

Chapter 3 - ALCOHOLIC LIQUORS

ARTICLE I. - GENERAL

Sec. 3-1. - Definitions.

The following terms when used in this chapter shall have the meanings respectively ascribed to them in this section unless the context dictates otherwise. Terms that are not defined in this chapter but that are defined in the Liquor Control Act of 1934 (235 ILCS 5/1-1 *et seq.*), as amended, shall have the meanings respectively ascribed to those terms. Words and terms that are not defined in this chapter or in the Liquor Control Act of 1934 shall have the respective meanings ascribed to them in customary usage unless the context dictates otherwise.

- (a) *Act* means the Liquor Control Act of 1934 (235 ILCS 5/1-1 *et seq.*), as may be amended from time to time, and any rule or regulation promulgated by the Illinois Liquor Control Commission.
- (b) *Agent of a licensee* means any individual who is a licensee or any officer, associate, member, representative, manager, agent, or employee of said licensee.
- (c) *Alcoholic liquor* means and includes spirits, wine and beer, and every liquid or solid, patented or not, that contains alcohol, spirits, wine or beer, that is capable of being consumed as a beverage by a human being.
- (d) *Applicant* means the person in whose name a license pursuant to this chapter is sought.
- (e) *BASSET* means Beverage Alcohol Sales and Servers Education Training.
- (f) *BASSET certificate* means a certificate, card, or other written evidence issued by a person or entity that is licensed, certified, or otherwise duly authorized by the State of Illinois Liquor Control Commission to offer a BASSET program and to issue such certificates, cards, or other written evidence of successful completion of a BASSET program, as required by 235 ILCS 5/3-12(11.1) and 6-27 and Title 77 of the Illinois Administrative Code, Chapter XVI, Section 3500.
- (g) *Beer* means a beverage obtained by alcoholic fermentation or an infusion or concoction of barley or other grain, malt, or hops in water and includes, among other things, beer, malt liquor, ale, stout, lager beer, porter, and the like.
- (h) *Bona fide* means some representation or act that is made, undertaken, or done in good faith without deception or fraud or without any intention or effort to deceive, evade, or defraud.
- (i) *Class* means the particular type of license applied for and/or issued.
- (j) *Deputy local commissioner* means the Deputy Local Liquor Control Commissioner.

(k) *Golf course* means land consisting of a series of holes, each with a teeing area marked by two (2) markers showing the bounds of the legal tee area, fairway, rough, and other hazards, and the putting green surrounded by the fringe with the pin (flagstick) and cup. A typical golf course consists of eighteen (18) holes, but nine (9) hole courses are also common. This definition excludes facilities commonly known as "miniature golf courses."

(l) *Hotel* means every building or structure or complex of buildings or structures that together constitute and operate as a single business that keeps, uses, maintains, advertises, and holds itself out to the public to be a place where sleeping accommodations are offered for adequate pay to travelers and guests, whether transient or permanent or residential. *Hotel* also includes motels, bed and breakfasts, and other lodging.

(m) *Identification card* means an official document issued by a federal, state, county, or municipal government, or subdivision or agency thereof, including, but not limited to, a motor vehicle operator's license, a state or federal issued identification card, a passport, or a registration certificate issued under the Federal Selective Service Act. The official government-issued document must include the person's date of birth and photograph of the person to whom the official government document was issued.

(n) *License* means the specific authorization granted by the city for a person to sell, serve, or otherwise allow on-premises consumption of alcoholic liquor at retail.

(o) *Licensee* means the person named in the license and is the owner of the license.

(p) *Local commissioner* means the Local Liquor Control Commissioner.

(q) *Original package* and *original package form* mean any bottle, flask, jug, can, cask, barrel, keg, hogshead, or other receptacle or container of whatsoever kind, used, corked or capped, sealed, and labeled by the manufacturer of alcoholic liquor to contain and to convey any alcoholic liquor.

(r) *Possession and any form of the word possess* means actual or constructive control or custody. A person has actual possession when he or she has immediate and exclusive control over a thing. A person has constructive possession when he or she lacks actual possession of a thing but has both the power and the intention to exercise control over a thing, either directly or through another person. If two (2) or more persons share the immediate and exclusive control over a thing, or share the intention and the power to exercise control over a thing, then each person shall be deemed to have possession.

(s) *Premises* means a parcel of land and any building situated thereon whether owned or leased. *Premises* shall not include any public right-of-way unless expressly provided otherwise in this chapter.

(t) *Public property* means any real property owned, controlled, or managed by the City of Urbana, the Urbana Park District, or the Urbana School District No. 116 including, but not necessarily limited to streets, alleys, sidewalks, parking lots, parkways, school grounds, or parks.

(u) *Restaurant* means any premises kept, used, maintained, advertised, and held out to the public as a place where bona fide meals are regularly prepared and served as one of the primary services of the business.

(v) *Retail sale* and *at retail* mean the sale for use or consumption by an end-purchasing consumer and not for resale in any form.

(w) *Rider* means an endorsement that adds permissions and/or conditions to a license.

(x) *Retirement community* means any residential community or housing complex designed for and occupied by age-restricted or age-qualified adults who generally are able to take care of themselves.

(y) *Sale, sell, and to sell* mean any transfer, by any means or manner, a thing of value in exchange or in consideration for money or other thing of value by any person including, but not limited to, the person or that person's proprietor, director, officer, member, manager, employee, agent, or representative. *Sale, sell, and to sell* shall include but shall not be limited to the following acts, unless the context suggests otherwise:

- (1) the selling of alcoholic liquor;
- (2) the giving away of alcoholic liquor;
- (3) the dispensing of alcoholic liquor;
- (4) the providing of mix, ice, water, or glasses for consumption of alcoholic liquor on-premises;
- (5) the pouring of alcoholic liquor;
- (6) the providing of setups containing alcoholic liquor; and
- (7) the storage of any alcoholic liquor.

(z) *Server* means any individual who:

- (1) directly or indirectly sells, serves, dispenses, offers to sell, serve, or dispense any alcoholic liquor in an open container at retail, regardless of where such alcoholic liquor is sold, served, dispensed, offered for sale, or offered for service;
- (2) verifies identification for the purpose of determining whether an individual is of lawful age to enter a licensee's premises where alcoholic liquor is sold, served, dispensed, offered for sale, or offered for service in open containers, and/or is of lawful age to purchase, possess, and/or consume alcoholic liquor; and

(3) monitors, supervises, or otherwise manages, or will monitor, supervise, or otherwise manage any other person who sells, serves, dispenses, offers for sale, or offers to serve alcoholic liquor in open containers at retail.

The word "server" shall not include any instructor engaged in training or educating on the proper technique for using a system that dispenses alcoholic liquor.

(aa) *Spirits* means any beverage that contains alcohol obtained by distillation, mixed with water or other substance in solution, and includes brandy, rum, whisky, gin, or other spirituous liquors and such liquors when rectified, blended, or otherwise mixed with alcohol or other substances.

(bb) *Theatre* means a building or structure used primarily for the presentation of live performances or motion pictures, other than those performances described in section 3-54(a)(1)a. - d. of this chapter.

(cc) *Video gaming terminal* shall have the same meaning as "video gaming terminal" as defined in the Video Gaming Act (230 ILCS 40/1 *et seq.*).

(dd) *Wine* means any alcoholic liquor obtained by the fermentation of the natural contents of fruit or vegetables, containing sugar, including such beverages when fortified by the addition of alcohol or spirits, as defined in this article. *Wine* shall also mean mead and cider beverages that contain an alcoholic content.

Sec. 3-2. - Local commissioner.

(a) *Duties and authority.* The local commissioner or the deputy local commissioner shall be and hereby is charged with the administration of the Act within the city and such ordinances relating to alcoholic liquor as may be enacted by the city. The local commissioner may designate one or more persons to assist the local commissioner in the exercise of the powers and the performance of the duties under the Act and such ordinances relating to alcoholic liquor as may be enacted by the city and each such person, if any, shall be designated as a deputy local commissioner.

(b) *Temporary emergency suspensions.*

(1) The local commissioner shall have the authority to issue a temporary emergency suspension of the retail sale or consumption of alcoholic liquor at any one or more licensee's premises, whether said licensee sells or serves alcoholic liquor for consumption on-premises or off-premises of such licensee, if the local commissioner has reason to believe that such retail sale or service presents a threat to public safety or to property, or where the chief of police or the chief of the fire department requests the issuance of such an emergency suspension.

(2) In the event that the local commissioner and the deputy local commissioner are unavailable to issue a temporary emergency suspension in response to a request from the chief of police or the chief of the fire department, then the chief of police or the chief of the fire department, or either of their respective designees, shall have the

authority to issue any such temporary emergency suspension if either chief (or their designee) believes that such retail sale or service presents a threat to public safety or to property.

(3) Any temporary emergency suspension issued pursuant to this section shall be in writing and, at a minimum, state the date and time it was issued and the date and time when such temporary emergency suspension begins and ends. The temporary emergency suspension shall be signed by the person issuing the temporary emergency suspension.

(4) No temporary emergency suspension issued pursuant to this section shall be for a period exceeding twenty-four (24) hours. However, nothing in this section shall be construed as preventing the local commissioner, the chief of police, or the chief of the fire department from issuing one or more additional temporary emergency suspensions if such issuing person believes that conditions that threaten public safety or property are continuing at the time when the initial or any subsequent renewal of a temporary emergency suspension expires.

(c) *Temporary designations.* The local commissioner shall have the authority to designate, in a written declaration, specific events not otherwise provided for in this chapter at which alcoholic liquor may be consumed on public property where affirmative precautions have been taken to protect human life, health and safety, and property. Such events may include but shall not be limited to festivals, parades, and pop-up events where refreshment areas are specifically designated or otherwise provided for. Nothing herein shall be deemed or construed as waiving the requirement of obtaining a license by the person hosting or sponsoring the event or, if different, the person serving and/or selling alcoholic liquor at such event.

(d) *Rules and regulations.* The local commissioner shall be authorized to adopt such rules and regulations as the local commissioner deems reasonable, necessary, and appropriate for carrying out the purpose and intent of this chapter. If the local commissioner adopts any such rules and regulations, the same shall be made available on the city's government website.

