

**ORDINANCE 17,309**

**AN ORDINANCE AMENDING CHAPTER 3 OF THE CODE OF THE CITY OF PEORIA  
PERTAINING TO ALCOHOLIC BEVERAGES**

**WHEREAS**, the City of Peoria, Illinois is a home rule municipality pursuant to Article VII, Section 6 of the Illinois Constitution of 1970; and

**NOW, THEREFORE, BE IT ORDAINED** by the City Council of the City of Peoria, Illinois as follows:

**Section 1.** There shall be added to the Code of the City of Peoria the following underlined words and deleting the following stricken words in Article II of Chapter 3 of the Code of the City of Peoria pertaining Alcoholic Beverages:

**Article II.      Retail Licenses**

• **Sec. 3-52. - Classes.**

Licensee to sell alcoholic liquor at retail are hereby divided into classes as follows:

- (1)      *Class A.* Class "A" licenses shall authorize the retail sale of alcoholic liquors on the premises of any tavern for consumption on the premises, as well as other retail sales of such liquor. The annual fee for such licenses shall be ~~\$840.00~~ \$1,100.00
  
- (2)      *Class B.* Class "B" licenses shall authorize the retail sale of alcoholic liquors on the premises in any restaurant which complies with the requirement that 50 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 consumption on the premises, as well as, other retail sales of such liquor. The annual fee for such licenses shall be ~~\$1,000.00.~~ \$1,300.00.
  
- (2.1)    *Class B-1.* Class "B-1" licenses shall authorize the retail sale of alcoholic liquors on the premises in any restaurant that does not qualify for a Class B license for consumption on the premises, but which complies with the requirement that 25 percent or more of the gross revenue must regularly be from the serving of meals as well as, other retail sales of such liquor. The annual fee for such licenses shall be ~~\$1,000.00.~~ \$1,300.00.
  
  
  
  
  
  
  
  
  
  
- (3)      *Class C.* Class "C" (grocery) licenses shall authorize the retail sale of alcoholic liquors in packages and not for consumption of the premises where sold for a grocery store or a grocery store where a gasoline station is attached as a secondary business operation and has no less than 75 percent of its total

public selling space devoted to items listed in the definition of a grocery store as defined under section 3-1 of the Code and no more than 25 percent of the gross revenue in any month from the operation of the establishment be from the retail sale of alcoholic liquors. The Class C grocery store requirement shall not apply to a Class C retail liquor license establishment which has been site approved prior to March 1, 2013 as long as there is no lapse of such site approval as prescribed under section 3-97. An establishment with a site approval for a Class C-2 retail liquor license approved prior to March 1, 2013 shall be deemed to be site approved for the same class as a Class C retail liquor license as long as there is no lapse of such site approval as prescribed under section 3-97. This license shall authorize the licensee to conduct unlimited product tasting of wine, distilled spirits or beer on the licensed establishment as authorized by this Code without obtaining a subclass 6 supplemental license. The annual fee for such license shall be ~~\$2,450.00~~. \$3,000.00

(3.1) *Class C-1.* Class "C-1" licenses shall authorize the retail sale of alcoholic liquors in packages and not for consumption on the premises where sold and shall be the default license for any packaged liquor establishment which does not meet the definition of a grocery store as defined under section 3-1 of the Code. The annual fee for such license shall be ~~\$1,650.00~~. \$2,000.00.

(3.2) *Class C-G.* Class "C-G" licenses shall authorize the retail sale of alcoholic liquors in packages and not for consumption on the premises where sold in conjunction with the operation of a gasoline station. In order to qualify for this license, the applicable premises must be under 10,000 square feet and kept, used, maintained, advertised and held up to the public as a place where at least five of the following seven categories of products can be purchased at retail: dairy products, baked goods, frozen foods, groceries, snack foods, health and beauty aids, and where a maximum of 15 percent of the total public selling space is devoted to the display of alcoholic beverages offered for sale.

For purposes of this section, a gasoline station is defined as an establishment where motor fuel is sold or offered for sale from approved pumps, whether through an attendant or by self-service. Motor fuel, as used herein, shall include all volatile and inflammable liquids which are produced, blended or compounded, or which are suitable or practicable for operating motor vehicles.

Class C-G licenses shall further be limited to beer and wine only. In order to prevent the sale of single servings of beer and wine in Class C-G licensed establishments, Class C-G licensed establishments are hereby prohibited from making sales of less than 750 milliliters (approximately 25.35 ounces) of a beer or wine beverage.

An establishment with a site approval for a Class C-4 or Class C-5 retail liquor license approved prior to March 1, 2013 shall be deemed to be site approved for the same class as a Class C-G retail liquor license as long as there is no lapse of

such site approval as prescribed under section 3-97. The annual fee for such Class C-G license shall be ~~\$1,650.00~~. \$2,000.00.

