

Chapter 4

ALCOHOLIC BEVERAGES*

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***Cross references**—Advertising, ch. 3; food and food products, ch. 10; licenses, business regulations, and taxation, ch. 13; intoxication, § 14-11; traffic, ch. 23; zoning, app. A; subdivisions, app. B.

ALCOHOLIC BEVERAGES

ARTICLE I. IN GENERAL

Sec. 4-1. Definitions.

All words and phrases used in this chapter which are defined in the Liquor Control Act of 1934 (Ill. Rev. Stat. ch. 43, § 93.9 et seq.) shall have the meanings accorded to such words and phrases in such act.

(Code 1970, § 4-1)

Cross reference—Definitions and rules of construction generally, § 1-2.

State law reference—Definitions, Ill. Rev. Stat. ch. 43, § 95 et. seq.

Sec. 4-2. Acceptance of regulations.

Any person who accepts any alcoholic liquor license issued under this chapter hereby accepts and agrees to comply with all of the terms and conditions of this chapter, and all other applicable ordinances of the city.

(Code 1970, § 4-2)

Sec. 4-3. Hours, days of sale regulated.

(a) Holders of retail liquor licenses shall not sell at retail between the hours of 12:01 a.m. and 6:00 a.m. of each weekday, Monday through Friday, nor from 1:01 a.m. and 6:00 a.m. on Saturday, nor from 1:01 a.m. Sunday until 1:00 p.m. on Sunday, nor from 10:00 p.m. on Sunday until 6:00 a.m. on Monday. It shall be unlawful to sell or offer for sale such retail liquor during such hours. In order to observe Sunday hours and/or 1:00 a.m. closing hours, licensee shall have the correct classification of license and shall have paid the applicable fee therefore.

(b) Holder of a liquor license may sell at retail on Super Bowl Sunday between the hours of 1:00 p.m. and 11.59 p.m. and on New Years Eve between the hours of 6:00 a.m. and 2:00 a.m. (New Years Day); provided however, that if New Years Eve Day is on a Sunday, the holders of a liquor license shall be permitted to sell at retail from 1:00 p.m. until 2:00 a.m. New Years Day.

(b) Holders of any liquor license may sell at retail during the annual community Fall Festival from 6:00 a.m. until 1:00 a.m.

(Code 1970, § 4-3; Ord. No. 93-6, § 1, 4-6-93; Ord. No. 96-6, 4-2-96; Ord. No. 2001-24, § 1, 12-18-01)

State law reference—Local regulation of hours of sale, Ill. Rev. Stat. 43, § 129.

Secs. 4-4—4-8. Reserved.

Sec. 4-9 Loitering on premises by certain persons prohibited.

No person under the age of 21 years, intoxicated person or person known to be under legal disability or in need of mental treatment shall be allowed to loiter or remain in any place in the city where alcoholic liquor is sold or kept for sale, after

being notified by the proprietor or his agent, or any police officer, to leave the premises.

(Code 1970, § 4-9)

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Sec. 4-10. Carrying, possessing, etc., on public property, ways.

- (a) Possession. 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, and/or sidewalks, except in the original package and with the seal unbroken, within the city.
- (b) Consumption. No person shall consume any alcoholic liquor on any public property belonging to the city or on any public way or right-of-way, including but not limited to public highways, streets, alleys and/or sidewalks, within the city.
- (c) Penalty. Whoever violates any of the provisions of this section shall, upon conviction, be guilty of a class C misdemeanor.
- (d) Collection and disposition of fines. Fines for violation of this section when collected shall be paid into the treasury of the city.
(Code 1970, § 4-10)

Secs. 4-11—4-19. Reserved.

ARTICLE II. LICENSES

Sec. 4-20. Required.

It shall be unlawful to sell or offer for sale at retail in the city any alcoholic liquor without first having obtained a city retail dealer's license for each location, place or premises where alcoholic liquor is sold or offered for sale.

(Code 1970, § 4-20)

Sec. 4-21. Application; procedure; contents.

- (a) An applicant for a retail liquor license from the city shall submit to the mayor an application in writing under oath stating:
 - The name, age and address of the applicant in the case of an individual; in the case of a copartnership, the persons entitled to share in the profits thereof; and in the case of a corporation for profit or a club, the date of incorporation, the objects for which it was organized, the names and addresses of the officers and directors, and if a majority in interest of the stock of such corporation is owned by one person or his nominees, the name and address of such person.
- (2) The citizenship of the applicant, his place of birth and if a naturalized citizen, the time and place of his naturalization.
- (3) The character of business of the applicant, and in case of a corporation the

objects for which it was formed.

