accordance with the provisions herein.

(e) **Same/Changes in Managers or Agents.** If during the licensing period the previously designated manager or agent is replaced, the licensee shall notify the Local Liquor Commissioner no later than ten (10) days following the appointment of a new manager or agent and said manager or agent shall provide to the Local Liquor Commissioner the information required under Section 3.5 (a) 1 of this Chapter for the purpose of investigating their eligibility to hold such position.

(f) **Proof of Dram Shop Insurance.** All applicants shall show evidence of dram shop liability insurance or other proof of financial responsibility satisfactory to the Local Liquor Commissioner prior to issuance/renewal of any license.

(g) **Private Clubs - Supplemental Information.** All applicants for a licensing under the provisions of this Chapter herein defined as a private club shall also submit the following application materials:

1. A list of all club officers and their addresses for the preceding three (3) years. Whenever such officers shall change, a revised list shall be forwarded to the Local Liquor Commissioner within ten (10) days.
2. A copy of the articles of incorporation and bylaws if the applicant is a corporation, or articles of association or bylaws, if the applicant is an association.

(h) **Right of Entry and Inspection.** The right of entry and inspection of any licensed premises by any officer or agent of any department of the City of Rock Island shall be a condition upon which every license hereunder shall be issued and the acceptance of any license hereunder shall conclusively be deemed to be the consent of the applicant and the licensee to such entry and inspection.

Section 3.6

Locations Ineligible for License

(a) **Generally.** No license shall be issued for the sale at retail of any alcoholic liquor within one hundred (100) feet of any church, school, other than an institution of higher learning, hospital, home for aged or indigent persons or for veterans, their spouses or children or any military or naval station, provided that this prohibition shall not apply to hotels offering restaurant service, regularly organized clubs, or to restaurants, food shops or other places where the sale of alcoholic liquor is not the principal business carried on; 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 where such church or school has been established within such 100 feet since the issuance of the original license.

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.

(b) **Residential Block.** No license shall be issued under the provisions of this Chapter to any applicant for any premises within the corporate limits of Rock Island, Illinois, where the same is located in any block which is at the time of application devoted exclusively to residential purposes. For the purpose of this section, "block" shall be defined as the space from intersection to intersection on the side of the street which the proposed location fronts.

(c) **Adjacent Business.** No liquor license shall be granted to any applicant for any premises not presently being used for the sale of alcoholic liquors within the corporate limits of Rock Island, Illinois, where the same is located in any block in said city which is at the time of said application either wholly or partly devoted to business uses, unless the applicant shall first file in the office of the Mayor a petition signed by a majority of the property owners, representing at least a majority of the frontage within three hundred (300) feet in each direction of which the proposed location shall front, signifying their willingness to have a license issued hereunder; providing that in any case if the property owners of at least forty (40) feet of the property immediately adjacent to or abutting on any side of the proposed location shall not appear as signers on said petition, no license shall be issued hereunder; provided further that the signature of any adjacent property owner who is then conducting a place of business in said block under a license issued hereunder shall not be deemed necessary for the purpose of this section.

The approval of property owners, and/or abutting owners, requirement of this paragraph can be waived under the procedure set forth in Paragraph (j) of this Section.

(d) **Same-Limitations.** In the event any location to which a license is issued hereunder, on the petition of property owners as above, shall become and remain vacant for a period of twelve (12) or more months consecutively, no new license shall be issued to said premises without the necessary petition of property holders being again presented in accordance with provisions of this section.

(e) **Stores.** A grocery store, drugstore, convenience store or other store where goods are sold at retail and where the primary business of such store consists of sales of goods other than alcoholic liquor; provided such stores shall not be an ineligible location if the alcoholic liquor is separated from such other goods by way of turnstiles, fencing, chains, walls, display racks, or other means suitable to the Local Liquor Control Commissioner. It is the intent of this subsection to prohibit the licensing of stores in which the sale of alcoholic liquor is not the primary business unless there are adequate controls to monitor those who enter and make purchases of alcoholic beverages. For the purposes of this subsection, the primary business in sales of goods other than alcoholic liquor shall be determined by more than fifty (50) percent of the gross revenue of all goods sold being derived from the sale of goods other than alcoholic liquor, but shall not apply to restaurants and hotels.