- (4) *Class D.* Class "D" licenses shall authorize the retail sale of alcoholic liquors on the premises in any hotel for consumption on the premises, when such retail sale is made by the same person who operates the hotel. The annual fee for such licenses shall be ~~\$1,000.00~~ \$1,300.00 for each permanent location or place under the same roof in which the hotel shall be located; provided, that nothing contained in this article shall be so construed as to prevent any hotel operator, licensed under the provisions of this article, from serving alcoholic liquors to registered guests in any room, designed for temporary and permanent habitation with sleeping accommodation and bathing amenities, if such liquor so served shall be kept in and served from a licensed location, place or premises in the hotel.
- (5) *Class E.* Class "E" licenses shall authorize the retail sale on the premises of alcoholic liquors in any club for consumption on the premises. The yearly fee for such licenses shall be the sum of ~~\$425.00~~ \$500.00 for all clubs with a membership of 200 or less. For the purposes of this section, the term "membership" shall include any and all persons who are entitled to use the club facilities.
- (5.1) *Class E-1.* Class "E-1" licenses shall authorize the retail sale on the premises of alcoholic liquors in any club for consumption on the premises. The yearly fee for such licenses shall be the sum of ~~\$840.00~~ \$1,000.00 for all clubs with a membership more than 200. For the purposes of this section, the term "membership" shall include any and all persons who are entitled to use the club facilities.
- (6) *Class F.* Class "F" licenses shall authorize the retail sale for consumption on the premises of alcoholic liquors in any non-residential location within a structure for a period of 15 days or less as determined by the local liquor commissioner. No person shall have temporary license or combination of temporary licenses under this subsection for a total of more than 15 days in any 12-month period. This license shall only apply to catered functions or special events. The fee for such license shall be \$150.00 for a one-day period, \$200.00 for a two-day period, \$250.00 for a three-day period, \$300.00 for a four-day period, and \$350.00 for a five-day period the license is to be used. For the purposes of determining license fees, class "F" and class "H" approved events shall be considered the same class of events as long as the respective requirements are met, the events are held in the adjoining areas, and the event days are held consecutively, but not more than the maximum allowed period for either class. The period of such license shall not exceed five days. A class "F" license may be issued without compliance with section 3-92; provided that such a license shall only be issued to civic, patriotic, fraternal, educational, religious or benevolent organizations which have been in active and continuous existence for at least nine months prior to the making of such application and which in good faith have maintained a membership role during

such nine-month period, or any such organizations which have been incorporated under state law; except that any person who, prior to January 1, 1987, had for not less than two consecutive years obtained a temporary liquor license pursuant to section 3-53 of this Code and utilized such license on the grounds of Exposition Gardens, or a successor corporation organized for the purpose of continuing the regularly scheduled annual event and in which that person maintains not less than 50 percent ownership and control, may continue to be granted a license for such regularly scheduled annual event on the grounds of Exposition Gardens, as long as there shall not occur a lapse of longer than 24 months between the holding of such regular events. Applicants for a class "F" license shall submit proof of adequate dram shop insurance as required by the Illinois Liquor Control Act of 1934, as it is now or may hereafter be amended, prior to being issued such license. All such persons or organizations shall apply for a class "F" license at least four weeks prior to the date(s) desired. The local liquor control commissioner, however, may waive the four-week filing requirement should he find that sufficient time remains prior to the event for the city and the state to process the application.

- (7) *Class G.* Class "G-A" licenses shall authorize the retail sale of beer and wine only and for on-site consumption of any tavern, "G-B" licenses for the retail sale of beer and wine only and for on-site consumption of any restaurant, or "G-C" licenses for the retail sale of beer and fine wine only on the premises of any gift or flower shop with no on-site consumption and no more than 15 percent of the gross revenue in any month from the operation of the establishment be from the retail sale of beer and wine. The annual fee for such licenses shall be ~~\$840.00~~ \$1,100.00.
- (8) *Class H.* Class "H" licenses shall authorize the retail sale of alcoholic liquor in an outdoor, nonresidential location as part of a public event which has been approved by the city council, provided, however, that in the case of an annual event which has been approved and held in each of the preceding two years, the approval may be given by the local liquor commissioner. The period of such license shall not exceed five days. No person shall be issued any temporary license or combination of temporary licenses under this subsection for a total of more than 15 days in any 12-month period. No more than a total of eight class "H" and class "L" liquor licenses will be granted for Friday night use on city-owned property in any calendar year. Issuance of a class "H" and class "L" liquor license for use on city-owned property is contingent upon issuance of a permit for the event and site pursuant to Chapter 21 of the City Code. Class "H" licenses shall only be issued to civic, patriotic, fraternal, educational, religious or benevolent organizations which have been in active and continuous existence for at least nine months prior to the public event and which in good faith have maintained a membership role during such nine-month period, or any such organizations which have been incorporated under state law. The fee for such license shall be \$150.00 for a one-day period, \$200.00 for a two-day period, \$250.00 for a three-day period, \$300.00 for a four-day period, and \$350.00 for a five-day period the license is to be used. For the purposes of determining license fees, class "F" and class "H" approved events shall be considered the same class of events as long as the respective requirements are met, the events are held in the adjoining areas, and the