Sec. 3-3. - Hours of operation.

(a) Except as prohibited elsewhere in this chapter, or by law, alcoholic liquor may be sold, offered for retail sale, or otherwise transferred with or without consideration at any time, except as follows: every day, including Sundays, between the hours of 2:00 a.m. and 6:00 a.m.

(b) All times referred to herein shall be local time. On the Sunday of each year when, pursuant to the Illinois Time Standardization Act (5 ILCS 440 *et seq.*), the standard time is advanced by one (1) hour, the closing time shall be the hour of 2:00 a.m., before the time change has taken effect. On the Sunday of each year when, pursuant to the Illinois Time Standardization Act, the standard time is decreased by one (1) hour, the closing time shall be the hour of 2:00 a.m. after the time change has taken effect.

(c) The premises of each licensee where alcoholic liquor is sold, served, or offered for retail sale or service for consumption on the premises, must be vacated within one (1) hour after the posted closing hour at which retail sales of alcoholic liquor must stop, as required by this section, except for the owner or manager and custodial personnel.

Sec. 3-4. - Compliance with zoning ordinance prerequisite to issuance.

No license shall be issued pursuant to this chapter unless the proposed licensed premises are in conformity with the city zoning ordinance. Retail sale of liquor under a Class TEMP license may be permitted in any zone.

Sec. 3-5. - Location.

Except as otherwise expressly provided in this chapter, a license to sell alcoholic liquors at retail shall permit a licensee to sell such alcoholic liquors only on the premises described in the application and license. Such location may be changed only upon written authorization issued by the local commissioner.

Sec. 3-6. - Sales and service to intoxicated persons.

No licensee or officer, associate, member, representative, agent, or employee of such licensee shall sell, give, or deliver or allow another to sell, give, or deliver alcoholic liquor to any intoxicated person.

Sec. 3-7. - Transporting in motor vehicle.

Except as otherwise expressly provided in this chapter, no person shall transport, carry, possess, or have any alcoholic liquor within the passenger area of any motor vehicle except in the original package and with the seal unbroken. Wine that is resealed in accordance with the provisions of section 3-9 of this chapter, and not tampered with shall not be deemed to be in violation of this section.

Sec. 3-8. – Consumption on public property - prohibited; exceptions; affirmative defense.

(a) It shall be unlawful for any person:

(1) to possess an open container of or consume alcoholic liquor on any public property except where authorized by the local commissioner pursuant to this chapter; and/or

(2) to possess an open container of or consume alcoholic liquor in any moving vehicle.

(b) It shall be an affirmative defense to a charge of a violation of this section that the defendant, at the time of the alleged violation, was upon that portion of the public right-of-way that is not the street surface for vehicular travel, that immediately abuts the parcel of real estate that is improved with the defendant's principal residence. The address indicated on a

current driver's license or voter's registration card shall be presumed to be the principal residence of the person to whom such document was issued.

Sec. 3-9. - Open containers outside premises.

No person shall carry any open container of alcoholic liquor out of or off of any licensee's premises. Notwithstanding any other provision of this chapter:

(a) Restaurant and taverns licensed to sell alcoholic liquor in the city may permit a patron to remove one (1) unsealed and partially consumed bottle of wine for off-premises consumption provided that the patron has purchased a meal and has consumed a portion of the bottle of wine with the meal on the restaurant premises. A partially consumed bottle of wine that is removed from the premises pursuant to this section shall be securely sealed by the licensee or an agent of the licensee prior to removal from the premises and shall be placed in a transparent, one-time use, tamperproof bag. The licensee or agent of the licensee shall provide a dated receipt for the bottle of wine to the patron.

(b) Persons shall be permitted to carry open containers of alcoholic liquor out of or off of any licensee's premises at an outdoor event expressly designated by the local liquor commissioner as provided in section 3.2(c) of this chapter.

Sec. 3-10. - Violation and penalty.

Any person other than a licensee found guilty of violating the provisions of this article shall be fined in an amount not to exceed five hundred dollars (\$500.00).

Secs. 3-11 – 3-20. - Reserved.

ARTICLE II. – PERSONS UNDER AGE 21 YEARS

Sec. 3-21. - Warning to persons under age twenty-one (21).

In every licensed premises in the city where alcoholic liquor is sold, whether for on-premises or off-premises consumption, there shall be displayed at all times in a prominent place a printed card that shall read substantially as follows:

WARNING TO PERSONS
UNDER THE AGE OF 21 YEARS

You are subject to a fine up to five hundred dollars (\$500.00) under the ordinances of the City of Urbana if you purchase or attempt to purchase alcoholic liquor, or misrepresent your age for the purpose of obtaining alcoholic liquor.

Sec. 3-22. - Sales and service to persons under age twenty-one (21), presence on licensee's premises.

(a) No licensee or officer, manager, associate, member, representative, agent, or employee of such licensee shall sell, give, or deliver alcoholic liquor to any person under the age of

twenty-one (21) or knowingly allow another person to sell, give, or deliver such alcoholic liquor to another person under age twenty-one (21), except in the performance of a religious ceremony or service. Notwithstanding anything to the contrary contained in this section, a minor may purchase, be served, or receive alcoholic liquor when directed to do so by a law enforcement officer, agent of the Illinois Liquor Control Commission, or their duly authorized representative pursuant to a lawful “sting operation” conducted under Section 6-16.1 of the Liquor Control Act.

(b) Except as specifically provided in section 3-46(a), minors shall be permitted on licensee’s premises for purposes other than purchasing or otherwise receiving or obtaining by any means alcoholic liquor for on-premises or off-premises consumption.

Sec. 3-23. - Purchase, consumption, or acceptance of gift by persons under age twenty-one (21); misrepresentation of age.

(a) The consumption of alcoholic liquor by any person under age twenty-one (21) is forbidden and a violation of this chapter.

(b) Any person to whom the retail sale, gift, or delivery of alcoholic liquor is prohibited because of age shall not purchase or attempt to purchase or accept a gift of alcoholic liquor or have alcoholic liquor in his or her possession.

(c) No person, after purchasing or otherwise obtaining alcoholic liquor, shall sell, give, or deliver such alcoholic liquor to another person under age twenty-one (21) except in the performance of a religious ceremony or service.

(d) It shall be unlawful for any person under age twenty-one (21) to misrepresent his or her age for the purpose of purchasing or obtaining alcoholic liquor in any place in the city where alcoholic liquor is sold.

(e) It shall be unlawful for any parent or lawful guardian to knowingly permit any person of which he or she is the parent or lawful guardian to violate any provisions of this section.

Sec. 3-24. - Identification cards.

(a) If a licensee or such licensee's owner, agent, or employee believes, has reason to believe, or should have reason to believe that a retail sale or delivery of alcoholic liquor is prohibited because of the age of the prospective recipient, such licensee, owner, agent, or employee shall, before making such retail sale or delivery, demand presentation of an identification card. Reasonable care in compliance with the provisions of this division shall be competent evidence and may be considered in prosecution, revocation, or suspension for the violation of any section of this chapter.

(b) For the purpose of preventing the violation of this section, any licensee or such licensee’s owner, agent, or employee may refuse to sell or serve alcoholic liquor to any person who fails to produce an identification card attesting that the patron is age twenty-one (21) or older.

(c) Proof that the defendant-licensee or such licensee's employee or agent demanded and was shown and reasonably relied upon an identification card is competent evidence and may be considered in any criminal prosecution therefor or in any proceedings for the suspension or revocation of any license based thereon.

(d) No person shall transfer, alter, or deface an identification card, use a non-official identification card, or use an identification card of another person in order to purchase or otherwise acquire or facilitate another person's acquisition of alcoholic liquor whether for on-premises or off-premises consumption.

(e) Any person under age twenty-one (21) who presents or offers to any licensee, his/her agent, or employee, any written, printed, or photostatic evidence of age and identity that is false, fraudulent, or not actually his/her own for the purpose of ordering, purchasing, attempting to purchase, or otherwise procuring or attempting to procure, the serving of any alcoholic liquor, or who has in his/her possession any false or fraudulent written, printed, or photostatic evidence of age and identity, is guilty of violating this chapter.

Sec. 3-25. - Employment of persons under age twenty-one (21).

(a) Except as provide elsewhere in this chapter, it shall be unlawful for any person under age nineteen (19) to draw, pour, or mix alcoholic liquor on any licensee's premises and or to dispense, sell, or deliver any alcoholic liquor in original package form for any off-premises consumption.

(b) Except as provided elsewhere in this chapter and notwithstanding section 3-25(a) of this chapter, nothing herein shall be deemed or construed as prohibiting a person age eighteen (18) or older from serving and accepting payment for alcoholic liquor served and consumed by a licensee's patron on the licensee's premises.

Secs. 3-26—3-38. - Reserved.

ARTICLE III. - RETAIL LICENSES AND RIDERS

Sec. 3-39. - License required.

(a) It shall be unlawful for any person to sell, offer for sale, serve, offer to serve, or allow another person to sell, offer for sale, serve, or offer to serve any alcoholic liquor at retail in the city without first having obtained a license, or in any manner that is inconsistent with an issued class of license or rider.

(b) It shall be unlawful to allow the consumption of any alcoholic liquor on any premises located in the city that serves bona fide meals, or on a pedal bus operated in the city, without first having obtained a valid license.

(c) It shall be unlawful for any person to allow another person to consume alcoholic liquor in or on the person's premises at an event or gathering that is open to the general public,

whether or not tickets are sold for the event or a fee is paid to enter the event, without first having obtained a valid license.

(d) Each license, including rider, if any, issued by the city shall constitute a privilege, not a right, to sell and/or serve alcoholic liquor by the licensee in a manner that is wholly consistent with the class of license and rider, if any, issued to the licensee.

(e) The granting of a license and rider, if any, shall not constitute any representation or warranty by the city that the city will renew such license and rider upon or following the license's expiration or revocation.

(f) The license and rider, if any, must be posted in a conspicuous public place such that patrons, city law enforcement officers, and agents of the Illinois Liquor Control Commission, as the case may be, can readily observe and inspect the license and rider, if any.

