

(Revised)

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

**WHEREAS**, the City of Peoria is a home rule unit of government pursuant to Article VII, Section 6 of the Constitution of the State of Illinois 1970, and may exercise any power and perform any function pertaining to its government and affairs including regulating and licensing the sale of alcoholic liquor;

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PEORIA, ILLINOIS, as follows:**

Section 1: Chapter 3 of the Code of the City of Peoria is hereby amended by deleting the following stricken words and by adding the following underlined words.

**Section 3-1. Definitions.**

\*\*\*

Karaoke means a device that plays instrumental accompaniments to songs with the vocal tracks removed, permitting the user to sing lead; also, the practice of singing to karaoke accompaniment.

Live entertainment means any music, singing, speaking, dancing, or any act performed by a person including as a disc jockey or D.J. with or without amplification for the purpose of entertaining patrons.

\*\*\*

**Sec. 3-52. Classes.**

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

\*\*\*

- (3) Class G. Class "G-A" licenses shall authorize the retail sale of beer and wine only and for on-site consumption on the premises of any tavern; or "G-B" licenses for the retail sale of beer and wine only and for on-site consumption of any restaurant for consumption on the premises, or "G-C" licenses as well as other for the retail sales of such beer and wine or retail sale of fine wine only on the premises of any gift or flower shop with no on-site consumption and no more than 15% of the gross revenue in any month from the operation of the establishment be from the retail sale of beer and wine only. The annual fee for such licenses shall be \$840.00.

\*\*\*

**Section 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, 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 form 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.

\*\*\*

- (3) *Subclass (2).* A supplemental license authorizing the performance of live entertainment. A supplemental license for live entertainment will not be require, however, of any establishment holding a class "D," "E," "I" or "N" liquor license or any other premises holding a class "F" or "H" liquor license. The annual fee for such license shall be \$150.00. 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" or "N" 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 abrogate the responsibility of obtaining any other license required by this Code. Any licensee with a site approval 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 and can receive prorated difference of the license fee.

\*\*\*

### **Sec. 3-92. Suitability of site.**

(a) The mayor shall not issue any license authorized under this chapter, other than temporary event licenses, unless the site for which the license is to be used has been designated by the city council as being suitable for the retail sale of alcoholic liquors under a specified class of license, as set forth in section 3-52 of this chapter, and such license to be issued conforms to the license classification approved for such site.

For purposes of this section, Class B and Class B-1 shall be treated as same class of license, Class E and E-1 shall be treated as same class of license.

(b) The city council and the liquor commission, in determining whether to approve or recommend approval, respectively, of the suitability of a site for the retail sale of alcoholic liquors, shall consider all relevant facts relative to the specified class of license and proposed site, including, but not limited to, the following:

- (1) That the establishment, maintenance, location or operation of the proposed site will not be detrimental to or endanger the public health, safety, morals, comfort or general welfare of the city.
- (2) That the proposed site and use conforms to all applicable regulations of the city's Zoning Code, Appendix B. For the purposes of this section, a site may be rejected even if it is a legal, non-conforming use under the Zoning Code, if the proposed site could not be developed under current zoning regulations.
- (3) That the proposed site and use, when considered separately or in conjunction with other licensed liquor establishments, will not be injurious to the use and enjoyment of other property in the vicinity, including residences, schools, hospitals, places of worship and other businesses.
- (4) That the proposed site will not generate more automobile traffic and/or parking demand than the existing streets and off-street parking can reasonably accommodate.
- (5) That the structure on or to be placed on the proposed site complies with applicable building and fire codes of the city.
- (6) That motor fuel will not be pumped directly into motor vehicles as a part of the business to be operated on the proposed site; provided, however, that this prohibition shall not apply in the case of Class C-2, C-3, C-4 and C-5 licenses.
- (7) That the proposed site will not be injurious to the uses and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values with the neighborhood in which it is to be located.
- (8) The proximity of the proposed site to other licensed liquor establishments that operate Video Gaming Terminals and other detrimental factors indicating the proposed site will increase the proliferation of establishments whose primary purpose is to operate Video Gaming Terminals. The city council may impose the condition that the location shall not be allowed to operate Video Gaming Terminals unless the licensed establishment has been regularly operating for a period of at least one year.

(c) Prior to granting site approval, the city council may impose any additional conditions or limitations upon establishment, location, construction, maintenance or operation of the proposed liquor establishment as devised by a plan of operation that will provide reasonable measures to control objectionable conditions as defined in [section 3-32](#) of this

Code from the operation of the proposed establishment. The city council may require such evidence and guarantees as it deems necessary, as proof that the conditions imposed are being and will be fulfilled. Where additional limitations and conditions are imposed by the city council including conditions and limitations in an approved plan of operation, the same must be implemented prior to the sale of alcoholic liquor or prior to the issuance of any subsequent liquor license for that site unless the city council adopts another date. Failure to fulfill the conditions and/or limitations shall be grounds for revocation of the site approval and liquor license granted for such site after a hearing held pursuant to section 3-29. The requirement of plan of operation shall remain with the particular site and any subsequent applicant for liquor license at such site shall be required to enter into a plan of operation that must be approved by the mayor or the deputy liquor control commissioner.

\*\*\*

**Sec. 3-93. Application for site approval.**

(a) Any owner of real property desiring to have his property used for the purpose of the retail sale of alcoholic liquors must make application to the mayor for approval by the city council of such site for such use. The application shall include a statement whether the proposed site will have Video Gaming Terminals within one year after operation and a site plan of the property, which plan shall conform to the requirements of the zoning ordinance. A non-fundable filing fee of \$250.00 shall be paid for filing each such application. The applicant shall submit with the initial application a complete list of 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 a notice of the application to be sent to all such property owners and caused a notice in the form prescribed by the local liquor commissioner to be posted at the location of the premises, in a place clearly visible from the public way. Such notices must advise said property owners or the public of the pendency of the request for site approval, the date; time and location of the hearing before the liquor commission, and that they have an opportunity to attend and present their input at the hearing.

(b) The 300-foot distance shall be measured from the nearest point of a licensed building or other licensed property (e.g., a beer garden) to the property line of any other property.

(c) The mayor will then forward the application to the liquor commission for its recommendation as to the appropriateness of the site for the retail sale of alcoholic liquors.

Section 2. Except for the camera requirement in subsection 3-53(a)(1) for al subclass 1 (4 a.m.) licensees which will be in effect 60 days after passage and publication, the remaining provisions of this Ordinance shall be in full force and effect 10 days after its passage and publication.

**PASSED BY THE CITY COUNCIL OF THE CITY OF PEORIA, ILLINOIS** this \_\_\_\_\_ day of \_\_\_\_\_, 2014.

APPROVED:

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Clerk

EXAMINED AND APPROVED:

---

Corporation Counsel