

CITY OF COLUMBIA, ILLINOIS
ORDINANCE NO. 3644

**AN ORDINANCE AMENDING CHAPTER 5.20 OF THE COLUMBIA MUNICIPAL
CODE (LIQUOR CODE)**

WHEREAS, the City of Columbia ("City"), Monroe and St. Clair Counties, Illinois is a duly created, organized and validly existing municipality of the State of Illinois under the 1970 Illinois Constitution and the laws of the State of Illinois, including particularly the Illinois Municipal Code, and all laws amendatory thereof and supplementary thereto; and

WHEREAS, Section 4-1 of the Illinois Liquor Control Act (235 ILCS 5/4-1) ("Act") grants the City the authority to establish such regulations and restrictions upon the issuance of and operations under local licenses not inconsistent with law as the public good and convenience may require; and

WHEREAS, Section 11-42-10.1 of the Illinois Municipal Code specifically grants all municipalities in Illinois, whether home rule or non-home rule, the authority to license and regulate BYOB establishments. Section 11-42-10.01 provides:

"The corporate authorities of each municipality may license or regulate businesses operating as a public accommodation that permit the consumption of alcoholic liquor on the business premises and that are not licensed under the Liquor Control Act of 1934. For purpose of this Section, "public accommodation" means a refreshment, entertainment, or recreation facility of any kind, whether licensed or not, whose goods, services, facilities, privileges, or advantages are extended, offered, sold, or otherwise made available to the public."

and

WHEREAS, the City finds that it is in the public interest to amend the City Municipal Code to license and regulate "BYOB" (bring your own booze) establishments.

NOW THEREFORE BE IT ORDAINED, by the Mayor and City Council of the City of Columbia, as follows:

Section 1. The above recitals are hereby incorporated by reference as findings of the City Council of the City of Columbia, Illinois.

Section 2. Chapter 5.20 Liquor Code of the Columbia Municipal Code shall hereby be amended as attached hereto as Exhibit 1.

Section 3. Chapter 18.95 of the Columbia Municipal Code shall hereby be amended to add:
“18.95.010 Class I – BYOB (bring your own booze) License \$300.00”

Section 4. In the event any section or provision of this Ordinance shall be held unconstitutional or invalid by any Court, in whole or in part, such holding shall not affect the validity of this Ordinance or any remaining part of this Ordinance, other than the part held unconstitutional or invalid.

Section 5. This Ordinance shall take full force and effect immediately upon passage by the Corporate Authorities.

PASSED by the City Council and **APPROVED** by the Mayor of the City of Columbia, Illinois and deposited and filed in the office of the City Clerk on the 15th day of May 2023, the vote being taken by ayes and noes and entered upon the legislative record as follows:

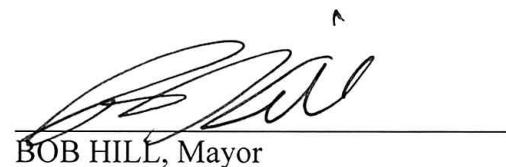
AYES: Aldermen Niemietz, Huch, Holtkamp, Riddle, Garmer, Khoury, Lawlor, and Nobbe.

NOES: None.

ABSTENTIONS: None.

ABSENT: None.

APPROVED:



BOB HILL, Mayor

ATTEST:



ANDREW HITZEMANN, City Clerk

(SEAL)

Chapter 5.20 LIQUOR CODE

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- 5.20.300 **Limitation of Number of Licenses.**
- 5.20.310 **Shared Common Wall.**

Section 5.20.010 Definitions.

Unless the context otherwise requires, the words and phrases herein defined are used in this chapter in the sense given them in the following definitions.

"Alcohol" means the product of distillation of any fermented liquids, whether rectified or diluted, whatever may be the origin thereof, and includes synthetic ethyl alcohol. It does not include denatured alcohol or wood alcohol.