(f) **Same-Plan Required.** All initial applications for licensing of stores or upgrading of license classification for stores shall be accompanied by a plan detailing the area, including cooler locations, where alcoholic liquor is to be located and the means for separation. Such plan shall be reviewed and approved by the Local Liquor Commissioner and his/her designee prior to

issuance of a license.

(g) **Same-Exception.** All stores licensed as of the effective date of this ordinance shall be subject to the provisions of Section 3.6 (3) except that permanently located coolers containing beer and wine shall not be required to be relocated.

(h) **Motor Fuel Station.** A motor fuel station located within the City of Rock Island shall be an ineligible location for licensing hereunder, except that such locations may obtain a Class “E” license which shall allow the sale of beer and wine in sealed packages only, but not for consumption on the licensed premises.

(i) **Private Clubs.** A private club as defined in Section 3.1 (v) unless having first obtained a valid Class “B” liquor license. Private clubs licensed hereunder shall be subject to all of the provisions of this Chapter the same as any licensee.

(j) **Waiver of Approval.** The City Council of the City of Rock Island may waive the approval requirements relating to property owners and/or adjacent owners set forth in paragraph (c) of this Section after holding a public hearing concerning said matter at the request of an applicant for a liquor license. In the event the City Council determines that it is in the best interest of the City of Rock Island that said waiver be granted then, in that event, the City Council shall take official action therefore and refer said matter to the Mayor, who is the Local Liquor Commissioner, to determine whether a liquor license should be granted to the premises requested by the applicant.

(k) **Procedure for Waiver of Approval.** Any person, firm or corporation that wants a waiver of approval shall submit an appeal in writing to the City Clerk who will determine the date of the public hearing in conjunction with the City Council. That after said date is determined, the following procedure shall be followed:

1. A letter will be mailed to all adjacent property owners whose signatures would normally be required for the approval of a liquor license application and said letter shall contain the name of the person appealing the decision, the date of the public hearing, and instructions for the recipients to file written objections, if any, and/or attend the public hearing in person. These letters will be signed and mailed by the City Clerk who will also be the designated person to receive any written responses relating to the appeal process.
2. The notice of appeal letters described above shall be deposited in the U.S. mail at least two (2) weeks prior to the public hearing date and a copy of said letter shall be furnished to the applicant.
3. The City Clerk shall provide the City Council and the Liquor Commission with a list of persons to whom the letters are addressed, along with a copy of the form letter which was mailed to said persons. The Clerk shall also provide a copy of the written appeal and information concerning the type of liquor license requested and the result of compliance efforts made by the applicant to obtain the required property owner=s signature as set forth in Section 3-6 of this Chapter. The City Clerk, upon receipt of written objection to appeal, if any are received, shall furnish copies of said written objection(s) to the City Council, the Liquor Commissioner, the applicant, and the Rock

Island Police Department.

4. The public hearing, on an appeal, will be held during a regular City Council meeting using the same procedures at said meeting as followed by other public hearings held in said Council.
5. At the completion of the public hearing, the City Council will then consider a motion as to whether to make a recommendation to the Liquor Commissioner to consider granting a liquor license. The Liquor Commissioner will take the matter under advisement and make a decision within thirty (30) days of the hearing. The applicant will be notified of the Liquor Commissioner's decision.

Section 3.7

Licenses Generally

(a) **Generally.** No person shall sell, barter, transport, deliver, solicit or receive orders for, keep or expose for sale, keep with intent to sell, or furnish any alcoholic liquor for sale at retail within the corporate limits of the City of Rock Island without first having obtained a valid liquor license from the same.

(b) **Shifting Devices.** The giving away of any alcoholic liquor or any other shift or device to evade the provisions of this Chapter shall be unlawful and shall be punishable as unlawful selling. The dispensing of wine by any church or religious organization for sacramental purposes shall, however, not be subject to the licensing provisions of this Chapter.

(c) **Change of Location.** Any license issued hereunder shall embrace only one place of business and shall permit the sale of alcoholic liquor only in the premises described in the application and license.

(d) **Transfer of License.** A license shall be purely a personal privilege and shall not constitute property, nor shall it be subject to attachment, garnishment or execution; nor shall it be alienable or transferable, voluntarily or involuntarily, or subject to being encumbered or hypothecated. Such license shall not descend by the laws of testate or intestate devolution, but it shall cease upon the death of the licensee.