- (4) The length of time that the applicant has been in business of that character, or in the case of a corporation, the date on which its charter was issued.
 - (5) The amount of goods, wares and merchandise on hand at the time the application is made.
 - (6) The location and description of the premises or place of business which is to be operated under such license; or in the case of a railroad or boat license where such car or boat is to be operated.
 - (7) A statement whether such applicant has made similar application for a similar license on premises other than those described in this application, and the disposition of such application.
 - (8) A statement that applicant has never been convicted of a felony and is not disqualified to receive a license by reason of any matter or thing contained in this article.
 - (9) Whether a previous license by any state or subdivision thereof, or by the federal government has been revoked, and the reasons therefore.
 - (10) The date of incorporation if an Illinois corporation, or the date of becoming qualified under the Business Corporation Act of 1983 (Ill. Rev. Stat. ch. 32, § 101 et seq.) to transact business in this state if a foreign corporation.
 - (11) That he will not violate any of the laws of the state or of the United States in the conduct of his place of business.
 - (12) That he has not received or borrowed money or anything else of value, and that he will not receive or borrow money or anything else of value (other than merchandising credit in the ordinary course of business for a period not to exceed 90 days) directly or indirectly from any manufacturer, importing distributor or distributor representative of any such manufacturer, importing distributor or distributor, and that he shall not be a party in any way, directly or indirectly, to any violation by a manufacturer, distributor or importing distributor of this article, or this Code.
 - (13) All other information required by state law for a state license.
- (b) In addition to the foregoing information, such application shall contain such other and further information as the mayor and the local commission may, by rule or regulation not inconsistent with law, prescribe.
 - (c) If the application is made in behalf of a partnership, firm, association, club or corporation, the same shall be signed and sworn to by at least two members of such partnership, or the president and secretary of such corporation.

(Code 1970, § 4-21)

State law references—Similar provisions, Ill. Rev. Stat. ch. 43, § 145; persons ineligible to be licensed, Ill. Rev. Stat. ch. 43, § 120.

Sec. 4-22. Persons ineligible for licenses.

No license required by this article shall be issued to:

- (1) A person who is not a resident of any city, village or county in which the premises covered by the license are located; except in case of railroad or boat licenses.
- (2) A person who is not of good character and reputation in the community in which he resides.
- (3) A person who is not a citizen of the United States.
- (4) A person who has been convicted of a felony under any federal or state law, unless the liquor control commissioner determines that such person has been sufficiently rehabilitated to warrant the public trust after considering matters set forth in such person's application and the commissioner's investigation. The burden of proof of sufficient rehabilitation shall be on the applicant.
- (5) A person who has been convicted of being the keeper or is keeping a house of ill fame.
- (6) A person who has been convicted of pandering or other crime or misdemeanor opposed to decency and morality.
- (7) A person whose license issued under this article has been revoked for cause.
- (8) A person who at the time of application for renewal of any license issued under this article would not be eligible for such license upon a first application.
- (9) A copartnership, if any general partnership thereof, or any limited partnership thereof, owning more than five percent of the aggregate limited partner interest in such copartnership would not be eligible to receive a license under this article for any reason other than residence within this city.
- (10) A corporation, if any officer, manager or director thereof, or any stockholder or stockholders owning in the aggregate more than five percent of the stock of such corporation, would not be eligible to receive a license under this article for any reason other than citizenship and residence within this city.
- (11) A corporation unless it is incorporated in this state, or unless it is a foreign corporation which is qualified under the Business Corporation Act of 1983 (Ill. Rev. Stat. ch. 32, 1.01 et seq.) to transact business in this state.
- (12) A person whose place of business is conducted by a manager or agent unless the manager or agent possesses the same qualifications required by the licensee.
- (13) 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.

- (14) 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.
- (15) Any law enforcing public official, including the local liquor control commissioner, the mayor, any alderman, 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.
- (16) A person who is not a beneficial owner of the business to be operated by the licensee.
- (17) A person who has been convicted of a gambling offense as proscribed by any of subsections (a)(3) through (a)(10) of section 28-1 of, or as proscribed by section 28-3 of, the Criminal Code of 1961 (Ill. Rev. Stat. ch. 38, § 1.01 et seq.) approved July 28, 1961, as heretofore or hereafter amended, or as proscribed by a statute replaced by any of the aforesaid statutory provisions.
- (18) A person to whom a federal wagering stamp has been issued by the federal government for the current tax period.
- (19) A copartnership to which a federal wagering stamp has been issued by the federal government for the current tax period, or if any of the partners have been issued a federal gaming device stamp or federal wagering stamp by the federal government for the current tax period.
- (20) A corporation, if any officer, manager or director thereof, or any stockholder owning in the aggregate more than 20 percent of the stock of such corporation has been issued a federal wagering stamp for the current tax period.
- (21) Any premises for which a federal wagering stamp has been issued by the federal government for the current tax period.
(Code 1970, § 4-22)
State law reference—Similar provisions, Ill. Rev. Stat. ch. 43, § 120.

Sec. 4-23. Classification of licenses, fees.

- (a) Licenses required by this article for the retail sale of alcoholic liquor shall be divided into the following classes:
 - (1) Class “A” licenses, which shall permit the retail sale of alcoholic liquor for consumption on the premises where sold as well as other retail sales of such liquor.
 - (2) Class “B” licenses, which shall permit the retail sale of alcoholic liquor, but

not for consumption on the premises where such alcoholic liquor is sold.