"Alcoholic liquor" includes alcohol, spirits, wine and beer, and every liquid or solid, patented or not, containing alcohol, spirits, wine or beer, and capable of being consumed as a beverage by human beings. The provisions of this chapter shall not apply to alcohol used in the manufacture of denatured alcohol produced in accordance with Acts of Congress and regulations promulgated thereunder, nor to any liquid or solid containing one-half of one percent, or less of alcohol by volume.

"Auction" means public sale of property to the highest bidder by one licensed and authorized for that purpose.

"Beer" means a beverage obtained by the alcoholic fermentation of an infusion or concoction of barley, or other grain, malt and hops in water, and includes, among other things, beer, ale, stout, lager beer, porter and the like.

"Brew pub" means any person who manufactures beer only at a designated premises to make sales to distributors, importing distributors, and to nonlicensees for use and consumption only, who stores beer at the designated premises, and who is allowed to sell at retail.

"BYOB (bring your own booze) Establishment" means a tobacco shop or full-service restaurant, as defined herein, which allows customers to bring alcoholic beverages (e.g. spirits, liquors, wine, beer, pre-mixed cocktails, other "hard" beverages) in their sealed original packages that have been purchased elsewhere, into said establishment for consumption on premises.

"Caterer" means a person who serves alcoholic liquors for consumption, either on site or off site, whether the location is licensed or unlicensed, as an incidental part of food service with the prepared meals and alcoholic liquor sold as a package price agreed upon under contract.

"Club" means a corporation organized under the laws of this state, not for pecuniary profit, solely for the promotion of some common object other than the sale or consumption of alcoholic liquors, which conforms to the definition of "club" in 235 ILCS 5/1-3.24.

"Distributor" means any person, other than a manufacturer or nonresident dealer licensed under the Act, who is engaged within Illinois in the purchasing, storing, possessing or warehousing of any alcoholic liquors for resale or reselling at wholesale in or out of this state.

"Importing distributor" means any person, other than a nonresident dealer licensed under the Act, who imports into Illinois from anywhere in the United States other than this state, for himself or for another, any alcoholic liquors for sale or resale, or for use in the manufacture, preparation or compounding of products other than alcoholic liquors, or imports into Illinois from anywhere in the United States other than this state, for consumption in any one calendar year, more than one gallon of such liquors.

"Liquor Control Act" means the Liquor Control Act of 1934, as amended, otherwise known as the "Act" (235 ILCS 5/1-1 et seq.).

"Manufacture" means to distill, rectify, ferment, brew, make, mix, concoct, process, blend, bottle or fill an original package with an alcoholic liquor, whether for oneself or for another, that includes blending but does not include the mixing or other preparation of drinks for serving by those persons authorized and permitted by the Act to serve drinks for consumption on the premises where sold. All containers or packages of blended alcoholic liquor shall have affixed thereto a label setting forth and stating clearly the names of all ingredients with which the blended alcoholic liquors offered for sale shall contain.

"Manufacturer" means every brewer, fermenter, distiller, rectifier, wine maker, blender, processor, bottler or person who fills or refills an original package, whether for himself or for another, and others engaged in brewing, fermenting, distilling, rectifying or bottling alcoholic liquors as defined herein.

"Nonresident dealer" means any person, firm, partnership, corporation or legal business entity which exports into this state, from anywhere in the United States other than this state, any alcoholic liquors for sale to Illinois licensed importers or importing distributors.

"Not-for-profit organization" means an organization incorporated under or licensed to do business in the state of Illinois solely for the promotion of one or more of the following purposes: charitable; benevolent; eleemosynary; educational; civic; patriotic; political; religious; social; literary; and athletic.

"Original package" means any bottle, flask, jug, can, cast, barrel, keg, hogshead or other receptacle or container, whatsoever, used, corked or capped, sealed and labeled by the manufacturer of alcoholic liquor, to contain and convey any alcoholic liquor.

"Restaurant" means any public place kept, used, maintained, advertised and held out to the public as a place where meals are served, and where meals actually are served and regularly served, without sleeping

accommodations, such space being provided with adequate and sanitary kitchen and dining room equipment and capacity and having employed therein a sufficient number and kind of employees to prepare, cook and serve suitable food for its guests.