(e) **Licensing Period.** The Local Liquor Commissioner shall have the right to grant retail liquor licenses for the selling at retail of alcoholic liquor for the period beginning on the first day of May of any year and ending on the 30th day of April of the next or succeeding year.

(f) **Licensing Period-Semi Annual Option.** Licenses issued hereunder may be granted for two consecutive six (6) month period for the period beginning on the first day of May and ending on the 31st day of October of the same year and subsequently, for the period beginning on the first day of November of the same year and ending on the 30th day of April of the next or succeeding year.

(g) **Renewal of Licenses.** All liquor licenses issued hereunder must be renewed annually. Applications for renewal must be received by the Liquor Commissioner at least thirty (30) days prior to the expiration date of the license. All requests for renewal shall be accompanied by an

affidavit stating that the activities of the establishment have not deviated from the original application and classification of the license. Failure to meet the deadline for renewal may necessitate the filing of a new application by the licensee.

(h) **Semi-Annual Renewal Option.** Liquor licenses issued hereunder on a semi-annual basis shall be subject to a twenty-five dollar (\$25.00) handling fee to be paid with the regular license fee for the second six (6) month period of any licensing year.

(i) **Payment of License Fees.** All license fees established hereunder shall be paid to the City Collector prior to issuance of any license or the renewal of any license. License fees established hereunder shall be reduced in proportion to the number of full calendar months which have expired in the licensing period set forth in Section 3.7 (e) or 3.7 (f), however, no license shall be issued for any term less than the balance of the unexpired license period.

(j) **Frequenting Unlicensed Premises.** It shall be unlawful for any person to frequent premises where alcoholic liquor is sold or offered for sale, unless there is conspicuously displayed on the premises a liquor license issued by the City of Rock Island. Any person found to be frequenting unlicensed premises shall be subject to a fine of not less than twenty-five dollars (\$25.00) nor more than five hundred dollars (\$500.00).

Section 3.8

Types of Licenses and Fees

(a) **Hours of Operation.** All licenses issued hereunder, with the exception of Class G and Class H licenses, shall allow the licensee to be open Monday through Saturday from 5:00 a.m. to 1:00 a.m. and Sunday from 10:00 a.m. to 1:00 a.m. Class H licenses may reopen one hour after closing but the service of alcoholic beverages may only occur during the hours herein identified. The hours established herein shall be Central Standard Time except when Daylight Savings Time is in effect, and then said hours shall be Central Daylight Savings Time.

(b) **Class A License** shall permit the retail sale of alcoholic liquor, in sealed packages, but not for consumption on the premises where sold except that reasonable tasting/sampling of alcoholic liquor by patrons may be allowed on the licensed premises of establishments herein defined as liquor stores. The annual fee for a Class A license shall be one thousand dollars (\$1,000.00).

(c) **Class B License** shall permit the retail sale of alcoholic liquor for consumption on the licensed premises, as well as other retail sales of such alcoholic liquor. However, such retail sales of packaged alcoholic liquor for consumption off the licensed premises shall not comprise greater than fifty (50) percent of the total annual sales of all alcoholic liquor. The annual fee for a Class B license shall be one thousand dollars (\$1,000.00).

(d) **Class C License** shall permit the retail sale of alcoholic liquor in sealed packages as well as for consumption on the licensed premises. The annual fee for a Class C license shall be one thousand three hundred dollars (\$1,300.00).

(e) **Class D License** shall permit the retail sale of alcoholic liquor for consumption only on the premises where sold, and not for resale in any form, to be issued to premises which conform to the definition of hotel as defined as Section 3.1 (1) of this ordinance. The annual fee for a Class D license shall be one thousand dollars (\$1,000.00).

(f) **Class E License** shall only permit retail sale of beer and wine in sealed packages, but not for consumption on the premises where sold. The annual fee for a Class E license shall be one thousand dollars (\$1,000.00).

(g) **Class G License** shall permit the retail sale of beer and wine only at a city-owned golf course or baseball complex. Said license shall not allow the retail sale of beer and wine for consumption off the licensed premises and shall be in effect during regular operating hours only during the golfing season at the golf course and on the premises only of the baseball complex during ball games that are officially sanctioned by the Park and Recreation Board. The annual fee for a Class G license shall be two hundred and fifty dollars (\$250.00).