(g) The granting of any license shall constitute express consent on the part of the licensee for any state or city law enforcement officer, city code inspector, or employee of the Illinois Liquor Control Commission to enter into or upon the licensee's premises at any time to determine whether any provision of this chapter, the Act, any rule or regulation of the Illinois Liquor Control Commission, any other city ordinance, or the city's Property Maintenance Code is being or has been violated.

Sec. 3-40. - Fees.

(a) All licensees shall pay a liquor license fee in advance for the privilege of selling alcoholic liquor at retail in the manner provided in the licensee's license and rider, if any. License and rider fees other than Class TEMP licenses must be paid either annually or semi-annually. Except as provided for in subsection (b) of this section 3-40 and in section 3-46(i)(1)b., no license or rider fee or any part thereof shall be refunded after the issuance of such license or rider.

(b) In the event an annual liquor license and/or rider is voluntarily surrendered to the city within thirty (30) days of issuance, a refund representing eleven-twelfths (11/12) of the amount paid shall be made to the person who paid the license fee.

(c) License fees shall be in the respective amounts set forth on the city's published fee schedule.

Sec. 3-41. - Term.

All licenses and riders shall be for a term not to exceed one (1) year and shall expire at 11:59 p.m. Central Time on June 30 of each year, after the date of issuance, regardless of the date when issued.

Sec. 3-42. - Limitations on number issued.

(a) The maximum number of authorized licenses and license riders for the respective classifications shall appear on a schedule maintained by the local commissioner or deputy local commissioner.

(b) In the event that any license and/or rider granted pursuant to this chapter lapses or is terminated for any reason, the number of available licenses or riders, as the case may be, in that classification as authorized by the corporate authorities shall automatically and immediately be reduced by one (1).

(c) Prior to authorizing new licenses and/or riders under this section, the local commissioner or city council may convene and conduct one (1) or more public hearings as necessary to gather additional information on applications or for other good reason. The failure of the local commissioner or city council to hold any such public hearing shall not invalidate the creation of any new license and/or rider so long as the creation of such new license and/or rider has been approved by a majority of the corporate authorities then elected to office.

(d) Notwithstanding anything to the contrary in subsection 3-42(c) of this chapter, a public hearing shall be conducted before the city council prior to the issuance of any Class GH license. Notice of each such public hearing shall be mailed by First Class U.S. Mail to the applicant for the Class GH license and those property owners and residents whose property or dwelling units are within two hundred fifty (250) feet of the applicant's premises. The notice shall be sent no less than fifteen (15) days and no more than thirty (30) days prior to the date set for the public hearing.

(e) If the local commissioner does not issue a license to an applicant within sixty (60) calendar days of its creation by the corporate authorities, it expires and ceases to exist.

Sec. 3-43. - Record of licenses and riders issued.

The local commissioner or deputy local commissioner shall keep or cause to be kept a record of licenses and riders issued by the city. The local commissioner or the deputy local commissioner shall also cause to be kept a record of the managers in charge of each licensed premises, as such may be amended from time to time, with his/her approval.

Sec. 3-44. - Transfer of license.

(a) A license and/or rider is a personal privilege granted by the City and shall not constitute personal property for purposes of sale or transfer of any such license and/or rider.

(b) Any transfer of a license, whether voluntary or involuntary or through a change of ownership shall automatically and without further action of the city void the license and/or rider. A change of ownership that voids a license is deemed to occur when:

(1) A sole proprietor attempts to transfer his or her license to a partnership, corporation, limited liability company, or another sole proprietor.

(2) A corporation attempts to transfer its license to a sole proprietor, partnership, limited liability company, another corporation, or where a majority shareholder of the corporation attempts to transfer his, her or its shareholder interest to one or more minority shareholders of the corporation. Notwithstanding anything to the contrary contained in this subsection, the sale of stock in a corporation through a transaction governed by the rules of a regulated public stock exchange shall not void the corporation's license as otherwise provided in this subsection.

(3) A partnership attempts to transfer its license to a sole proprietor, corporation, limited liability company, another partnership, or where a major partner attempts to transfer his, her or its partnership interest to one or more minority partners or a third person.

(4) A limited liability company attempts to transfer its license to a sole proprietor, a corporation, a partnership, another limited liability company, or where a majority owner of a limited liability company attempts to transfer his or her ownership interest to one or more minority owners of the limited liability company.

(c) A license shall automatically become void upon the death of a licensee sole proprietor, a corporate licensee's majority shareholder, a limited liability company licensee's majority owner, or a partnership's majority partner and such license, in all events, shall not descend by reason of the laws governing testate or intestate estates. However, the personal representative of the estate of the aforesaid deceased individual may continue to operate under such license as provided by state law under court order until such time as the estate is closed or the license is failed to be renewed, whichever is earlier in time.

Sec. 3-45. - License application and renewal.

(a) *License applications.*

(1) Applications for licenses and riders must be submitted to the local commissioner on an application form provided by the city. The applicant shall provide all the information requested by the application form at the time of submittal. Each application shall be signed and verified under oath by the applicant individually, if the applicant is applying for a license in his or her individual name, or by a duly authorized officer or agent, if the applicant is an entity other than a sole proprietorship. The person signing the application and verification under oath must be age twenty-one (21) or older. The applicant need not be a resident of the City of Urbana. Except as provided in subsection 3-40(a) of this chapter, all fees charged by the city for the license applied for must be tendered to the city at the time the application is submitted to the local commissioner.

(2) Every application for a license (other than a Class TEMP license) must list up to three (3) persons, each of whom is designated as a "manager" and is qualified to act on behalf of the applicant if granted a license. An owner can also be a manager. A manager must be available to act (either in person or via telephone) on behalf of the licensee at all times the licensee's premises are open for business and selling, serving, offering for sale, or offering to serve alcoholic liquor. Such managers must not,

themselves, be disqualified as defined in the Liquor Control Act, to hold a liquor license. However, lack of citizenship shall not disqualify a person from being listed as a manager of a licensee. Any person who is listed as a manager must reside in Champaign County, Illinois, or, if they reside outside of Champaign County, such person must be regularly present at the licensed premises for a minimum of thirty (30) hours each week. If any person so designated as a manager in the application is no longer serving in such capacity, the local commissioner must be advised in writing within five (5) business days of the date when such person's duties as manager cease. Managers may be added during the license year provided they are qualified to act as managers as provided in this section and the Liquor Control Act and the local commissioner approves their designation as managers under this section.

(3) At the time an applicant applies for a license or a licensee seeks to renew a license, or during the period when a license is in good standing and in force, the applicant or licensee, as the case may be, may apply for an appropriate rider to the class of license applied for or issued.

(4) Every application for any class of license and/or rider, including temporary (Class TEMP) licenses, shall be accompanied by a certificate of insurance that evidences that the applicant and the applicant's premises have or will have dram shop (liquor liability) insurance with minimum coverages of at least one million dollars (\$1,000,000.00) per occurrence and one million dollars (\$1,000,000.00) in the aggregate in full force and effect throughout the time period covered by the license. In the event insurance coverage lapses, regardless of reason, during the time period covered by the license, the licensee shall promptly provide the city with a new certificate of insurance evidencing dram shop coverage in the aforesaid amounts. If the licensee is unable to obtain such replacement dram shop insurance coverage, licensee shall promptly notify the city and shall immediately cease selling, serving, and allowing the consumption of alcoholic liquor until such time as licensee procures dram shop insurance coverage at the limits described in this subsection. Any applicant who plans on selling, serving, or allowing the consumption of alcoholic liquor on any city right-of-way or real property owned by the city shall include with the application a certificate of dram shop insurance coverage that specifically names the "City of Urbana, Illinois" as an additional insured in the form of a policy endorsement or rider.

(5) The issuance of a liquor license and/or rider, regardless of class, shall be deemed to include the representations contained in the application for the respective class of license. Any false statement or misrepresentation in an application or in all other information submitted with the application shall be deemed grounds for immediate revocation of the license granted pursuant to that application. Any violation of the terms and conditions, including representations and information submitted on or with the application shall be grounds for the issuance of a fine or the suspension or revocation of the license as provided in section 3-50 of this ordinance.

(6) If the applicant leases the premises for which the license is sought, the applicant shall provide a copy of the lease evidencing that the lease term will be at least as long

as term of the license if issued. The applicant shall include a copy of the lease with that portion of the lease highlighted showing the landlord's grant of authority to sell, serve, offer to sell or serve, or allow consumption of alcoholic liquor on the lease premises. In lieu of highlighting a copy of the lease indicating the aforesaid, the applicant can provide other written confirmation from the lessor that the applicant will be authorized to sell, serve, and allow consumption, if applicable, on the premises for which the license sought.

(7) An application for a license and/or a rider shall not be processed by the local commissioner until all information required by the application and this chapter has been provided to the local commissioner.

(8) If the application is approved and a license is issued, the licensee (prior to the commencement of the service of any alcoholic liquor) shall provide copies of BASSET certificates issued to the licensee's servers and for the persons who will be managing or supervising the persons serving such alcoholic liquor.

(9) An applicant for a liquor license shall have sixty (60) calendar days following approval of the license by the city council in which to pick-up the physical license from the local commissioner. In the event that the applicant fails to pick up the physical license within the sixty-day time period, the license shall automatically expire, and, if the applicant still wishes to obtain a license, the applicant will be required to submit a new application with fees for city approval through the normal review process.

(10) A license application shall not be processed until the applicant pays any outstanding fees, fines, or reimbursements due and payable to the city.

(b) *License renewals.*

(1) If a licensee intends to renew a license and an accompanying rider, if any, the licensee, prior to June 1 of each year, shall submit a license renewal application and, if applicable, a rider renewal application in the manner provided by the city. The licensee's renewal application shall provide the city with any changes to the information that the licensee provided to the city in the licensee's initial license application or most recent renewal application, as the case may be, together with any additional information requested by the city. If the licensee has a rider, the licensee shall provide any changes relating to that rider at the time the licensee applies to renew the licensee's license and rider. The licensee shall tender the renewal application to the city along with the appropriate license renewal fee as set forth in the city's published fee schedule.