"Restaurant, full-service" means a restaurant, as herein defined, with interior seating at tables or booths for a minimum of twenty-five (25) customers, where food is ordered from a full menu and orders are taken directly from a customer's table by restaurant wait staff and served directly to a customer's table.

"Retailer" means a person who sells or offers for sale, alcoholic liquor for use or consumption and not for resale in any form.

"Sale" means any transfer, exchange or barter in any manner, or by any means whatsoever, for a consideration, and includes and means all sales made by any person, whether principal proprietor, agent, servant or employee.

"Sell at retail" and **"sale of retail"** refers to any sales for use or consumption and not for resale in any form.

"Special event" means any event conducted by an educational, fraternal, political, civic, religious or not-for-profit organization.

"Special event retailer" means educational, fraternal, political, civic, religious, or not-for-profit organizations which sell or offer for sale, beer, wine or both, only for consumption at the location and on the dates designated by a special event license.

"Spirits" means any beverage which contains alcohol obtained by distillation, mixed with water or other substance in solution, and includes brandy, rum, whiskey, gin or other spirituous liquors, and such liquors when rectified, blended or otherwise mixed with alcohol or other substances.

"To sell" includes to keep or expose for sale and to keep with intent to sell.

"Tobacco shop" means a retailer of tobacco products in various forms and related accessories such as pipes, lighters, matches, pipe cleaners, and pipe tampers.

"Wine" means any alcohol beverage obtained by the fermentation of the natural contents of fruits, or vegetables, containing sugar, including such beverages when fortified by the addition of alcohol or spirits, as above defined.

"Winery" means a retailer of alcoholic liquors and wines, as defined herein, which derives fifty percent (50%) or more of its income from the sale of wine.

Section 5.20.020 License required.

It is unlawful to sell or offer for sale, or expose for sale, any alcoholic liquor, as defined in Section 5.20.010 within the city, without having a license from the city therefor.

Section 5.20.030 Application for license.

Applications for a retail liquor license shall be made to the city clerk in writing, in form to be furnished by the city clerk to the applicant. The application may be made by an individual or by a duly authorized agent. If made by a club, limited liability company, or corporation, the application must be verified by oath or affidavit, and shall contain the following information and statements:

- A. The name, age and address of the applicant, in the case of an individual, and in the case of a co-partnership, the persons entitled to share in the profits thereof, and in the case of a limited liability company or corporation for profit, or a club, the date of incorporation or organization, the names and addresses of the officers and directors or members, and if a majority in interest of the stock of such corporation or club is owned by one person or his nominee, the name and address of such person;

- B. The citizenship of the applicant, his place of birth, and if a naturalized citizen, the time and place of his naturalization;
- C. The character of business of the applicant; and in case of a limited liability company or corporation, the objects for which it was formed;
- D. The length of time that the applicant has been engaged in the business of that character, or in the case of a corporation or limited liability company, the date on which its charter was issued or company was formed;
- E. The location and description of the premises or place of business which is to be operated under such license;
- F. Whether applicant has made similar application for a similar other license on premises other than described in the application and the disposition of such application;
- G. That applicant has never been convicted of a felony and is not disqualified to receive a license by reason of any matter or thing contained in the aforesaid Act of the general assembly or in this code or resolution, and amendments thereto;
- H. Whether a previous license issued to the applicant by any state or subdivision thereof, or by the federal government has been revoked, and the reasons therefor;
- I. That he will not violate any of the laws of the state of Illinois or of the United States, or any of the provisions of this code or resolution and amendments thereto, in the conduct of his place of business.

In case of a partnership, corporation, or limited liability company, the information and statements required by this section shall be furnished as to each partner, and as to the president and secretary of the corporation with the location of the principal office of the corporation or members of the limited liability company. If the application is made in behalf of a partnership, firm, association, club, corporation, or limited liability company, then the same shall be signed and sworn to by at least two members of such partnership, firm, association or club, or by the president and secretary of such corporation or by the managing member of the limited liability company.