(h) **Temporary License.** Upon approval by the Local Liquor Commissioner, a Class T or temporary license to sell alcoholic liquor at retail may be granted to organized clubs, societies, associations, fraternal organizations, duly constituted churches, or other not for profit organizations. A temporary license may be issued pursuant to this section for one (1) day; two (2) consecutive days; or three (3) consecutive days. The license shall specify on its face the duration.

1. No organization shall be issued more than one (1) temporary license during any thirty (30) day period. This restriction may be waived by the Local Liquor Commissioner upon application by any not-for-profit business association representing the Rock Island Arts and Entertainment District as part of public events that are within a scheduled program of events which schedule has been approved by the City Council and , if so waived, the fee for such additional temporary license shall be Seventy-Five Dollars (\$75.00) per day.
 2. All applications for temporary licenses must be received by the Liquor Commissioner at least thirty (30) days prior to the dates being requested.
 3. All applicants for temporary license shall show evidence of dram shop liability insurance or other proof of financial responsibility prior to issuance of such license.
 4. The fee for a Class T license shall be twenty-five dollars (\$25.00) per day.
- (2) **Class H License** shall permit the retail sale of alcoholic liquor for consumption only on the premises where sold, and not for resale in any form, on premises which conform to the definition of restaurant as defined in Section 3-1 of this Chapter. Service of alcoholic liquor shall be only during the time that food is prepared on the premises and is available to be served and a menu is in effect and a cook or chef, whose primary duties shall not include bartending or the serving of alcoholic liquor, shall be in attendance. The annual fee for a Class H License shall be One Thousand Dollars (\$1,000.00).

Section 3.9

Supplemental License Options and Fees

(a) **License Options-General.** Upon approval of the Liquor Commissioner the license options set forth below shall be available to holders of Class A, B, C and D liquor licenses. Class H license holders may apply for supplemental license options 2 and 3 below.

All supplemental license options shall be issued on the same qualifications, terms, and conditions required for the original license.

1. **Extended Hours.** Option 1 shall permit the licensed establishment to be open Monday through Saturday from 5:00 a.m. until 3:00 a.m. and on Sundays from 10:00 a.m. to 3:00 a.m. The annual fee for the Extended Hours option shall be four hundred dollars (\$400.00).
2. **Live Entertainment-Limited.** Option 2 shall permit the licensed establishment to have live entertainment on Friday and Saturday nights of every week. The annual fee for the Live Entertainment-Limited option shall be two hundred dollars (\$200.00).
3. **Live Entertainment-Continuous.** Option 3 shall permit the licensed establishment to have live entertainment seven (7) days per week. The annual fee for the Live Entertainment-Continuous option shall be four hundred dollars (\$400.00)
4. The entertainment authorized herein in subparagraphs (2) and (3) of this section shall permit any amusement feature including music, vaudeville, singing, acting, dancing or contests, whether by personal performance, instrumental device, or disc jockey.
 - a) It shall be cause for revocation or suspension as herein provided if the licensee, his manager or agent, shall allow any live person to appear or have reasonable cause to believe that any live persona shall appear in any licensed

premises in a state of nudity to provide entertainment; to provide service; to act as hostess, Manager or owner, or to serve as an employee in any capacity.

- b) For the purposes of this subsection, the term “nudity” shall mean the showing of the human male or female genitals, pubic area or buttocks or the human female breast including the nipple or any portion below the nipple with less than a full opaque covering.

(b) **License Options - Outdoor Events.** Upon approval of the Local Liquor Commissioner and the Rock Island City Council, holders of Class B and C licenses only, shall be allowed to conduct outdoor events provided that the following conditions are met:

1. The Local Liquor Commissioner receives a written request at least fifteen (15) days prior to the planned event.
2. The event is to be held on property owned by the licensee and adequate measures are provided to secure the outdoor area where the event will take place so as to prevent access by minors.
3. Outdoor musical entertainment, if provided, and sound amplifying equipment utilized, shall be kept at a decibel level which does not unduly disturb the peace and quiet of the surrounding neighborhood. (Reference Chapter 8 Article I Section 8-7)
4. Outdoor musical entertainment, if provided, shall cease at 10:00 p.m. unless specifically extended upon approval of the event. Such extension shall be granted based upon consideration of the character of the surrounding neighborhood and/or presentation of other information showing lack of objection from surrounding property owners.