(2) Every request to renew a license by a licensee that sells, serves, offers to sell, or offers for service any alcoholic liquor in an open container at retail, whether such beverage is consumed on or off-premises, shall be accompanied by copies of BASSET certificates issued to the licensee's servers and the persons who will be managing or supervising the persons serving such alcoholic liquor.

(3) Every renewal application for any class of license shall be accompanied by a certificate of insurance that evidences that the applicant and the applicant's premises have or will have dram shop (liquor liability) insurance with minimum coverages of at least one million dollars (\$1,000,000.00) per occurrence and one million dollars (\$1,000,000.00) in the aggregate in full force and effect throughout the time period covered by the license. In the event insurance coverage lapses, regardless of reason, during the time period covered by the license, the licensee shall promptly provide the city with a new certificate of insurance evidencing dram shop coverage in the aforesaid amounts. If licensee is unable to obtain such replacement dram shop insurance coverage, licensee shall promptly notify the city and shall immediately cease selling, serving, and allowing the consumption of alcoholic liquor until such time as licensee procures dram shop insurance coverage at the limits described in this subsection. Any renewal applicant that sells, serves, or allows consumption of alcoholic liquor on any city right of way or real property owned by the city, shall include with licensee's application a certificate of dram shop insurance coverage that specifically names the "City of Urbana, Illinois" as an additional insured in the form of a policy endorsement or rider.

(4) If the applicant leases the premises for which the renewal license is sought, the applicant shall provide a copy of the lease evidencing that the lease term will be at least as long as the term of the renewal license, if issued. The applicant shall include a copy of the then current lease or other written confirmation from the lessor that the applicant continues to be authorized to sell, serve, and allow consumption, if applicable, in or on the premises for which the renewal license is sought.

(5) A renewal license shall not be renewed until the applicant pays any outstanding fees, fines, or reimbursements due and payable to the city.

(c) *License issue is discretionary.*

(1) Nothing in this section shall be deemed or construed as any guaranty or warranty that an application for a license or a rider or the renewal thereof will be approved by the city.

(2) In the event the city denies a licensee's application to renew a license and/or a rider, the licensee may request an appeal of that decision as provided in section 3-60 of this chapter and rules, if any, adopted by the local commissioner.

Sec. 3-46. – License Classifications.

Licenses issued pursuant to this article shall be divided into the following classes and shall be subject to the respective limitations set forth herein. Appropriate riders to respective liquor licenses may be added to existing, issued, or renewal liquor licenses.

(a) *Class A – Retailer's on-premises license.*

Riders available: All ages live entertainment event, catering, outdoor café, package, and video gaming.

A Class A license shall permit the licensee to sell and serve all alcoholic liquor by the drink or in original package form for on-premises consumption only on the licensee's premises unless otherwise permitted by a rider issued to the licensee.

(1) A Class A licensee, an applicant for a Class A license, or an applicant for renewal of a Class A license, may elect to permit or allow persons age eighteen (18), nineteen (19) and/or twenty (20) to frequent or remain in any public area of the said licensee's premises if the local commissioner is provided with a written notice of such election before allowing such persons on the licensee's premises. Such election may be for the term or remaining term of the Class A license or for a specific temporary period. If the aforesaid election is for a temporary period, the notice to the local commissioner shall indicate the dates and times when such election shall be in effect.

(2) A Class A licensee may, but is not required to, allow persons under age eighteen (18) who are accompanied and remain accompanied by a parent or a verifiable legal guardian to be on the licensee's premises.

(b) *Class BYOB-R – Restaurant license allowing BYOB.*

Riders available: None.

A Class BYOB-R license authorizes alcoholic liquor to be brought onto the premises of a restaurant by a patron who is age twenty-one (21) or older where the restaurant does not otherwise possess a city-issued liquor license. The following provisions shall apply:

(1) A BYOB-R license shall permit alcoholic liquor to be consumed only in conjunction with the purchase and consumption of a meal.

(2) A BYOB-R license shall limit consumption of alcoholic liquor to no more than one (1) seven hundred fifty (750) milliliter bottle of wine, thirty-six (36) ounces of beer, or two (2) one and one-half (1.5) ounce servings of spirits per patron.

(3) A BYOB-R license shall limit consumption of alcoholic liquor to the licensed premises.

(4) BYOB-R licensees may provide glassware and ice to patrons, and may uncork, pour, serve, or otherwise control the consumption of the alcoholic liquor, so long as anyone performing the service of alcoholic liquor has a valid BASSET certificate.

(5) BYOB-R licensees may charge a fee for uncorking, pouring, serving, or otherwise controlling consumption of the alcoholic liquor to patrons who bring alcoholic liquor on the BYOB-R licensee's premises for consumption on said premises.

(6) Possession and/or consumption of alcoholic liquor by any person under age twenty-one (21) is prohibited.

(c) *Class CA – Caterer's license.*

Riders available: None.

A Class CA license shall permit the sale or service of alcoholic liquor of any type by a caterer in conjunction with the sale of prepared food for service at events that are not publicly advertised and that are not open to the general public at locations other than the premises leased, owned, or otherwise occupied or operated by the licensee. For purposes of this chapter, the location of the catered event shall be deemed the licensee's licensed premises. In addition to compliance with other requirements in this chapter, a Class CA licensee shall comply with the following:

(1) A Class CA licensee shall be a bona fide caterer. For purposes of this subsection 3-46(c), a bona fide caterer is one who has been issued an Illinois Department of Revenue Sales Tax number and who holds themselves out to the general public as a person who provides catering services.

(2) Service and consumption of alcoholic liquor shall be permitted only on the event premises where the food is catered.

(3) Gross revenues from the sale of alcoholic liquor at any event catered by the Class CA licensee shall not exceed forty (40) percent of the total gross revenues generated from the combined sale of alcoholic liquor and food at the catered event. The Class CA licensee shall submit an affidavit on a monthly basis, on a form provided by the finance department that certifies compliance with this requirement.

(4) In the event that the Class CA licensee has entered into a contract with another individual or entity for the service of food at the catered event, that contract shall be available for inspection on the premises of the catered event, during said event. For each catered event where the Class CA licensee sells or serves alcoholic liquor and where a separate caterer sells or serves the food to be consumed at the private event, the Class CA licensee shall submit an affidavit on a form provided by the finance department that certifies that the revenue derived from the sale or service of alcoholic liquor does not exceed forty (40) percent of the total gross revenues derived from the combined sale of alcoholic liquor by the licensee and food by the other person or entity at the private event.

(5) The Class CA licensee shall comply with the city's public events ordinance (section 14-51 *et seq.*), if applicable.

(6) No event catered by a Class CA licensee shall exceed three (3) days in length, nor shall alcoholic liquor be served at such an event for more than eight (8) consecutive hours in any given day.

(7) No person other than a Class CA licensee shall be permitted to sell alcoholic liquor for consumption at the private catered event unless such other person has

another class of liquor license provided in this chapter and a catering rider provided for in section 3-54 of this chapter.

(d) *Class CS – Complimentary service license.*

Riders available: None.

A Class CS license authorizes a Class CS licensee to serve alcoholic liquor, without charge, to the licensee's customers who are age twenty-one (21) or older for consumption on the premises of a business that is not a restaurant and that does not otherwise possess a city-issued liquor license. The following shall govern the service of alcoholic liquor by a Class CS licensee:

- (1) Complimentary service shall be permitted in conjunction with the purchase or potential purchase of the goods or personal services offered by the said licensee in its normal course of operations.
- (2) Complimentary service shall be limited to offering no more than two (2) four (4) ounce glasses of beer or wine per patron in any given day.
- (3) Complimentary service shall be limited to consumption of the alcoholic liquor on the licensee's premises.

(e) *Class FM – Farmer's market license.*

Riders available: None.

A Class FM license shall authorize the retail sale of beer and wine in its original package form, for consumption off-premises, at a farmer's market, subject to the following:

- (1) The term "farmer's market" shall mean a regularly scheduled, indoor or outdoor market where farmers and producers of agricultural and related foodstuffs and products including, but not limited to, fresh produce, bread, cheese, and handmade crafts (such as seasonal goods, ornaments, hand-dipped or rolled candles, handmade soaps, handmade jewelry) may bring such products for sale to the general public.
- (2) An applicant for a Class FM license shall have a valid executed agreement between itself as the licensee and the farmer's market for use of a booth or location at the farmer's market and shall provide a copy of the same upon application for a Class FM license. Any Class FM license shall only be valid at a farmer's market and on the days for which the licensee has provided a valid executed agreement under this subsection, and no other farmer's markets or locations.
- (3) It shall be lawful for the licensee to permit the tasting or sampling of beer or wine at the licensee's booth at the farmer's market if such tasting or sampling is:

- a. Of beer or wine that was manufactured or otherwise produced by the licensee and which is being presented for sale in original package form for off-premises consumption;
- b. In an amount no greater than one (1) ounce for vinous beverages and two (2) ounces for beer;
- c. Served with no charge of any kind or character for the sample or tasting;
- d. Served by a person age twenty-one (21) or older;
- e. Samples may not be taken away from the immediate booth area and must be consumed or otherwise disposed of within ten (10) feet of the booth area; and/or
- f. All samples must be served in plastic, paper, or foam containers only.

“Tasting” shall mean as that term is defined in subsection 3-46(p)(2)a. of this chapter.

(4) The storage and display of the wine and/or beer shall be in a manner to protect the product from improper use.

(5) No agent or employee of a licensee shall sell or allow for the tasting of any alcoholic liquor to any person under age twenty-one (21), or allow, directly or indirectly, any person under age twenty-one (21) to possess or consume any amount of any alcoholic liquor. The licensee, its agent, or its employee, shall, prior to selling or serving any alcoholic liquor, inspect the identification card of each person purchasing and/or consuming any alcoholic liquor under this section for the purposes of determining whether that individual is of lawful age to possess and/or consume alcoholic liquor.

(6) Farmer's market licenses shall be subject to any reasonable restrictions as required by the local commissioner

(f) *Class GC – Golf course license.*

Riders available: Video gaming.

A GC license shall permit the licensee to sell and serve all alcoholic liquor by the drink or in original package form for consumption only at the clubhouse and snack bars or refreshment stands located in and about the defined golf course area, and from mobile carts operated in and about the golf course area.