One copy of the application shall be retained by the local liquor control commissioner, one copy given to the chief of police; the chief of police shall endorse on the copies his approval or disapproval of the application and may make further comments regarding that application. The copies shall be returned to the local liquor control commissioner and the endorsement and comment of the chief of police shall be considered by him as an aid in deciding whether the license should be issued or refused.

The local liquor control commissioner shall have the right to examine or cause to be examined, under oath, any applicant for a local license or for renewal thereof, or any licensee upon whom notice of revocation or suspension has been served, and to examine or cause to be examined, the books and records of any such applicant or licensee; to hear testimony and take proof for his information in the performance of his duties, and for such purpose, to issue subpoenas which shall be effective in any part of this state. For the purpose of obtaining any of the information desired by the local liquor control commissioner under this section, he may authorize his agent to act on his behalf.

Section 5.20.040 List of licenses.

The mayor shall keep or cause to be kept a complete record of all such licenses issued by him; and shall furnish the clerk, treasurer and chief of police each with a copy thereof; upon the issuance of any new license, or the revocation of any old license, the mayor shall give written notice of such action to each of these officers within forty-eight (48) hours of such action.

Section 5.20.050 Issuance of license.

Upon the application being prepared and executed by the applicant, the same shall be submitted to the

Mayor for approval. The Mayor shall require a criminal history background investigation by the Federal Bureau of Investigation (FBI), with the assistance of the City's Police Department, for all liquor licenses applicants and dram shop managers or agents, where a licensee's place of business is conducted by a manager or agent.

If the applicant is a corporation or limited liability company, an FBI criminal history investigation shall be required for each manager, officer, director and shareholder owning in the aggregate more than five percent (5%) of the stock of the company or corporation. If the applicant is a copartnership, an FBI criminal history investigation shall be required for each general partner or limited partner owning in the aggregate more than a five percent (5%) interest in the partnership.

The applicant shall remit payment of the fee required by the City for the background investigation(s), the amount of which shall be set by and contained in Title 18 of City's Municipal Code (same being the ordinance of the City which annually sets license and other fees and charges of the City), as from time to time in effect. The applicant (and each other person for whom a background investigation is required) shall sign the required forms for the FBI investigation(s), and be fingerprinted on the required FBI fingerprint card at the time the applicant applies for the liquor license.

The Mayor shall withhold action on the application until the Mayor has received the FBI report with regard to the criminal history investigation(s) pertaining to the applicant and any other persons for whom an investigation is required; except in cases where the Mayor determines that the withholding of the issuance of the liquor license until receipt of the FBI investigative report(s) will cause a severe and undue hardship for the applicant and will not cause a threat to the health, safety and welfare of the citizens of the City. The application shall be denied in the event the FBI investigative report indicates the criminal history of the applicant or any other person for whom a background investigation is required indicates the applicant is disqualified from receiving the liquor license.

In any instance where a liquor license is issued by the Mayor prior to the Mayor receiving the FBI investigative report(s), the license shall be issued subject to revocation after the FBI investigative report(s) are received by the Mayor if, based upon the report, the Mayor should determine the applicant/licensee is disqualified from receiving a City Liquor License.

Section 5.20.060 Display of license.

Every licensee shall cause his license to be framed and hung in plain view in a conspicuous place on the licensed premises.

Section 5.20.070 Prohibited licensees.

No retail license shall be issued by the local liquor control commissioner to:

- A. A person who is not a resident of the city.
- B. A person who is not of good character and reputation in the community in which he resides.
- C. A person who is not a citizen of the United States.
- D. A person who has been convicted of a felony under any Federal or State law, unless the Commission determines that such person will not be impaired by the conviction in engaging in the licensed practice after considering matters set forth in such person's application in accordance with Section 6-2.5 of the State Liquor Code and the Commission's investigation.
- E. A person who has been convicted of keeping a place of prostitution or keeping a place of juvenile prostitution, promoting prostitution that involves keeping a place of prostitution, or promoting juvenile prostitution that involves keeping a place of juvenile prostitution.
- F. A person who has been convicted of pandering.
- G. A person whose license issued under the Illinois Liquor Control Act has been revoked for cause.