Section 3.9A

Adult Cabaret License

(a) The Local Liquor Commissioner is authorized to issue three (3) adult cabaret licenses which allow the licensee to have sexually orientated live entertainment on the licensed premises. Such entertainment does not include any live person appearing in any such licensed premises in a state of nudity to provide entertainment; to provide service to act as hostess, manager, or owner, or to serve as an employee in any capacity. For the purpose of this subsection, the term “nudity” shall mean the showing of the human male or female genitals, pubic area or buttocks.

1. It is the intent of the City Council that the three adult cabaret licenses herein authorized to be issued to the three licensees in the City of Rock Island that are presently providing such entertainment. And further that if any of said or control of said business for any reason, the maximum number of authorized adult cabaret licenses be reduced accordingly until such time as all of said licensees cease to operate or attempt to transfer ownership or control of their licensed business.
2. Transfer of ownership or control of the adult cabaret license means and includes any of the following:
 - a) The sale, lease, or sublease of the business;
 - b) The transfer of securities which constitute a controlling interest in the business, whether by sale, exchange or similar means;
 - c) The establishment of a trust, gift or other similar legal devise which transfer ownership or control of the business.

3. The annual fee for the adult cabaret license option shall be five hundred dollars (\$500.00).

Section 3.10

Minors

(a) **Definition.** As defined in Section 3.1 (g), a minor shall mean any person under the age of twenty-one (21) years.

(b) **Sale to Minors-Prohibited.** It shall be unlawful for any person licensed under the provisions of this Chapter, or any agent thereof, to give, sell, or deliver any alcoholic liquor to any minor.

(c) **Purchase and Consumption by Minors-Prohibited.** It shall be unlawful for any minor to purchase or accept a gift of alcoholic liquor or to possess or consume any alcoholic liquor.

(d) **Proof of Age-Required.** If a licensee pursuant to this Chapter or agent thereof shall believe that a sale or delivery of alcoholic liquor is prohibited because of the minority of the prospective recipient, he or she shall before making such sale or delivery demand presentation of some form before making such sale or delivery demand presentation of some form of acceptable identification containing proof of age. The acceptance must be made in reasonable reliance that the person presenting the identification is in fact of legal age and the same person pictured on the I.D. The following types of identification are acceptable forms of identification for purposes of entering a licensed establishment and/or purchasing or obtaining alcoholic liquor: Vehicle Operator's License; State Photo Identification Card for Non-drivers; passport or visa.

(e) **Proof of Age-Refusal to Produce.** No person when on premises licensed under this Chapter, shall refuse to show proof of his or her age when asked to do so by the licensee or agent thereof. Any person who fails to produce positive proof of their age when so requested shall immediately be advised to leave the licensed premises.

(f) **Falsification of Proof of Age-Prohibited.** With respect to any identifying document containing proof of age issued by a public officer in the performance of official duties, no person shall:

1. Alter or deface such identifying document; or
2. Present identifying documents belonging to another person as their own; or
3. Carry or use a false or forged identification document; or
4. Obtain any document establishing identity by means of false information.

(g) **Employment of Minors-Prohibited.** No minor shall be employed by a licensee, except for the purpose of preparing or serving food, providing entertainment and/or providing maintenance or cleanup services. At no time shall any minor tend bar or pour, handle, mix, draw, sell, or serve any alcoholic liquor in any premises licensed under the provisions of this Chapter.

(h) **Employment of Minors-Grandfather Provision.** As of the effective date of this

ordinance, no licensee hereunder, or manager or agent thereof, shall hire any minor to work in any licensed establishment where said minor=s duties would include the mixing, dispensing, pouring, selling, or serving of alcoholic liquor. However, any minor who is, as of the effective date of this ordinance, over the age of nineteen (19) and who is employed by a licensed establishment in such capacity shall be allowed to maintain such employment.