(g) *Class GH – Gaming hall license.*

Riders available: None.

A Class GH license shall permit the licensee of a gaming hall to sell and serve alcoholic liquor by the drink or in original package form for consumption only on the gaming hall premises where video gaming terminals are or will be displayed for play or operation subject to the following conditions:

(1) Gaming hall shall mean a licensee's premises the primary purpose of which is to operate video gaming terminals where the drawing, pouring, mixing, or otherwise serving of alcoholic liquor on the licensed premises is subsidiary to the operation of the video gaming terminal or terminals. In the event that any licensee derives sixty (60) percent or more of its gross revenue from the display, play, and/or operation of video gaming terminals, such licensee's premises shall be deemed a gaming hall and shall be required to obtain a Class GH license pursuant to this subsection.

Notwithstanding the immediately foregoing, the following may also be considered in determining whether the licensed premises constitutes a gaming hall:

- a. A seating area for video gaming terminals being greater than the seating area where food and/or beverages, including alcoholic liquor, are served;
- b. The absence of a full-service kitchen;
- c. An overall size of one thousand five hundred (1,500) square feet or less; and/or
- d. Such other conditions that readily suggest or indicate that the applicant's premises is intended to be operated or is being operated as a business, the primary purpose of which is the display of gaming terminals for play or operation by the public.

Fraternal and veterans organizations (as defined in the Video Gaming Act, 230 ILCS 40/5) shall be exempt from the provisions of this subsection 3-46(g)(1).

(2) A Class GH licensee need not have or apply for any other class of liquor license in order to qualify for a Class GH license.

(3) Prior to displaying any video gaming terminal to be played or operated by the public, the Class GH licensee shall obtain from the city a video gaming permit for each terminal that the licensee intends to display for play or operation. Applications for video gaming permits shall be made in the manner as set forth in section 14-7 of chapter 14 (licenses and permits). Each permit shall be in the form of a gummed sticker, which shall be serially numbered and securely affixed in plain view to the video gaming terminal for which it is issued. No person shall display any video gaming terminal or allow any member of the public to play or operate any such video gaming terminal in violation of this section. Video gaming terminal permit stickers are not transferable to any other video gaming terminal or person.

(4) Any person who displays a video gaming terminal for play or operation by the public shall have, as a prerequisite to receiving any video gaming terminal permit

from the city, a valid license issued by the Illinois Gaming Board for each such video gaming terminal. The cancellation, suspension, or revocation of any such license by the Illinois Gaming Board shall result in the automatic cancellation, suspension, or revocation of the city's video gaming terminal permit without refund of any portion of the permit fee. An applicant for a video gaming terminal permit shall submit to the city's finance director a copy of the license issued by the Illinois Gaming Board for each video gaming terminal to be played or operated on the licensed premises.

(5) Any license issued by the city to any licensee pursuant to this chapter, including but not limited to any licensed fraternal or veterans organization (as defined in the Video Gaming Act, 230 ILCS 40/5), that displays a video gaming terminal for play or operation within its premises in violation of this section shall be immediately revoked.

(6) No more than five (5) video gaming terminals may be located on any Class GH licensee's premises.

(7) Every Class GH licensee shall comply with the provisions of the Video Gaming Act, 230 ILCS 40/1 *et seq.*, as amended, and all rules, regulations, and restrictions imposed by the Illinois Gaming Board, as amended.

(8) The operation of video gaming terminals shall be permitted only during the hours alcoholic liquor sales are permitted, as provided in section 3-3 of this chapter.

(9) Only persons age twenty-one (21) or older shall be permitted on the premises of a GH licensee.

(10) The finance department shall provide each Class GH licensee with signs in English and in Spanish describing the symptoms of a problem gambler and containing contact information for Gamblers Anonymous. Each such licensee shall post such signs in conspicuous locations clearly visible to the public at the location of the video gaming terminal(s) and inside each public restroom on the licensed premises. Each such sign shall provide, in substance, the following:

ARE YOU A PROBLEM GAMBLER? The American Psychiatric Association describes the symptoms of a problem gambler as someone who:

1. is preoccupied with gambling (e.g., preoccupied with reliving past gambling experiences, handicapping or planning the next venture, or thinking of ways to get money with which to gamble).
2. needs to gamble with increasing amounts of money in order to achieve the desired excitement.
3. has repeated unsuccessful efforts to control, cut back, or stop gambling.
4. is restless or irritable when attempting to cut down or stop gambling.

5. gambles as a way of escaping from problems or of relieving a dysphoric mood (e.g., feelings of helplessness, guilt, anxiety, depression).
6. after losing money gambling, often returns another day to get even ("chasing" one's losses).
7. lies to family members, therapist, or others to conceal the extent of involvement with gambling.
8. has committed illegal acts such as forgery, fraud, theft, or embezzlement to finance gambling.
9. has jeopardized or lost a significant relationship, job, or educational or career opportunity because of gambling.
10. relies on others to provide money to relieve a desperate financial situation caused by gambling.

If this describes YOU, please call the Gamblers Anonymous Hotline at 1-800-GAMBLER.

(h) *Class H – Hotel license.*

A Class H license shall permit the licensee to sell and/or serve all alcoholic liquor by the drink or in original package form for consumption only on the hotel premises unless otherwise permitted by a rider issued to the licensee. Except as provided in this subsection, the Class H license shall not permit the sale or service of alcoholic liquor of any type for consumption on or off the hotel's premises by a restaurant operating at the hotel regardless of who owns such restaurant. The owner of a restaurant operating in the hotel may, in the case where the restaurant is owned by the hotel, apply for a hotel restaurant rider, or, in the case where the restaurant is owned by a person other than the hotel owner, a Class R&T license.

(i) *Class MB – Micro-brewery license.*

(1) Class MB-1 license.

Riders available: None.

a. A Class MB-1 licensee who will be and who will remain primarily engaged in the manufacture of beer, ale, wine, and other fruit-based or malt-based alcoholic liquor on the licensee's premises, shall be permitted to:

1. Manufacture beer, ale, wine, and other fruit-based or malt-based alcoholic liquor on the licensee's premises in quantities no more than four hundred sixty-five thousand (465,000) gallons [fifteen thousand (15,000) barrels] per year;

2. Sell licensee's manufactured beer, ale, wine, and fruit- or malt-based alcoholic liquor to importing distributors and distributors;
3. Sell to other licensees who are licensed to sell at retail beer, ale, wine, and other fruit-based or malt-based alcoholic liquor, licensee's manufactured beer, ale, wine, and other fruit-based or malt-based alcoholic liquor; and
4. Store and inventory on the licensed premises such beer, ale, wine, and other fruit-based or malt-based alcoholic liquor manufactured by the licensee.

b. In the event that a Class MB-1 licensee applies for and is granted a Class MB-2 license, the Class MB-1 license fee shall be rebated to the licensee on a prorated basis for the period when the Class MB-2 license is issued through the following June 30.

(2) Class MB-2 license.

Riders available: Catering, hotel restaurant, outdoor café, and video gaming.

A Class MB-2 licensee, who will be and who will remain primarily engaged in the manufacture of beer, ale, wine, and other fruit-based or malt-based alcoholic liquor on the licensee's premises, shall be permitted to:

- a. Engage in the same manufacturing, storing, and inventory activity that holders of Class MB-1 licenses are permitted to do;
- b. Sell the licensee's manufactured beer, ale, wine, and other fruit-based or malt-based alcoholic liquor to the general public for on-premises and/or off-premises consumption and/or provide for tasting of the licensee's manufactured beer, ale, wine, and other fruit-based or malt-based alcoholic liquor on the licensee's premises.
- c. Sell to the general public for on-premises and/or off-premises consumption alcoholic liquor manufactured by other persons engaged in brewing, fermenting, distilling, rectifying, or bottling of alcoholic liquor and/or provide for tasting of those other manufacturers' alcoholic liquor products on the licensee's premises.
- d. Engage in such activities otherwise permitted by a rider issued to the licensee.

(j) *Class N – Retirement community license.*

Riders available: None.

A Class N license shall permit a bona fide retirement community to sell and serve alcoholic liquor by the drink or in original package form only for on-premises consumption.

(k) *Class P – Package retailer's off-premises consumption license.*

Riders available: Grocery café and pick-up and delivery.

A Class P license (package store) shall permit the licensee to sell at retail alcoholic liquors in sealed original package form only unless otherwise permitted by a rider issued to the licensee.

(l) *Class PB – Pedal bus license.*

Riders available: None.

A Class PB license shall allow the Class PB licensee to permit the consumption of alcoholic liquor brought aboard and consumed on board a pedal bus licensed pursuant to chapter 26, article III of this Code by a passenger age twenty-one (21) or older. The following provisions shall apply to Class PB licenses:

(1) Alcoholic liquor may be transported and consumed aboard pedal buses that are properly licensed under chapter 26, article III of this Code.

(2) A licensee commits an offense if he or she:

a. Provides alcoholic liquor to pedal bus passengers for a fee or as part of the passenger transport service;

b. Provides or stocks any alcoholic liquor aboard the pedal bus;

c. Allows any alcoholic liquor in the compartment of the driver of the pedal bus;

d. Allows possession and/or consumption of alcoholic liquor by any person under age of twenty-one (21);

e. Allows licensee employees or agents to serve alcoholic liquor to pedal bus passengers without having a valid BASSET certificate as required in section 3-49 of this Code; and/or

f. Violates chapter 3 of this Code in any other manner.

(3) Alcoholic liquor served aboard a pedal bus may only be served in plastic, foam, or paper cups.

(4) Alcoholic liquor may be consumed only when the passenger is in or on the pedal bus and only when otherwise permitted by all applicable local and state laws and

regulations, including but not limited to all other applicable provisions of this Code and the laws of the State of Illinois.

(5) Class PB licensees may uncork, pour, serve, or otherwise control the consumption of the alcoholic liquor provided by the passenger.

(m) *Class R&T – Restaurant & tavern license.*

Riders available: Catering, outdoor café, package, and video gaming (available to Class R&T-1 and R&T-2 licensees).