- H. A person who at the time of application for renewal of any license issued hereunder would not be eligible for such license upon a first application.
- I. A co-partnership, if any general partnership thereof, or any limited partnership thereof, owning more than 5% of the aggregate limited partner interest in such co-partnership would not be eligible to receive a license hereunder for any reason other than residence within the city.
- J. A corporation or limited liability company, if any member, officer, manager or director thereof, or any stockholder or stockholders owning in the aggregate more than 5% of the stock of such corporation, would not be eligible to receive a license hereunder for any reason other than citizenship and residence within the city.
- K. A corporation or limited liability company unless it is incorporated or organized in Illinois, or unless it is a foreign corporation or foreign limited liability company which is qualified under the Business Corporation Act of 1983 or the Limited Liability Company Act to transact business in Illinois. The Commission shall permit and accept from an applicant for a license under this Act proof prepared from the Secretary of State's website that the corporation or limited liability company is in good standing and is qualified under the Business Corporation Act of 1983 or the Limited Liability Company Act to transact business in Illinois.
- L. A person whose place of business is conducted by a manager or agent unless the manager or agent possesses the same qualifications required by the licensee.
- M. A person who has been convicted of a violation of any Federal or State law concerning the manufacture, possession or sale of alcoholic liquor, subsequent to the passage of this Act or has forfeited his bond to appear in court to answer charges for any such violation, unless the Commission determines, in accordance with Section 6-2.5 of the State Liquor Code, that the person will not be impaired by the conviction in engaging in the licensed practice.
- N. A person who does not beneficially own the premises for which a license is sought, or does not have a lease thereon for the full period for which the license is to be issued.
- O. Any law enforcing public official, including the mayor or any alderman; and no such official shall have a direct interest in the manufacture, sale, or distribution of alcoholic liquor, except that a license may be granted to such official in relation to premises that are not located within the City if the issuance of such license is approved by the State Liquor Control Commission and except that a license may be granted to any alderman in relation to premises that are located within the City if (i) the sale of alcoholic liquor pursuant to the license is incidental to the selling of food, (ii) the issuance of the license is approved by the State Commission, (iii) the issuance of the license is in accordance with all applicable City ordinances in effect where the premises are located, and (iv) the official granted a license does not vote on alcoholic liquor issues pending before the City Council. Notwithstanding any provision of this paragraph (O) to the contrary, an alderman may have a direct interest in the manufacture, sale, or distribution of alcoholic liquor as long as he or she is not a law enforcing public official or a mayor. To prevent any conflict of interest, the elected official with the direct interest in the manufacture, sale, or distribution of alcoholic liquor shall not participate in any meetings, hearings, or decisions on matters impacting the manufacture, sale, or distribution of alcoholic liquor. Furthermore, the mayor may have an interest in the manufacture, sale, or distribution of alcoholic liquor as long as the council has made a local liquor control commissioner appointment that complies with the requirements of Section 4-2 of the State Liquor Code.
- P. A person who is not a beneficial owner of the business to be operated by the licensee.
- Q. A person who has been convicted of a gambling offense as proscribed by any of subsections (a) (3) through (a) (11) of Section 28-1 of, or as proscribed by Section 28-1.1 or 28-3 of the Criminal Code of 1961 or the Criminal Code of 2012, or as proscribed by a statute replaced by any of the aforesaid statutory provisions.