- (3) Class “C” licenses, which shall permit the retail sale of alcoholic liquor for consumption on the premises where sold for a period of time not to exceed 72 consecutive hours in duration by an organization which is recognized as tax exempt by the Internal Revenue Service pursuant to Section 501 of the Internal Revenue Code, or by the holder of another class of license issued under this Section of the City Code for the purposes of a special event.
 - (4) Class “D” licenses, which shall permit the retail sale of alcoholic liquor for consumption on the premises only, by private clubs to its members and guests.
 - (5) Class “E” licenses, which shall permit the retail sale of beer and wine only for consumption, on the premises where sold.
 - (6) Class “F” licenses, which shall permit the retail sale of alcoholic liquor for consumption on the premises only, at any bed and breakfast operated in the city during the conduct of such business operation.
 - (7) Class “AA” licenses shall only be issued to the holders of a class “A” liquor license and will allow the licensee (AA) to maintain 1:01 a.m. closing hours on Saturday and Sunday.
- (b) The annual fee for a class “A” license shall be \$500.00; the annual fee for a class “B” license shall be \$500.00; the annual fee for a class “C” license shall be zero dollars; the annual fee for a class “D” license shall be \$400.00 with Sunday option, or \$300.00 without Sunday operation hours; the annual fee for a class “E” license shall be \$250.00; the annual fee for a class “F” license shall be \$500.00 with Sunday option or \$400.00 without Sunday operational hours; the annual fee for a class “AA” license shall be \$150.00.
(Code 1970, § 4-23; Ord. No. 85-3-1, § 1, 3-5-85; Ord. No. 96-6, 4-2-96)
- State law references**—Retailer’s license, Ill. Rev. Stat. ch. 43, § 115(d); authority of city council to determine kind, classification of licenses, Ill. Rev. Stat. ch. 43, § 110.

Sec. 4-24. Restrictions on number of licenses.

“No more than ten class “A” licenses, no more than three class “B” licenses and no more than three class “C” licenses shall be issued under this article or exist at any given time. No more than three class “D” licenses, no more than four class “E” licenses, no more than four class “F” licenses, no more than seven class “AA” licenses” shall be issued under this article or exist at any given time.
(Code 1970, § 4-24; Ord. No. 85-3-1, § 2, 3-5-85; Ord. No. 92-24, § 1, 8-4-82; Ord. No. 96-6, 4-2-96)

State law reference—Authority to limit number of licenses, Ill. Rev. Stat. ch. 43, § 110.

Sec. 4-25. Term.

All licenses issued pursuant to this article shall terminate on May 1 of each year.
(Code 1970, § 4-25)

Sec. 4-26. License to be posted.

Every license shall cause his retail alcoholic liquor license issued pursuant to this article to be hung or posted in plain view in a conspicuous place on the licensed premises. (Code 1970, § 4-26)

Sec. 4-27. Transferability of licenses.

A license under this article shall be purely a personal privilege, good for not to exceed one year after issuance, except a nonbeverage user's license, unless sooner revoked as provided by state law, 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, provided that executors or administrators 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 or manufacture of alcoholic liquor under order of the appropriate court, and may exercise the privileges of the deceased or insolvent or bankrupt licensee after the death of such decedent, or such insolvency or bankruptcy until the expiration of such licensee but not longer than six months after the death, bankruptcy or insolvency of such licensee. Except in the case of a nonbeverage user's license, a refund shall be made of that portion of the license fees paid for any period in which the licensee shall be prevented from operating under such license in accordance with the provisions of this section.

(Code 1970, § 4-27)

State law reference—Similar provisions, Ill. Rev. Stat. Ch. 43, § 119.

Sec. 4-28. Changing location of licensed premises.

Changes in location of the premises licensed as retail alcoholic liquor vendors may be permitted, is such change is approved, in writing by the mayor. Changes in such locations shall always conform to this article, and other city ordinances.

(Code 1970, § 4-28)

Sec. 4-29. Revocation, suspension of licenses; powers of liquor control commissioner.

The mayor, as liquor control commissioner of the city, shall have the power to revoke or suspend any liquor license under this article for violation of any section of this chapter, as specified in the Liquor Control Act of 1934 (Ill. Rev. Stat. ch. 43, § 93.9 et seq.), and all other powers granted to him in such act, subject to the restrictions and procedures contained therein.

(Code 1970, § 4-29)

Cross reference—General duties of mayor, § 2-43.

State law references—Revocation of local licenses, Ill. Rev. Stat. ch. 43, § 149; general duties of local liquor control commissioners, Ill. Rev. Stat. ch. 43, § 111.

LICENSES

	<u>Allowed</u>	<u>Assigned</u>
Class "A"	10	7
Class "B"	3	3
Class "C"	3	
Class "D"	3	
Class "E"	4	1
Class "F"	4	1
Class "AA"	7	3