(1) “*Restaurant & tavern*” means any premises kept, used, maintained, advertised, and held out to the public as a place where bona fide meals are regularly prepared and served as one of the primary services of the business and where alcoholic liquor is sold and served by the drink or in original package form for on-premises consumption only whether or not the R&T licensee has a distinct bar area or bar that is available for direct customer orders and service.

(2) A Class R&T license shall permit the licensee to sell and serve alcoholic liquor by the drink or in original package form for on-premises consumption only unless otherwise permitted by a rider issued to the licensee.

(3) An applicant for a Class R&T license may apply for one of the following Class R&T licenses:

a. A Class R&T-1 license shall permit the licensee to sell and serve all alcoholic liquor for consumption on the licensee’s premises.

b. A Class R&T-2 licensee shall permit the licensee to sell beer and/or wine only, for consumption on the licensee’s premises.

(4) The licensee must staff and maintain a full operational kitchen that prepares food for immediate consumption. Prepared food for immediate consumption (as defined in section 22-99 of this code) must be available for service to patrons during all times that the Class R&T licensee sells and/or serves alcoholic liquor.

(5) An initial applicant for a Class R&T license shall pay the full license fee provided in the city’s schedule of fees. In the event that a Class R&T licensee’s total revenue from alcoholic liquor sales comprises ten (10) percent or less of the licensee’s total combined revenue from food and alcoholic liquor sales, whether for on-premises or off-premises consumption, the said licensee shall pay seventy-five (75) percent of the total cost of a renewal of the Class R&T license. If a Class R&T licensee’s total revenue from alcoholic liquor sales exceed ten (10) percent of the licensee’s total combined revenue from food and alcoholic liquor sales, whether for on-premises or off-premises consumption, the licensee shall pay the full Class R&T license fee for renewal of the Class R&T license. The City’s determination will be based on the percentage of gross revenue derived from the sale of alcoholic liquor during the

twelve (12) month period ending on March 31 of the year when the license is due for renewal.

(6) A Class R&T licensee may continue to sell alcoholic liquor for consumption on the licensee's premises for up to three (3) hours beyond the time it ceases to serve full meals and operate a fully staffed kitchen on Sunday through Thursday and for up to four (4) hours beyond the time it ceases to serve full meals and operate a fully staffed kitchen on Friday and Saturday; however, all licensees remain subject to section 3-3 concerning hours of operation.

(n) *Class TH – Theatre license.*

Riders available: Outdoor café.

A Class TH license shall permit the licensee to sell and serve alcoholic liquor by the drink or in original package form for consumption only on licensee's premises incidental to the extent that the sale of alcoholic liquor shall to the viewing of motion pictures or live theatrical or stage performances at a theatre unless otherwise permitted by a rider issued to the licensee. The sale and service of alcoholic liquor shall be limited to thirty (30) minutes before and after, and during the presentation of movies or live theatrical performances at the theatre. The licensee shall not be permitted to operate a bar or lounge area at which alcoholic liquors alone may be purchased.

(o) *Class URO – University related organization license.*

Riders available: Outdoor café.

A Class URO license shall permit the licensee to sell and serve alcoholic liquor by the drink or in original package form for on-premises consumption only unless otherwise permitted by a rider issued to the licensee. To qualify for a URO license, the applicant must be an organization that is exempt from federal income taxation pursuant to federal Internal Revenue Code Section 501(c)(3) (26 U.C.S. § 501(c)(3)) and be a university-related organization as defined in the University Guidelines 1982, as amended, adopted by the legislative audit commission pursuant to the Legislative Audit Commission Act (25 ILCS 150/0.01 et seq.). A URO licensee is not required to own the licensed premises, nor have a valid lease if the licensed premises are located on property owned by the University of Illinois.

(p) *Temporary licenses.*

Riders available: None.

(1) *Classes of temporary license.* There shall be two (2) classes of temporary liquor license available including TEMP-C for certain current liquor licensees and TEMP-N for persons or entities that do not have a current liquor license. Except as provided herein, each TEMP-C and TEMP-N license shall be valid for one day consisting of eight (8) consecutive hours. A TEMP-C or a TEMP-N license may be issued for a

multi-day event with each day being limited to eight (8) consecutive hours and a fee shall be paid for each additional eight (8) hour segment.

a. *Class TEMP-C license (current liquor licensees).*

1. Any holder of a Class A, CA, GC, H, P, R&T, MB-2, URO, or TH license issued by the city may apply for and, if such application is approved, receive a license. A Class TEMP-C license shall permit and allow the Class TEMP-C licensee to sell and serve alcoholic liquor by the drink for consumption at a private event to which specific individuals are invited or at an event open to the general public. Private events on the license holder's licensed premises shall be exempt from these provisions. A Class TEMP-C license may sponsor, host or conduct a tasting event.

2. Class A, CA, GC, H, P, R&T, MB-2, URO, or TH licensees must obtain a Class TEMP-C license in order to conduct a tasting event at a location other than on the licensee's premises.

b. *Class TEMP-N license (non-liquor license holders).*

1. Any person who is not a current holder of a liquor license issued by the city may apply for and, upon approval, receive a Class TEMP-N license to host an event at which alcoholic liquor will be sold or served for consumption at the event.

2. A Class TEMP-N licensee may sponsor, host, or conduct a tasting event consistent with subsection (2) of this chapter.

3. The TEMP-N licensee shall require that all persons who draw, pour, or mix alcoholic liquor and/or who serve and/or accept payment for alcoholic liquor at the event hosted by the TEMP-N licensee shall be age twenty-one (21) or older.

(2) *Additional provisions applicable to Class TEMP-C and Class TEMP-N licenses.*

a. *Tasting events*

1. *Tasting* means the supervised presentation of one (1) or more alcoholic liquor products to the public at a site other than a site owned or leased by the holder of a license for the purpose of disseminating product information and education, with consumption of alcoholic liquor being an incidental part of the presentation. "Tasting" shall be limited to the offering of alcoholic liquor in glass, plastic, foam, or paper containers and where each service of the alcoholic liquor shall not exceed one (1) fluid ounce in the case of

wine or other wine-based products; two (2) fluid ounces in the case of beer; and one-quarter ($\frac{1}{4}$) ounce in the case of spirits.

2. The offering for tasting of alcoholic liquor by a Class TEMP-N licensee shall be limited to the type of alcoholic liquor described in the licensee's Class TEMP-N application. If any alcoholic liquor in original package form is offered for sale at such tasting event, such alcoholic liquor shall be limited to the type of alcoholic liquor offered for tasting

b. *Applications.* Applications for Class TEMP-C and TEMP-N licenses must be submitted at least ten (10) business days prior to the scheduled event. Applications submitted fewer than ten (10) business days prior to the scheduled event shall result in the assessment of a late fee as provided in the city's fee schedule. Applications must include the following information:

1. The name, address, and telephone number of the person conducting the event and, if different, the name, address and telephone number of the person applying for the Class TEMP-C or TEMP-N license;

2. A detailed description of the nature of the event, including the location, for which the Class TEMP-C or TEMP-N license is sought;

3. The type of alcoholic liquor offered for service and/or sale in the case of an application for a Class TEMP-N license;

4. The date(s) and time(s) when the event will be conducted and when alcoholic liquor will be sold and/or served;

5. The specific boundaries of the area where alcoholic liquor will be sold, served, consumed, or tasted with identified points of ingress and egress. There shall be at least two (2) points of egress, each being forty-four (44) inches wide, for every two hundred (200) attendees at the event;

6. A detailed description of the security measures that will be in force for the event. All event security plans must be approved by the local commissioner or that person's designee;

7. The persons who will be responsible for handling security at the event including, but not limited to, the checking of identification and the means of identifying persons age twenty-one (21) and older;

8. A reasonable good-faith estimate of the number of individuals invited to the event if the event is a private event or the number of individuals expected to attend if the event is a public event;

9. If the applied-for event (whether public or private) is to be conducted in whole or in part on privately owned property, the owner of said private property must co-sign the application for the Class TEMP-C or TEMP-N license application; and

c. *Public event permits.* To the extent required by Urbana City Code section 14-51 *et seq.*, a public event sponsor shall apply for and obtain a city-issued public event permit prior to commencing the event at which sale, service, and/or tasting and the sale of corresponding package liquor at such tasting will be offered. Any fee required to be paid as part of the application process for obtaining a public event permit from the city shall be separate and apart from any fee required to obtain a Class TEMP-C or TEMP-N license.

(q) *Class INC – Incubator license.*

Riders available: None.

(1) Any person who is not eligible to obtain a Class TEMP-C license, who does not seek a Class TEMP-N license for a single public event for a specific date or set of dates, or who does not otherwise seek to operate a business that would qualify to apply for another type of license, may apply for and upon approval by the local commissioner, receive an Class INC license.

(2) In addition to the other information required by the city’s liquor license application, the applicant for a Class INC license shall provide a detailed business plan that sets forth the applicant’s plan of operation and why the applicant seeks a Class INC license, along with such other information as the local commissioner or deputy local commissioner may request.

(3) If issued, the license shall be for a period not to exceed one hundred eighty (180) consecutive days. The license shall automatically expire at the end of the one hundred eighty (180) day period commencing on the date of issuance of the license unless otherwise renewed or replaced with another class of license.

(4) A Class INC license may be renewed only one (1) time and for an additional one hundred eighty (180) consecutive days if approved by the local commissioner. The renewal application must be submitted at least thirty (30) days prior to the expiration date of the initial one hundred eighty (180) day license period. Subsections 3-45(b) and (c) shall be applicable to such renewals. Failure to submit a renewal application in a timely manner shall result in the automatic expiration of the initial Class INC license at the end of the initial one hundred eighty (180) day period. In the event of such expiration, the holder of the expired license may reapply and pay fee for a new Class INC license and will be required to provide the same type of information as otherwise required for an initial Class INC applicant. Under no circumstances shall a licensee be permitted to operate under a Class INC license for more than three hundred sixty (360) consecutive days.

(5) If a licensee intends to request the creation of a permanent license classification in order to continue operating the licensee's business beyond the initial one hundred eighty (180) day license period or the single renewal period, the licensee shall inform the local commissioner in writing.