event days are held consecutively, but not more than the maximum allowed period for either class. Applicants for a class "H" license shall submit proof of adequate dram shop insurance as required by the Illinois Liquor Control Act of 1934, as it is now or may hereafter be amended, prior to being issued such license. All applications for a class "H" license shall be filed at least four weeks prior to the event. The local liquor commissioner, however, may waive the four-week filing requirement should he find that sufficient time remains prior to the event for the city and state to process the application. In addition to the regulations imposed upon other licenses in this article, a class "H" license shall be subject to the following:

- a. To protect public order, all licensees shall either provide security guards or have a telephone at the bar or serving structure where alcoholic liquor is dispensed. The city police department will not provide security guards to licensees.
- b. To protect persons serving the alcoholic liquor, all licensees shall provide a reasonably substantial structure across which the alcoholic liquor shall be served.
- c. Consumption of alcoholic liquor shall be restricted to a confined area which may be all or an appropriate part of the grounds on which the event is conducted. The licensee shall designate in his application the area in which alcoholic liquor will be consumed and the means to be used to confine the area. A drawing shall be submitted with the application, showing the layout of the area. The licensee shall provide personnel at all exits to ensure that alcoholic liquor is not taken from the area. The licensee shall provide effective supervision to ensure against the transfer of alcoholic liquor to minors.
- d. Alcoholic liquor shall not be served by the same personnel who are serving nonalcoholic beverages or food, nor shall alcoholic liquor be served at the same place where food or nonalcoholic beverages are served.
- e. Prior to the sale of any alcoholic liquor, the licensee shall contact the fire department to inspect the premises and issue an occupancy permit and limit. The licensee shall see that the occupancy limit is complied with.
- f. The city council or the local liquor commissioner, as the case may be, may modify the above regulations when a public event is approved in order to address special problems or circumstances.

- (9) *Class H1.* Class "H1" licenses shall authorize retail sale of alcoholic liquors on the grounds of a county fair, as defined in section 2 of the Agricultural Fair Act (30 ILCS

120/2), during the official dates of such annual county fair by the fair association or agricultural society conducting such fair or by an exhibitor who has rented space from such association or society for the purpose of the retail sale of alcoholic liquors during such fair. No person shall be issued any temporary license or combination of temporary licenses under this subsection for a total of more than 15 days in any 12-month period. The fee for such license shall be \$100.00 plus \$40.00 for each day the license is to be used. Applicants for a class "H1" license shall submit proof of adequate dram shop insurance as required by the Illinois Liquor Control Act of 1934, prior to being issued such license. All applications for a class "H1" license shall be filed at least four weeks prior to the beginning of the fair and shall be accompanied by a copy of a contract for the rental of exhibitor space from the fair association or agricultural society conducting such fair. In addition to the regulations imposed upon other licenses in this article, a class "H1" license shall be subject to the following:

- a. To protect public order, all licensees shall either provide security guards or have a telephone at the bar or serving structure where alcoholic liquor is dispensed. The city police department will not provide security guards to the licensees.
- b. To protect persons serving the alcoholic liquor, all licensees shall provide a reasonably substantial structure across which the alcoholic liquor shall be served.
- c. Consumption of alcoholic liquor shall be restricted to a confined area. The licensee shall designate in his application the area in which alcoholic liquor will be consumed and the means to be used to confine the area. A drawing shall be submitted with the application showing the layout of the area. The licensee shall provide personnel at all exits to ensure that alcoholic liquor is not taken from the area.
- d. Prior to the sale of any alcoholic liquor, the licensee shall contact the fire department to inspect the premises and issue an occupancy permit and limit. The licensee shall see that the occupancy limit is complied with.

(10) *Class I.* Class "I" licenses shall authorize the retail sales of alcoholic liquors on the premises of any assembly hall, stadium or privately owned public golf course for consumption on the premises when such retail sale is made by the same person who operates the assembly hall, stadium or privately owned public golf course. The annual fee for such license shall be ~~\$1,000.00~~ \$1,300.00 for up to 15 permanent locations or places on the site of the establishment and \$150.00 for each additional permanent location or place.

(11) *Class J.* Class "J" licenses shall authorize the retail sale of wine by a winemaker or beer by a craft distiller or a brewpub as defined under the Illinois Liquor Control Act and licensed by the State of Illinois Liquor Control

Commission as a craft distiller or a brewpub, as it is now or may hereafter be amended, or a group of the wine-makers issued a license or licenses by Illinois Liquor Control Commission during the operation of a farmer's market on premises approved for the retail sale of wine. The annual fee for such licenses shall be \$375.00.