(i) **Minor on Premises-Prohibited.** No minor shall be allowed in any liquor licensed premises with the City. For any violation of this Section, it shall be a defense if the licensee qualifies under one of the following:

1. A minor may be in a liquor licensed premise which is also a motor fuel station or a store which receives fifty-one (51) percent or more of its annual gross revenue from the sale of food or other services or commodities for the purpose of obtaining and/or consuming food or purchasing items other than alcoholic liquor. If the alcohol is stored or stocked in a separate section form the rest of the store, the minor may not be in that section.
2. A minor may be in a liquor licensed premise which is also a restaurant (with a full service kitchen, diverse menu, and the food being prepared on premises) for the purpose of consuming food and nonalcoholic beverages. The minor must not be seated at the "bar" of the premises. This qualification shall be applicable only during the following time periods: 6:00 a.m. until 2:00 p.m., and 5:00 p.m. until 8:00 p.m.
3. A minor may be permitted to enter a licensed location which is also a restaurant (with full service kitchen, dining menu, and the food being prepared on the premises) for the purpose of obtaining and/or consuming food and nonalcoholic beverages at other times than specified in Subsection (2) above, provided that said minor is not in that area of the premises where alcoholic liquors are drawn, mixed, poured, stored, or stocked.

(j) **Compliance Not a Defense.** No licensee or any agent thereof shall raise as a defense to this Section his or her compliance with Section 3.10 (d). However, such fact shall be considered by the Local Liquor Control Commissioner in mitigation of the fining of guilt for violation of this Section.

(k) **Consumption by Minor-Exclusion.** Nothing in this Section shall preclude the consumption by a minor of alcoholic liquor in the performance of religious services or under direct supervision of the parents or parent of such minor in the privacy of a home.

Section 3.11 **Operation**

(a) **License Posted.** Every holder of license issued pursuant to this Chapter shall immediately post and keep posted while in force, in a conspicuous location on the premises, the license so issued. Whenever such license is lost or destroyed, a duplicate thereof shall be issued by the Local Liquor Commissioner upon application by the licensee, who shall also make a verified statement of said loss or destruction. A twenty-five dollar (\$25.00) processing fee shall be charged for issuance of any duplicate license.

(b) **Compliance with Health and Safety Codes.** All premises licensed hereunder shall at

all times be kept in a clean, orderly and sanitary condition and shall comply with all building and safety codes so established by the City of Rock Island, Rock Island County, and the State of Illinois.

(c) **Occupancy Load.** The established occupant load of any licensed premises shall not exceed the posted capacity at any time.

(d) **Accessibility.** During the hours of operation, applicable to the class of license held by the licensee, the doors to any licensed premises shall remain unlocked unless such premises are closed for business. At no time shall entrances to a licensed premises be locked when any patrons of said establishment are present, except that doors may be locked fifteen (15) minutes prior to closing time where exits are arranged so as to be readily opened from the side from which egress is to be made, i.e., equipped with panic bar exit.

(e) **View of Premises.** No license hereunder, or agent thereof shall willfully obscure or in any manner obstruct any door or window of any licensed premises with any screen, blind, curtain, partition, or other object which would prevent clear view into the licensed premises. To the extent that the construction of the licensed premises permits, licensees shall provide a clear view into the licensed premises.

(f) **Same-Exceptions.** The provisions of Section 3.11 (e) shall apply to all premises upon which the sale of alcoholic liquor for consumption upon the premises is licensed, provided that said provisions shall not apply to restaurants, hotels, or other places where the sale of alcoholic liquor is not the primary business.

(g) **Closing Time.** At the closing time applicable to the class of license held by any licensee hereunder, the selling, dispensing and serving of all alcoholic liquor shall cease. The licensee, or agent thereof, shall from such closing time have a period of time not to exceed fifteen (15) minutes in which to clear the premises of all persons other than bona fide employees of the licensed establishment who are engaged in clean-up activities. If any law enforcement officer of the City of Rock Island shall believe that any person remaining in any licensed premises after closing time is not a bona fide employee engaged in clean-up activities, said officer may demand evidence documenting said employment. It shall be the responsibility of the licensee or any agent or employee thereof to produce proof of bona fide employment.

(h) **Telephone Required.** All establishments licensed under the provisions of this Chapter shall have on their premises at least one operational telephone. All licensees or agents thereof, shall telephone the Rock Island Police Department if asked to do so, or if any violation of the law occurs on the licensed premises.

(i) **Gambling Devices.** No gambling device or other gambling paraphernalia shall be kept or used for the purpose of gambling in any location licensed under the provisions of this Chapter.

(j) **Delivery.** No licensee, or agent thereof, shall order to receive the delivery of any alcoholic liquor on Sunday at the premises so licensed or at any other premises.