- R. A person or entity to whom a federal wagering stamp has been issued by the federal government, unless the person or entity is eligible to be issued a license under the Raffles and Poker Runs Act or the Illinois Pull Tabs and Jar Games Act.
- S. A person who intends to sell alcoholic liquors or otherwise allow the use or consumption thereof on his or her licensed premises who does not have liquor liability or equivalent insurance coverage for that premises in an amount that is at least equal to the maximum liability amounts set out in subsection (a) of Section 6-21 of the State Liquor Code.
- T. A person who is licensed by any licensing authority as a manufacturer of beer, or any partnership, corporation, limited liability company, or trust or any subsidiary, affiliate, or agent thereof, or any other form of business enterprise licensed as a manufacturer of beer, having any legal, equitable, or beneficial interest, directly or indirectly, in a person licensed in this State as a distributor or importing distributor. For purposes of this paragraph (T), a person who is licensed by any licensing authority as a "manufacturer of beer" shall also mean a brewer and a non-resident dealer who is also a manufacturer of beer, including a partnership, corporation, limited liability company, or trust or any subsidiary, affiliate, or agent thereof, or any other form of business enterprise licensed as a manufacturer of beer.
- U. A person who is licensed in this State as a distributor or importing distributor, or any partnership, corporation, limited liability company, or trust or any subsidiary, affiliate, or agent thereof, or any other form of business enterprise licensed in this State as a distributor or importing distributor having any legal, equitable, or beneficial interest, directly or indirectly, in a person licensed as a manufacturer of beer by any licensing authority, or any partnership, corporation, limited liability company, or trust or any subsidiary, affiliate, or agent thereof, or any other form of business enterprise, except for a person who owns, on or after the effective date of this amendatory Act of the 98th General Assembly, no more than 5% of the outstanding shares of a manufacturer of beer whose shares are publicly traded on an exchange within the meaning of the Securities Exchange Act of 1934. For the purposes of this paragraph (U), a person who is licensed by any licensing authority as a "manufacturer of beer" shall also mean a brewer and a non-resident dealer who is also a manufacturer of beer, including a partnership, corporation, limited liability company, trust or any subsidiary, affiliate, or agent thereof, or any other form of business enterprise licensed as a manufacturer of beer.
- V. Any video gaming establishment licensed as such by the State of Illinois under the Illinois Video Gaming Act (230 ILCS 40), except for Class A-1 and A-2 licenses as defined and regulated herein under Section 5.20.080.

Section 5.20.080 Classification of licenses--Fees.

Every person, firm, limited liability company, or corporation engaged in the retail sale of alcoholic liquor in the city, or otherwise required to obtain a liquor license from the city, shall pay an annual license fee. Such licenses shall be divided into the classes listed herein. There shall be no limit on the number of total licenses issued, provided that Class A-1 and Class A-2 shall be limited to no more than a combined total of 15 licenses issued at any one time.

- A-1. Class "A-1" licenses shall be reserved for video gaming establishments licensed as such by the State of Illinois under the Illinois Video Gaming Act (230 ILCS 40). Class A-1 licenses shall authorize the retail sale of alcoholic liquor on the premises specified for consumption on the premises. Convenience stores that sell automotive fuels shall not be eligible for Class A-1 licenses.
- A-2. Class "A-2" licenses shall be reserved for video gaming establishments licensed as such by the State of Illinois under the Illinois Video Gaming Act (230 ILCS 40). Class A-2 licenses shall authorize the retail sale of alcoholic liquor on the premises specified for consumption on the premises and the sale of alcoholic liquor in sealed containers for off-premises consumption and not

for resale in any form. Convenience stores that sell automotive fuels shall not be eligible for Class A-2 licenses.