- a. The licensee must provide adequate dram shop liability insurance as required by the Illinois Liquor Control Act, as it is now or may hereafter be amended, and, if selling or offering to sell wine on a city-owned property during the operation of the farmer's market.

- (12) *Class K.* Class "K" licenses shall authorize the retail sale of alcoholic liquor for consumption on the premises of a rental hall business when such retail sale is made by the person who operates the rental hall business and the retail sale of alcoholic liquor at functions off the premises when food is catered by the licensee, and the sale of alcoholic liquor is only incidental to the food service provided that such function, other than a live theatrical performance at a facility maintained exclusively for live theatrical performances, is not open to the general public but only to invited guests and that the sale of alcoholic liquor is in bulk to the person or organization conducting the function and no charge is made to persons being served individual drinks. No live theatrical performance facility shall conduct functions catered under this section on more than 15 days in any 12-month period, and no such function shall exceed five continuous days. The licensee shall file with the city clerk not less than ten days prior to such function a description of the location and the hours during which alcohol will be served. The annual fee for such license shall be ~~\$1,000.00~~ \$1,200.00 for up to two permanent locations or places on the site of the establishment and \$40.00 for each function off the premises licensed under this subsection.

- (12.1) *Class K-1 (Catering).* Class "K-1" license shall authorize catering of alcohol as incidental part of a food service that serves prepared meals which excludes the serving of snacks as the primary meal at private functions for a package price agreed upon under contract on any approved location other than the premises covered by an existing license with the following requirements:

- a. The licensee shall file with the city clerk not less than ten days prior to the function the location, the estimated number of invited individuals, and description of the private event along with proof of dram shop (liability) insurance for the off-site function;
- b. A photocopy of the liquor license must be displayed on the premises during any such function;
- c. Gross revenue from the sale of alcoholic liquor at any one event shall not exceed 40 percent of the total gross revenues generated from the sale of alcohol and the service of meals. The licensee shall submit an

affidavit within 14 days after the function, on a form provided by the local liquor commissioner, certifying compliance with this requirement;

- d. The service and consumption of alcoholic liquor shall only be permitted on the premises where food is catered and served;
- e. No agent or employee of the licensee shall consume any alcoholic liquor while employed during the catered event;
- f. The service of alcoholic liquor must be by a person at least 21 years of age who is an agent or employee of the licensee;
- g. No private event catered under this license shall exceed eight hours in duration and no alcoholic liquor shall be served earlier than 10:00 a.m. and no later than 1:00 a.m.;
- h. No cash bar in which alcohol is sold either on a per drink basis or any other means by which the consumer of alcohol is charged for the consumption or the privilege of consuming alcohol shall be allowed; and
- i. The licensee shall comply with all applicable ordinances and state law and obtain all applicable permits for the private catered event.

The annual fee for this license shall be ~~\$750.00~~ \$800.00 and a class "K-1" license may be issued without compliance with section 3-92.

- (13) *Class L.* Class "L" licenses shall authorize the retail sale of alcoholic liquor for consumption on the premises in a nonresidential location as part of public events which are within a scheduled program of events, which schedule has been approved by the city council. No person shall be issued any temporary license or combination of temporary licenses under this subsection for a total of more than 15 days in any 12-month period. No more than a total of eight (8) class "H" and class "L" liquor licenses will be granted for Friday night use on city-owned property in any calendar year. Issuance of a class "H" and class "L" liquor license for use on city-owned property is contingent upon issuance of a permit for the event and site pursuant to Chapter 21 of the City Code. Class "L" licenses shall be issued only to not-for-profit corporations or voluntary associations or commissions which have been in active and continuous existence for at least one year prior to making of such application and whose primary purpose has been the promotion and development of the city area. For outdoor events, the licensee shall be subject to the requirements of subsections (8)a. through f. imposed upon a class "H" license under this section. Applicants for a class "L" license shall submit proof of adequate dram shop insurance as required by the Illinois Liquor Control Act of 1934, as it is now or may hereafter be amended, prior to being issued such license. The licensee shall submit a site plan not less than four weeks before each event.

The annual fee for such license shall be \$100.00 plus \$40.00 for each day the license is to be used.