(k) **Employment of Felon.** No licensee or agent thereof shall employ or permit to be employed any person who has been convicted of a felony within fifteen (15) years prior to his or her employment as a manager or bartender in any premises licensed under this Chapter.

(l) **Sale to Certain Persons-Prohibited.** No licensee hereunder or agent thereof shall sell, give, or deliver any alcoholic liquor to any intoxicated person or to any person he or she knows to be under legal disability or in need of mental treatment. For the purposes of this Section, legally disabled shall mean the same as judged incompetent.

(m) **Indecency/Obscenity-Prohibited.** No licensee hereunder shall allow any person to engage in any act of public indecency or obscenity upon any licensed premises. For the purposes of this Section, Aindecency@ shall mean the same as the definition contained in Chapter 38, Section 11, of the Illinois Revised Statutes, and Aobscurity@ shall mean the same as the definition contained in Chapter 38, Section 11, of the Illinois Revised Statutes.

(n) **Prostitution/Pandering-Prohibited.** No licensee hereunder shall allow any person to solicit another for the purpose of prostitution upon any licensed premises; nor shall any licensee hereunder, or agent thereof, arrange or offer to arrange for money or anything of value, a situation in which a person may practice prostitution.

(o) **Warning Signs to be Posted.** Every licensed establishment within the city where alcoholic liquor is sold shall display in a prominent place near to and clearly visible at all points of entry a printed warning which shall read as follows:

WARNING

Persons under 21 are, by city ordinance, subject to a fine up to \$500.00 for consuming or possessing alcohol or for misrepresenting their age in order to obtain or purchase alcohol. Only the following are acceptable proof of identification: current Vehicle Operator's License, current State Photo Identification Card, and current Passport.

(p) **Loitering/Disorderly Conduct.** No licensee hereunder shall allow any loitering, gathering of unruly individuals or crowds or any unlawful or dangerous behavior whether in the premises or in any parking lot or other adjacent area serving the premises, and the licensee shall have primary responsibility for hiring such security personnel and taking other appropriate measures to observe compliance with this subparagraph. In the event a violation of law has taken place, the licensee or his agents shall immediately notify the Police Department.

(q) **Sales of Glass Bottles of Beer Over 12 Ounces.** No licensee or agent thereof shall sell at retail beer, as defined in Section 3-1 of this Ordinance, in glass bottles or glass containers having a liquid content of more than 12 ounces, for consumption off the licensed premises, provided however, a licensee or agent of a business possessing a Class "A" Liquor License whose primary sales of alcoholic beverages are 85% of their sales, may sell imported or micro-brewed beer at room temperature in glass bottles or glass containers having a liquid content of more than 12 ounces but less than 30 ounces for consumption off the licensed premises.

Section 3.12

Hearing Procedures

(a) Upon receipt of a complaint being made of a violation of the Illinois Liquor Control Act or of this Chapter, the Liquor Commissioner shall set the matter for hearing and shall serve

notice upon the licensee of the time and place of such hearing and of the particular charge. Notice as herein required shall be by registered mail or by leaving a copy of said notice at said licensed place of business at least three (3) days prior to the date set for hearing. Such hearings shall be open to the public and written minutes of all proceedings shall be maintained.

- (b) Witnesses shall be sworn, but in all respects hearings shall be informal and the strict rules of evidence shall not apply.
- (c) A complete record of all evidence, testimony and comments before the Commission shall be taken by a Certified Court Reporter or Certified Shorthand Reporter.
- (d) Review of the proceedings before the Local Liquor Commission shall be limited to a review of the official record of the proceedings. No new or additional evidence shall be admitted or considered.
- (e) **Initial Cost.** An hourly fee for the Certified Court or Shorthand Reporter at attendance at the formal hearings before the Local Liquor Control Commission shall be paid by the City of Rock Island.
- (f) All costs of preparing and transcribing an official record on appeal to the State Liquor Control Commission shall be born by the licensee requesting a review of the official proceedings.

State law references - Illinois Revised Statutes Chapter 38.

Section 2. All ordinance and parts of ordinances in conflict herewith are hereby repealed insofar as they do so conflict.

Section 3. This ordinance shall be in full force and effect from and after its passage and approval as required by law.

Mark W. Schwiebert, Mayor
City of Rock Island

PASSED: _____

APPROVED: _____

ATTEST: _____

City Clerk