(6) By submitting an application for a Class INC license or the renewal thereof, the applicant acknowledges that such license, if issued, is a privilege and not a right is intended to allow the applicant the opportunity to test the licensee's new business concept. The local commissioner's decision not to issue such license or the renewal thereof shall be final and shall not be appealable under section 3-60 of this chapter.

Secs. 3-47 – 3-53. – Reserved.

Sec. 3-54. – License Riders.

A licensee may apply for, and if approved, obtain a rider in addition and supplementary to the appropriate class of liquor license as indicated hereinafter.

(a) *All ages live entertainment event rider.*

Rider available to Class A licensees.

An all ages live entertainment event rider shall be available to Class A license holders only.

(1) For purposes of this subsection 3-54(a), "all ages live entertainment event" means live musical performances, live theatrical performances, live dance performances, live comedy performances, live poetry readings, or other similar live performances. An "all ages live entertainment event" shall not include any of the following activity where:

- a. A performer is in a state of dress or undress that exposes to view, whether openly or translucently, any part of any human genitals, pubic region, anus, buttocks, or female breast other than a fractional amount of cleavage that would be normally exposed by a dress, blouse, shirt, leotard, bathing suit, or other wearing apparel that would otherwise be worn on the street;
- b. A performance that includes any actual or simulated sexual activity including any form of touching of or with human genitals, pubic region, buttocks, anus, or a female breast;
- c. Actual or simulated conduct involving any excretory function; or
- d. Approaching or touching any audience member in a sexually suggestive manner.

(2) Persons between the ages of fourteen (14) and seventeen (17) may be allowed to attend the licensee's live entertainment event subject to the following conditions:

- a. The live entertainment event must be age-appropriate to the audience targeted or anticipated to be present for the live performance.
- b. The licensee must provide written notice to the local commissioner or the deputy local commissioner of the event at least five (5) days prior to the date scheduled for the event. If the licensee has scheduled live entertainment events on more than one night, one such notice will suffice for those live entertainment events. The notice must include the following information:
 1. The licensee's name, address, and class of license;
 2. The date(s) and time(s) of the live entertainment event;
 3. A description of the event;
 4. The name(s) of the entertainer(s), including any stage or group name used, who will be performing;
 5. The age group of the persons to whom the live entertainment will be targeted or anticipated to be present for the event;
 6. An estimate of the number of persons expected to attend the event; and
 7. A description of the plan for supervising those attendees who are under the age of twenty-one (21).
- c. The licensee shall provide supervision throughout the event by persons age twenty-one (21) or older.
- d. The live entertainment must conclude no later than 11:00 p.m.
- e. Tickets for any performance identified as an "all ages live entertainment event" or any similar description indicating that persons under the age of eighteen (18) will be allowed to attend the event are made available for purchase by the general public in advance of the event.
- f. Persons between the ages of fourteen (14) and seventeen (17) may be present only during the live entertainment or within one (1) hour before and after the live entertainment event.
- g. If alcoholic liquor will be served, the licensee shall:
 1. Provide a security plan for all ages live entertainment that is pre-approved by the city's police chief or that person's designee.

2. Actively conduct age-checking at all entrances to the licensed premises;
 3. Require persons age twenty-one (21) or older to be identified by tamper-proof wristbands that are destroyed by removal;
 - 4 . Serve the alcoholic liquor in distinctly different containers than those in which non-alcoholic drinks are served, as approved in the security plan filed with the local commissioner;
 5. Not sell or serve alcoholic liquor in a pitcher; and
 6. Take affirmative steps to remove any alcoholic liquor found to be in the possession or control of any person under age twenty-one (21).
- h. All persons who serve alcoholic liquor or check identifications for age shall be BASSET certificate holders as provided in section 3-49 of this chapter.

(b) *Catering rider.*

Rider available to Class A, H, MB-2 and R&T licensees.

A catering rider shall permit Class A, H (who owns and/or operates a restaurant on the hotel premises), R&T, and MB-2 licensees to sell and serve alcohol of the type permitted pursuant to their respective licenses at private events off the licensed premises that are neither advertised nor open to the general public. For purposes of this chapter, the location of such catered events shall be deemed the licensee's licensed premises. Such licensees shall, when providing catering services that include the sale or service of alcoholic liquor, comply with subsections (c)(2)-(6) of section 3-46 of this chapter. A catering rider shall not be a substitute for requiring a TEMP-C license should such Class A, H, R&T, and MB-2 licensees wish to sell or serve alcoholic liquor at events that are open to the general public.

(c) *Grocery café rider.*

Rider available to Class P licensees.

A grocery café rider shall permit a Class P licensee to sell and serve wine and beer by the drink for consumption on the licensed premises subject to the following:

- (1) Beer and wine purchased from a Class P licensee for on-premises consumption pursuant to the grocery café rider shall be consumed only in those areas specifically designated on the application for the grocery café rider. Such areas may include one or more specifically designated areas within the licensee's premises or in an outside area that is contiguous to the licensee's premises and which is owned by or leased to the licensee or is allowed pursuant to a city-issued permit issued to the licensee.

(2) Hours shall be 11:00 a.m. to 8:00 p.m. for sales of wine and beer for on-premises consumption.

(3) No open container of wine or beer may be taken from the area designated in the application for the grocery café rider.

(4) All areas where the consumption of beer and wine is permitted must have a sign displayed at each point of egress from each such area that states “No Open Beer and Wine Containers Beyond this Point”.

(d) *Hotel restaurant rider.*

Rider available to Class H licensees.

A hotel restaurant rider shall permit a Class H licensee to sell and serve alcoholic liquor for consumption within a restaurant that is wholly owned by and which is located within or attached to the Class H licensee’s hotel or motel.

(e) *Outdoor café rider.*

Rider available to Class A, H, MB-2, R&T, TH, and URO licensees.

An outdoor café rider shall permit the retail sale of alcoholic liquor by any person holding a Class A, H, MB-2, R&T, TH, and URO license in that area for which such licensee holds a valid sidewalk café permit issued by the Director of Public Works or their designee, or pursuant to a lease agreement with the owner of private property that is immediately adjacent to the licensed premises.

(1) If the outdoor café includes any public right-of-way, then the city must approve the specific location of the outdoor café and such location shall not unreasonably interfere with pedestrian or vehicular traffic along the right-of-way.

(2) Prior to the issuance of an outdoor café rider, the licensee shall provide proof of dram shop insurance that includes the sale and service of alcoholic liquor in the area for which the outdoor café rider is sought and which names the city as an additional insured. The licensee shall indemnify and hold the city harmless from any action, proceeding or claim of liability asserted against the city as the result of the operation of an outdoor café. Failure by the licensee to continue to maintain such insurance shall result in the revocation of the outdoor café rider.

(3) During the times when alcoholic liquor may be served pursuant to the outdoor café rider, the licensee shall:

- a. Not allow or permit any customer, employee, or other person to remove alcoholic liquor from the area designated in the outdoor café permit or the premises of the licensee;

b. Comply with all requirements set forth in chapter 20, article VI, division 2 of this code regarding outdoor cafés; and

c. Be subject to all provisions of this chapter as though the outdoor café area was part of the licensee's premises during the times permitted by this section governing the sale and service of alcoholic liquor.

(f) *Package rider.*

Rider available to Class A and R&T licensees.

A package rider shall permit Class A and R&T licensees to sell alcoholic liquor in sealed original package form for off-premises consumption.

(g) *Pick-up and delivery rider.*

Rider available to Class MB-2 and P licensees.

A pick-up and delivery rider shall permit Class MB-2 and P licensees to accept orders for alcoholic liquor in sealed original package form, for off-premises consumption, that are placed by telephone and/or through the licensee's website, and to deliver such alcoholic liquor beyond the licensee's licensed premises, subject to the following conditions:

(1) *Alcoholic liquor orders for pick-up.* A licensee with a pick-up and delivery rider may accept orders for the purchase of alcoholic liquor in sealed original package form through the licensee's website and/or by telephone/cellphone for customer pick-up on the licensee's premises subject to the following:

a. In the case where orders for such alcoholic liquor are accepted through the licensee's website, the website shall provide, in a conspicuous location where such alcoholic liquor is offered for sale, a notice that, at the time of pick-up of any order that includes alcoholic liquor in sealed original package form, the customer shall be required to provide a valid identification card evidencing that the customer is age twenty-one (21) or older. The licensee's website shall provide, at the time payment through the website is to be made, a means for the customer to certify that he or she is age twenty-one (21) or older at the time the order for the alcoholic liquor in sealed original package form is placed.

b. In the case where orders for such alcoholic liquor are accepted by telephone/cellphone at the licensee's licensed premises, the employee accepting the order shall be age twenty-one (21) or older and shall inform the customer that, at the time of pick-up of any order that includes alcoholic liquor in sealed original package form, the customer shall be required to provide a valid identification card evidencing that the customer is age twenty-one (21) or older. The licensee's employee shall, at the time the customer

places an order for alcoholic liquor in sealed original package form, request and obtain a statement from the customer that he/she is age twenty-one (21) or older.

(2) *Alcoholic liquor orders for delivery beyond licensee's licensed premises.* A licensee may accept orders for the purchase of alcoholic liquor in sealed original package form through the licensee's website and/or by telephone/cellphone for delivery to customers located off the licensee's licensed premises subject to the following:

a. In the case where orders for such alcoholic liquor are accepted through the licensee's website for delivery off the licensed premises, the website shall provide in a conspicuous location the same notice and age certification as required in subsection 3-54(g)(1)a. of this chapter.

b. In the case where orders for such alcoholic liquor are accepted by telephone/cellphone at the licensee's premises for delivery off the licensed premises, the employee accepting the order shall be age twenty-one (21) or older, shall provide the same information to the customer as provided in subsection 3-54(g)(1)b. of this chapter and request affirmation that the customer is age twenty-one (21) or older.

(3) *Delivery of alcoholic liquor.* Any employee who delivers alcoholic liquor in sealed original package form to a customer, whether such delivery is made on the licensee's premises but outside the licensee's building or to a customer off the licensed premises, must:

a. Be age twenty-one (21) or older;

b. Possess a certificate that evidences the employee has successfully completed a BASSET training program as required by section 3-49 of this chapter; and

c. View the customer's identification card to verify that the customer is the same individual who placed the order for the alcoholic liquor in sealed original package form and is age twenty-one (21) or older prior to turning over the said alcoholic liquor to the customer.