- (14) *Class M.* Class "M" licenses shall authorize an organization designated as a 501(c)(3) by the Internal Revenue Service to operate as a bottle club for on-site consumption only on premises approved by the mayor as being suitable and located within the River Entertainment District as defined in Ordinance No. 16864, as amended. For the purpose of catered or special events, Class M licensee shall not be prohibited from utilizing the catering services including retail sale of alcohol for on-site consumption served in conjunction with the service of a meal as authorized under the caterer's licensee. The hours of operation of a BYOB club under this license shall be limited from 4:00 p.m. to 12:00 a.m. in any one day and the annual fee for such license shall be ~~\$100.00.~~ \$125.00.
- (15) *Class N.* Class "N" licenses shall authorize the retail sale of alcoholic liquor for consumption on the premises in public areas and public buildings located in the Riverfront Business District at either private or public functions. Such retail sale of alcoholic liquor shall be made by the public entity which operates the public areas and public buildings located in the Riverfront Business District, or by persons contracted by and operating under the supervision of the public entity which operates the public areas and public buildings located in the Riverfront Business District. The annual fee for such license shall be ~~\$925.00~~ \$950.00 for up to 15 permanent or temporary locations on approved sites within the Riverfront Business District and \$45.00 for each additional permanent or temporary location or place.
- a. The term "Riverfront Business District" shall be as defined in Ordinance No. 13,865, as amended.
  - b. The use of Class "N" liquor license in the Riverfront Business District shall not prevent the use of the Riverfront Business District for public events allowed under Class "F," "H" and "L" liquor licenses, or for private events allowed under Subclass 8 liquor licenses

**Sec. 3-53. - Supplemental licenses and fees.**

- (a) Upon application to the local liquor commissioner by a license holder, the following supplemental licenses may be issued after approval by the local liquor commissioner and the payment of the fees set forth herein:

- (1) *Subclass (1)*. A supplemental license authorizing the retail sale of alcoholic beverages until the hour of 4:00 a.m. as provided in section 3-3 and as specified in section 3-59 of this chapter. The annual fee for such supplemental license shall be ~~\$2,500.00~~ \$3,500.00, provided that the fee for any additional such supplemental license granted to the same licensee in the same building shall be \$1,500.00. However, nothing in this subsection (a)(1) shall prohibit a current license holder with a subclass (1) supplemental license from relocating the business with the subclass license in the subclass (1) supplemental license area under the same class of license held at the prior location, when such a relocation is directly caused by actions of the city or any other governmental unit through redevelopment activities, condemnation or otherwise, provided that all other requirements of state law and city ordinances are met.

During the operation of the licensed establishment, the licensee with a subclass (1) supplemental license shall maintain in working condition video surveillance cameras (the "cameras") that are sufficiently light sensitive and provide sufficient image resolution to produce easily discernible images and visually record activities on all entrances of the licensed premises. The video recording must be immediately available upon request to the liquor investigator or other law enforcement officer and maintained in compact disc, electronic file or other digital media that is capable of being transferred to a variety of portable forms of media, including, but not limited to, compact disc and digital video disc; memory USB stick and the recordings shall be preserved at least 30 days after recording.

- (2) *Subclass (1a)*. A supplemental license authorizing the retail sale of alcoholic beverages until the hour of 2:00 a.m. on Friday, Saturday, Sunday, March 18th and Thanksgiving mornings as provided in section 3-3 of this chapter may be issued. The annual fee for this supplemental license shall be ~~\$600.00~~ \$800.00.
- (3) *Subclass (2)*. A supplemental license authorizing the performance of live entertainment not including entertainment with the use of a karaoke machine. A supplemental license for live entertainment will not be require, however, of any establishment holding a class "D," "E," "I," "N" or "M" liquor license or any other premises holding a class "F" or "H" liquor license. The annual fee for such license shall be ~~\$150.00~~ \$200.00 The supplemental license shall in no way abrogates the responsibility of obtaining any other license required by this Code.

*Subclass (2a)*. A supplemental license authorizing the performance of live entertainment only with a use of a karaoke machine. A supplemental license for live entertainment will not be require, however, of any establishment holding a class "D," "E," "I," "N" or "M" liquor license or any other premises holding a class "F" or "H" liquor license. The annual fee for such license shall be \$100.00. The supplemental license shall in no way abrogates the responsibility of obtaining any other license required by this Code. Any licensee approved for a subclass (2) live entertainment supplemental license shall be allowed to switch to a subclass (2a) karaoke only supplemental license without having to go the site approval process.

The application for this subclass shall include a site plan for the area in the licensed premises for the proposed live entertainment and shall state the type of the proposed live entertainment. If granted, the live entertainment shall be limited to the approved area and type of entertainment.

- (4) *Subclass (3)*. A supplemental license may be obtained for the retail sale of alcoholic beverages in an outdoor beer garden or cafe adjacent to the licensed premises. The annual fee for this supplemental license will be ~~\$150.00~~ \$200.00. To apply for this supplemental license, the licensee shall file its request in writing with the mayor. A nonrefundable application fee of \$50.00 shall be paid by the licensee requesting this supplemental license. The request shall include a scale drawing of the proposed outdoor facility which shall, at a minimum, include the following:
- a. A method by which the area shall be confined to prohibit the removal of alcoholic liquor and constrict noise to the approved area.
  - b. A reasonably substantial structure across which alcoholic liquor shall be served which shall afford bartenders reasonable protection from patrons, unless the outdoor facility is serviced directly by the indoor licensed premises.
  - c. The locations of at least two exits from the area, only one of which shall be through a building or, in the case of a patio, deck, open porch, balcony or rooftop facility, such exits as are required by the city fire codes, as adopted in section 11-91.
  - d. The location of the telephone required by section 6-27 for the outside area. The supplemental license requested shall not be issued for any location in a residential section of the city, as defined in section 3-1. If granted to any premises within 700 feet of residentially zoned property, no live entertainment shall be permitted outside except live music performed without electronic amplification by no more than two instrumentalists plus a vocalist. Nothing herein shall be interpreted to apply to licensees which held this supplemental license prior to July 15, 1983, other than the restriction on live entertainment.

- (5) *Subclass (3a)*. A supplemental license may be obtained for the retail sale of alcoholic beverages in a sidewalk restaurant adjacent to the licensed premises during the hours of 11:00 a.m. to midnight, provided that in the case of a site on a public sidewalk, right-of-way, and/or plaza, a valid permit has been issued, pursuant to sections 20-286 through 20-298 of the City Code; and in the case of a site on private property, a valid zoning certificate for an outdoor restaurant use has been issued.

The annual fee for this supplemental license will be ~~\$150.00~~ \$200.00. To apply for this supplemental license, the licensee shall file its request in writing with the mayor. A nonrefundable application fee of \$50.00 shall be paid by the licensee requesting this supplemental license. The application shall include a scale drawing of the proposed area, including the locations of all tables and seating and a copy of the permit issued pursuant to section 20-293, or the zoning certificate for an outdoor restaurant, including any restrictions or conditions attached to said permit or certificate.

If granted, no live entertainment shall be permitted outside, except live music performed without electronic amplification by no more than two instrumentalists, plus a vocalist.

The 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 liquor directly between the establishment and the sidewalk restaurant area. 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 accordance with the site plans approved with the sidewalk restaurant permit or outdoor restaurant zoning certificate.

The supplemental license may be issued only to a licensee holding a Class "B," Class "D," or Class "G" license.

(6) *Subclass (4)*. A supplemental license authorizing the retail sale of alcoholic beverages in a hotel in temporary locations such as ballrooms, party rooms and meeting rooms which are not licensed as permanent locations through the obtaining of a class "D" license. This supplemental license will allow the use of up to six temporary locations. The annual fee for this supplemental license shall be ~~\$425.00~~ \$450.00.

(7) *Subclass (5)*. A supplemental license may be obtained by a licensed establishment holding a class "K" license with a subclass (2) entertainment license, authorizing a teen night or youth night as set forth below:

- a. Other than parents or supervisors, no one other than youths between the ages of 13 and 20 years, inclusive, shall be allowed in the establishment on such nights. The licensee must state on the license application:
  1. The method by which age identification shall be established;
  2. The method by which security shall be provided both inside and outside the premises;
  3. The method by which youth shall be supervised in and about the premises; and
  4. Residence, phone number, driver's license number of all employees or persons who will be utilized to provide supervision in connection with such youth dance excepting, however, security personnel who are licensed by the state department of education and registration or who are commissioned peace officers.
- b. No alcoholic liquor shall be sold, served or displayed in any areas of the establishment at such times, and bottles or containers shall be removed from the shelves and automatic dispensing devices disconnected as much as possible.
- c. The provisions of section 3-9 requiring the attendance of parents or guardians for youths to be on a licensed premises shall be waived for such occasions.
- d. All other provisions and requirements of this Code and state law relating to curfew and to the operation of a licensed liquor establishment shall remain in effect.
- e. A licensee may apply for this supplemental license on either a nightly or yearly basis. The nightly license shall be issued for only one specific date, and a separate supplemental license shall be required for each such event. A yearly license may be applied for at any time during the year by a licensee; however, the fee therefor shall not be prorated as set forth in section 3-61 but shall be paid in full. Once a yearly license is issued, the licensee shall notify the police department of any date for a teen night at least 14 days prior to the date of the event.