(4) *Limitations on delivery.* Notwithstanding anything to the contrary stated above, no licensee shall be permitted to knowingly deliver alcoholic liquor in sealed original package form to any:

a. Business or person who, by nature of the person's business, would otherwise be required to obtain a license to sell or serve alcoholic liquor for consumption on or off that person's premises;

b. Person who possesses a valid liquor license of any type issued by the State of Illinois, any other state, or any other unit of government;

- c. Person on a commercially operated bus or pedal bus;
- d. Public property; and/or
- f. Any person in a vehicle parked on a public right-of-way.

(h) *Video gaming rider.*

Rider available to Class A, GC, H, MB-2, and R&T licensees.

(1) A video gaming rider shall permit Class A, GC, H, MB-2, and R&T licensees to display and operate video gaming terminals in conjunction with a video gaming terminal permit on said licensee's premises.

(2) The video gaming rider shall require the licensee to whom such rider is issued to display and operate the licensee's video gaming terminals in a manner consistent with subsections (3)-(10) of subsection 3-46(g) of this chapter. For purposes of this subsection, references to gaming hall license in subsection 3-46(g) of this chapter shall be deemed and construed to mean video gaming rider.

Secs. 3-55 – 3-58. – Reserved.

Sec. 3-59. - BASSET training.

(a) *BASSET certificate requirement.*

(1) All servers must successfully complete a State of Illinois Liquor Control Commission licensed or certified BASSET training program within thirty (30) days after the server begins serving alcohol for any licensee.

(2) Each server must maintain their BASSET certificate in good standing at all times he/she is engaged in selling, serving, offering to sell, or offering for service alcoholic liquor in open containers at retail and/or checking identifications for entry into the licensee's premises and/or service by the licensee at which the server is employed or otherwise works.

(3) A BASSET certificate is the property of the server and the server shall be entitled to take his or her BASSET certificate with him or her should he or she change employment with one (1) licensee to another licensee.

(4) A server shall not sell, assign, or otherwise transfer his or her BASSET certificate to any other person.

(5) Each server must produce his or her BASSET certificate upon request of any law enforcement officer.

(b) *Licenses*. Each licensee shall:

- (1) Assure that its servers have valid BASSET certificates;
- (2) Obtain and retain a copy of each server's BASSET certificate on the licensee's premises or at such location where it sells or serves alcoholic liquor in open containers at retail; and
- (3) Make available for inspection copies of all server's BASSET certificates upon request of any law enforcement officer.

(c) *Exceptions to requirement of BASSET certificate*. Subsections 3-49(a) and (b) of this section shall not apply to Class FM licensees and to directors, officers, employees, and volunteers of a bona fide civic, service, charitable, or other not-for-pecuniary profit organization that has obtained a Class TEMP-N.

Sec. 3-60. – Suspension and revocation of license; fine; appeal of non-renewal of license.

(a) Licenses shall be deemed a personal privilege that may be suspended or revoked or for which fines may be imposed in the event a licensee violates state or federal law, any city ordinance, or any Illinois Liquor Control Commission rule or regulation. The local commissioner shall have the authority to change the class of license if the local commissioner or the deputy local commissioner determines that the basis or reason for issuing a particular license has changed and that another class of license is more appropriate given the nature of the licensee's operations.

(b) For purposes of this chapter, any act of any employee of a licensee that in any way violates this chapter shall be deemed the act of the licensee itself.

(c) The local commissioner may revoke or suspend any license or rider, if any, or impose a fine for any violation of any provision of the Code of Ordinances or for any violation of any state or federal law or for any false material representation made in an application for such license or rider, if any, or in an application for renewal thereof. The revocation or suspension of a license shall constitute an automatic revocation or suspension, as the case may be, of any rider that the licensee may possess.

(d) No suspension shall last more than thirty (30) days.

(e) No license and/or rider shall be revoked or suspended except after a public hearing before the local commissioner or the local commissioner's designee, unless the licensee waives such public hearing. The Illinois Supreme Court Rules of Evidence (Ill. Sup. Ct. Rules of Evidence Rule 101 *et seq.*) shall not be strictly applied at any hearing. Evidence shall be admitted at such public hearing if it is of a type commonly relied upon by reasonably prudent persons in the conduct of their affairs.

(f) Any appeal to the state liquor control commission of an order or action taken by the local commissioner under this chapter shall be limited to a review of the official record of the

proceedings. Persons requesting such appeals shall pay to the city all costs of preparing and certifying an official record of proceedings.

(g) A licensee may seek a public hearing before the local commissioner or other person designated by the local commissioner upon receipt of a notice from the local commissioner or deputy local commissioner that the licensee's license renewal application has been or will be denied.

(h) A licensee found in violation of this chapter may, in lieu of appealing its violation as hereinabove provided, enter into a plea and settlement agreement with the city on such terms and conditions as the city and the licensee agree.

Sec. 3-61. - Security measures.

(a) Any license or rider that has been issued or which is to be issued by the city, may be made subject to a security plan in accordance with this chapter:

(1) After the occurrence of:

- a. Any incident on the licensed premises that involved fighting, excessive noise, and/or unruly behavior;
- b. Any incident that resulted in or involved a threat to human life, health or safety, or property;
- c. Any such incident near the licensed premises in which patrons of that licensed premises participated or were involved; and/or
- d. Underage drinking or sales to minors.

(2) If, because the license holder is scheduling a public event, the chief of police reasonably anticipates the need for extra security measures to protect the public order.

(b) Security plans shall mean requirements promulgated by the chief of police or their designee specifying certain security measures that must be taken by the licensee and are part of and conditions of the license. The security plan shall be in writing and signed by the chief of police or their designee. The security plan may include any or all of the following:

- (1) Provisions for a specified number of licensed security guards to be on duty and the hours that they must be on duty;
- (2) Detailed procedures for assuring that no alcoholic liquor is being sold or delivered to minors;
- (3) Monitoring of interior and exterior areas by the licensee;

- (4) Regulating traffic flow in parking areas;
- (5) Amount and location of exterior and interior lighting;
- (6) Regular meetings with police department personnel;
- (7) The posting of regulatory signage to aid enforcement efforts;
- (8) Limitation on the number of patrons allowed on the premises at one time;
and/or
- (9) Any other reasonable security measures calculated to avoid a breach of the peace.

(c) No condition that is part of a security plan may be contrary to or inconsistent with any statute or ordinance regulating alcoholic liquor or any other condition of the license issued.

(d) If a licensee objects to the security plan promulgated by the chief of police or their designee, the licensee shall notify the local commissioner within ten (10) days of the day the licensee received the plan. Unless such plan has been personally delivered to the licensee, the plan shall be presumed to have been received by the licensee on the second day after the plan was mailed to the licensee by U.S. Postal Service (first-class postage prepaid). If no such objection is received by the local commissioner within the time prescribed, the local commissioner shall issue an amended license to include the security plan as an additional condition on the license and forward the said amended license to the licensee. If the local commissioner, however, receives an objection from the licensee within the allotted time, the local commissioner shall make an effort to meet with the applicant or licensee, as the case may be, to resolve the applicant's or licensee's concerns. If the local commissioner and the licensee are unable to resolve the city's concerns and the applicant's or licensee's objections, the local commissioner shall schedule a hearing to be held within ten (10) days following the date when efforts to informally resolve the matter concluded. The chief of police or their designee and the licensee shall be allowed to present evidence and arguments to support their respective positions regarding the security plan proposed. The local commissioner shall consider all probative evidence without regard to the formal rules of evidence. The local commissioner may accept, reject, or modify the security plan as presented by the chief of police or their designee.

(e) The objection procedures set forth in (d) above shall not apply to Class TEMP licenses, but the local commissioner may modify such security plan regulations at any time solely in the local commissioner's discretion.

(f) *Temporary preventative powers.*

- (1) The local commissioner shall have the authority to impose a temporary preventative order containing one (1) or more of the restrictions set forth herein upon the operation of licensees in a geographic area described in the order, for a period of up to forty-eight (48) hours, when the commissioner has a reasonable belief that there may be a threat to the public health, safety, or welfare.

(2) The local commissioner may include one (1) or more of the following restrictions in any temporary preventative order entered pursuant to this subsection (f)(1) of this chapter:

- a. Hours and days of operation;
- b. Size of drinks;
- c. No alcoholic liquor served in glass and/or metal containers;
- d. No happy hours; and/or
- e. Other restrictions deemed necessary and appropriate.

(3) Any temporary preventative order entered pursuant to this section shall be in writing and shall, at a minimum, contain the following information:

- a. The basis for the temporary preventative order;
- b. A description of the geographic area affected by the order;
- c. The class(es) of licenses covered by the order;
- d. The dates and times during which the order will be in effect; and
- e. A description of each of the aforementioned restrictions being imposed during the time the order is in effect.

(4) A temporary preventative order entered pursuant to this section shall be filed with the city clerk as soon as is practicable, and shall be served upon each of the licensees that will be regulated by said order in one (1) or more of the following ways:

- a. By personal delivery upon an agent of the licensee at least twenty-four (24) hours prior to the time the order goes into effect;
- b. By first class mail, addressed to the licensee at the licensee's premises, deposited in the U.S. Mail at least three (3) days, excluding weekends and holidays, before the order goes into effect; and/or
- c. If service by the means set forth in a. or b. above is impractical, then notice shall be provided in a manner reasonably calculated to inform the licensees regulated by said order.

Sec. 3-62. – Filing revenue returns.

Each licensee shall, on a monthly basis, file with the city's finance department, on a city-provided form, a sworn statement of all revenue derived from each of the following:

(a) sales of all alcoholic liquor whether for on-premises or off-premises consumption or both;

(b) sales of all food prepared for immediate consumption (as that term is defined in section 22-99(c) of this code) to the extent the licensee engages in such sales; and

(c) use of all video gaming terminals.

As a condition for granting any license, the granting of such license shall be deemed to include authorization for the city to conduct an audit of any licensee's books and records to verify the food and beverage sales for purposes of reporting such sales as provided in this section and in section 22-99 of this code.