- f. The fee for this supplemental license shall be \$30.00 per night or ~~\$340.00~~ \$357.00 per year. Anyone holding ten teen nights in any one license year shall be deemed to have paid for a yearly subclass (5) license which may be issued upon proper application and approval.
  - g. No more than four times per license year a licensee may obtain this subclass (5) supplemental license for holding a benefit for any recognized charitable institution or organization, for which events the fee required in subsection (a)(6)f. of this section is waived.
  - h. The licensee shall take all reasonable precautions including, but not limited to, erection of acoustical or other barriers and provision of supervisory or security personnel adequate to prevent the unreasonable disturbance of the peace and tranquility of the neighborhood and the free and unencumbered access of the general public to streets, sidewalks and public areas in and around the licensed premises.
  - i. Additional written operating conditions may be imposed by the liquor control commissioner for this supplemental license, which conditions will be deemed to be with the agreement of the licensee and made a part of the license if such supplemental license is granted and accepted.
- (8) *Subclass (6)*. A supplemental license for product tasting of wine, distilled spirits or beer on the premises of a class "C" licensed establishment for patron tasting. Each sample consisting of no more than one-quarter (1/4) ounce of distilled spirits, one ounce of wine, or two ounces of beer. The annual fee for such license shall be ~~\$700.00~~ \$735.00.
- (9) *Subclass (7)*. A supplemental license authorizing the retail sale of alcoholic beverages in assembly halls, stadiums or privately owned public golf courses in temporary locations such as ballrooms, party rooms, meeting rooms, movable concession stands or from traveling vendors, which are not licensed as permanent locations through the obtaining of a class "I" license. This supplemental license will allow the use of up to ten temporary locations for which the annual fee shall be ~~\$425.00~~ \$450.00. Additional temporary locations may be approved for an annual fee of \$45.00 per temporary location.
- (10) *Subclass (8)*. A supplemental license may be obtained by an licensee currently holding a valid Class "A", "B", "B-1", "D", "E", "E-1", "G", "I", or "K" license issued under this chapter, authorizing the retail sale of alcoholic beverages for consumption on the premises as an incidental part of a food service that serves prepared meals which excludes the serving of snacks as the primary meal at private functions which are held on-sites previously approved by the city council for the sale of alcohol, whether licensed or unlicensed, in public buildings or public areas, which are owned or operated by the city or another public entity. Nothing contained in this subsection shall prohibit the holder of the subclass (8) liquor licensee from subcontracting for all or any part of the food service provided that the food service and alcoholic beverages are sold as a package price agreed upon under contract. The licensee shall give written notice of the date, hours and location of the function to the office of the city clerk, not less than ten days prior to the function at which the license will be used; and shall keep a photocopy of the liquor license on the premises during any such function. The annual fee for this supplemental license shall be ~~\$750.00~~ \$800.00.

- (11) *Subclass (10)*. A supplemental license may be obtained by an licensee currently holding a valid Class "B" or Class "G" (restaurant, beer and wine only) license issued under this chapter, authorizing the retail sale of alcoholic beverages for consumption as an incidental part of a food service that serves prepared meals which excludes the serving of snacks as the primary meal at private functions for a package price agreed upon under contract on any approved location other than the premises covered by the existing license with the following requirements:
- a. The licensee shall file with the city clerk not less than ten days prior to the function the location, the estimated number of invited individuals, and description of the private event along with proof of dram shop (liability) insurance for the off-site function;
  - b. A photocopy of the liquor license must be displayed on the premises during any such function;
  - c. Gross revenue from the sale of alcoholic liquor at any one event shall not exceed 40 percent of the total gross revenues generated from the sale of alcohol and the service of meals. The licensee shall submit an affidavit on a quarterly basis, on a form provided by the local liquor commissioner, certifying compliance with this requirement;
  - d. The service and consumption of alcoholic liquor shall only be permitted on the premises where food is catered and served;
  - e. No agent or employee of the licensee shall consume any alcoholic liquor while employed during the catered event;
  - f. The service of alcoholic liquor must be by a person at least 21 years of age who is an agent or employee of the licensee;
  - g. No private event catered under this license shall exceed eight hours in duration and no alcoholic liquor shall be served earlier than 10:00 a.m. and no later than 1:00 a.m.;
  - h. No cash bar in which alcohol is sold either on a per drink basis or any other means by which the consumer of alcohol is charged for the consumption or the privilege of consuming alcohol shall be allowed; and
  - i. The licensee shall comply with all applicable ordinances and state law and obtain all applicable permits for the private catered event.

The annual fee for this supplemental license shall be ~~\$750.00~~, \$800.00.

- (12) *Subclass (11).* A supplemental license may be obtained by a licensee currently holding a valid Class "B" (restaurant) or "I" (assembly) license issued under this chapter, authorizing the retail sale of alcoholic beverages for consumption as an incidental part of a food service that serves prepared meals which excludes the serving of snacks as the primary meal for two outdoor events per liquor license year with an annual license fee of ~~\$\$\$500.00~~ \$550.00 on an adjacent adjoining off-street parking lot of the licensed establishment or if the establishment is so located where there is no adjacent adjoining off-street parking lot, on an adjacent city-owned public right of way area approved by the local liquor commissioner.

In addition to the regulations imposed upon licenses under this chapter, a subclass (11) license holder shall comply with the requirements for a Class "H" license as prescribed under subsection 15-52(8) except to the restriction regarding the holder of the license being a civic, patriotic, fraternal, educational, religious or benevolent organization and the requirement under subsection ~~15-62(8)(d)~~.

Upon approval for such temporary use the licensee shall file with the city clerk not less than ten days prior to the function:

- a. If the adjacent and adjoining off-street parking lot is owned by any person or entity other than the requesting liquor licensee, documentary proof of consent to use the parking lot for such an outdoor event with the city clerk not less than ten days prior to the function;
- b. For outdoor live entertainment: electric amplification shall be permitted and shall end by 10:00 p.m. on the day of the outdoor event upon filing of an affidavit that a written notice was sent at least 30 days prior to the proposed outdoor event to all the occupants of any businesses or residences within a 300-foot radius that the licensee is requesting amplified live entertainment and no objection to the amplified outdoor live entertainment was made to the licensee at least 14 days prior to the event.

Nothing in this section shall be construed to authorizing or absolving the licensee, its agents or employees from compliance with the noise restriction ordinance as prescribed ~~section 15-02~~ of the Code.

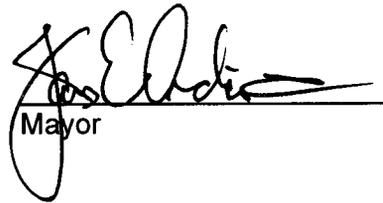
- (13) *Subclass (12).* A supplemental license may be obtained by a licensee currently holding a valid Class "C" (grocery) license issued under this chapter in which the square footage of the building of the established establishment is at least 50,000 square feet and meets the definition of a supermarket grocery store as defined in ~~section 3-1~~ of this chapter, authorizing the retail sale of alcoholic beverages for on-site consumption as part of a full service restaurant, with wait staff, that serves prepared meals which excludes the serving of snacks as the primary meal only in an area designated and operated as a restaurant as defined in ~~section 3-1~~ of this chapter. Nothing in this subsection shall be construed to authorize a Class C licensee with a subclass 12 supplemental license to qualify for subclasses that are available only to Class "B" (restaurant) license holders. The annual fee for this supplemental license shall be ~~\$1,000.00~~ \$1,050.00.

- (b) It shall be unlawful for any licensee to operate as provided in any of the above subclasses of licenses without holding a current valid subclass license for such operation.
- (c) Subclass license fees shall be prorated, as provided in ~~section 3-61~~.

- (d) The term of subclass licenses shall be one license year, but such licenses shall be reviewable and subject to termination at any time on the basis of changed conditions pursuant to the restrictions and hearing requirements as set forth below.
- (e) Before the issuance, denial, renewal, continuation or termination by the local liquor control commissioner of any subclass (1), (1a), (2), (3), (3a), or (5) license, the local liquor control commissioner, after receiving the recommendation of the liquor commission, shall consider and state findings on the following issues:
  - (1) The zoning classification of the licensed premises.
  - (2) The character of the surrounding area.
  - (3) The traffic and parking situation, including any off-street parking requirements of the licensed business, within a 300-foot radius.
  - (4) Any statements of interested persons, either oral or written.
  - (5) The impact of such proposed or existing subclass license on the character of and the traffic and parking situation in the immediate neighborhood.
  - (6) Any past operating history of the licensee and the proposed site.
  - (7) Whether the operation of the licensee conforms to all requirements of this Code for the supplemental license requested.
  - (8) In the case of the question of renewal or revocation of a subclass (2a) supplemental license, whether the music or other live entertainment is audible in the nearest sleeping room in an R-1, R-2 or RC zoning district when the windows are closed.
- (f) Each applicant for a subclass (1), (1a), (2), (3), (3a), or (5) license shall submit with the initial application a complete list of the names and addresses of the last person to whom taxes were assessed for any property within 300 feet of the proposed site, together with a sworn statement that the applicant has caused notices to be sent to all such property owners, advising them of pendency of the request and that they have an opportunity pursuant to this section to request that a hearing be held before the liquor commission prior to the issuance of the supplemental license.
- (g) Should a request from any public official or from any licensee, or interested person owning property or residing within a 300-foot radius of the proposed site, be submitted in writing to the local liquor commissioner, he shall direct the liquor commission to hold a hearing into the question of whether to issue, deny, renew, continue or terminate any subclass (1), (1a), (2), (3), (3a), or (5) license.
- (h) No subclass license shall be issued or continued if there is a finding that it would alter or has altered the essential character of the neighborhood, would cause or has caused undue traffic or parking problems in the neighborhood, or that the operation under the subclass license does not conform to all requirements of this Code.
- (i) No subclass (1) or (1a) license shall be issued on any licensed premises without the affirmative recommendation of the city council.

PASSED BY THE CITY COUNCIL OF THE CITY OF PEORIA, ILLINOIS this 8 day  
of December, 2015.

APPROVED:

  
Mayor

ATTEST:

  
City Clerk

EXAMINED AND APPROVED:

  
Corporation Counsel