- B. Class "B" licenses shall authorize the retail sale of alcoholic liquor on the premises specified for consumption on the premises.
- C. Class "C" licenses shall be issued to wineries and shall authorize the retail sale of alcoholic liquor on the premises, specified for consumption on the premises, and the retail sale of wine in sealed packages intended for consumption off the premises and not for resale in any form. To qualify as a winery, a licensee must have fifty percent (50%) or more of its business derived from the sale of Wine as defined by this Code.
- D. Class "D" license shall authorize the sale of alcoholic liquor intended for off premises consumption and not for resale in any form.
- E. Class "E" license, or caterer's license, shall authorize the sale of alcoholic liquors on or off premises by caterers, without regard to whether or not the location is licensed or unlicensed, as an incidental part of food service that serves prepared meals, which does not include the serving of snacks as the primary meal.
- F. Class "F" license, or special event license, shall authorize the sale of alcoholic liquor, for use or consumption only, by a licensee transferring a portion of its alcoholic liquor inventory from its retail license premises to the premises designated in its license application for a special event. Such license will be granted for three-day increments up to a maximum of fifteen (15) days per licensee per location in any twelve (12) month period. Applicants must submit satisfactory proof that it will provide dram shop liability insurance to the maximum limits.
- G. Class "G" license, or not-for-profit special event license, shall authorize the purchase and sale of alcoholic liquors by not-for-profit organizations for the purpose of retail sale for use or consumption only at the times and location designated as a special event in the license application. The license allows a retailer to transfer alcoholic beverages from an existing licensed retail premises to a designated site for a special event. The license shall be issued and valid for increments of three days at a time, not to exceed fifteen (15) days per licensee per location in any twelve (12) month period. Applicants must submit satisfactory proof that it will provide dram shop liability insurance to the maximum limits. In order to qualify as not-for-profit organization, a licensee must be incorporated as a not-for-profit corporation with the State of Illinois.
- H. Class "H" license shall authorize a holder thereof to manufacture beer ("brew pub beer") and store the brew pub beer at a designated premises and to make sales to distributors, importing distributors, as well as the direct sale to non-licensed consumers for consumption off the designated premises in containers not larger than 64 ounces or on the designated premise. A licensee shall not sell, for off premises consumption, more than 50,000 gallons of beer per year. A Class "H" licensee must have a valid brew pub license from the State of Illinois. The Class H licensee who meets the qualifications for the brew pub is also authorized to sell at retail any non-brew pub alcoholic liquor on the premises specified for consumption on the premises.
- I. Class "I" license, or BYOB (bring your own booze) license, shall authorize a BYOB establishment that does not sell alcoholic liquor, to permit consumption of alcoholic liquors brought by a customer onto the licensed premises for on-premises consumption by said customer and their guests, all of whom shall be twenty-one (21) years of age or older. Licensees and licensed establishments shall be subject to regulation under Section 5.20.090. There shall be no more than two (2) Class "I" licenses issued at any given time, one of which may be a tobacco shop and one of which may be a full-service restaurant.

Section 5.20.090 Regulations for BYOB (bring your own booze) establishments.

- A. No business establishment in the City shall permit customers to bring alcoholic liquor into the establishment or permit on-premises consumption of said alcoholic liquors, except as authorized by a valid Class "I" (BYOB) license issued by the Local Liquor Commissioner.
- B. Licensees shall be prohibited from selling alcoholic liquor in any manner, form, quantity, or packaging.
- C. No alcoholic liquors shall be brought by customers into a licensed BYOB establishment except in the sealed original package.
- D. Customers shall be prohibited from taking opened containers of alcoholic liquor off the licensed premises, except for re-corked bottles that have been sealed in a carry-out bag in accordance with state law (235 ILCS 5/6-33). Licensed establishments may charge a fee for this service.
- E. The licensee, on-site manager(s), and/or the licensee's wait staff shall be responsible for opening sealed containers of alcoholic liquor furnished by the customer. Licensees and their employees who engage in the opening of alcoholic liquor containers shall take and successfully complete a Beverage Alcohol Sellers and Servers Education and Training (BASSET) Program that has been certified by the State of Illinois. A copy of the BASSET course completion certificate(s) for each such person shall be made available at all times at the licensed premises for inspection by the City.
- F. Licensed establishments may furnish or sell non-alcoholic products, as allowed by local, state and federal law, including, but not limited to ice, mixer beverages, garnishes, and glasses/cups.
- G. Licensed establishments shall furnish storage lockers for customer-furnished alcoholic liquors, which may be either a free or paid service. However, only the licensee and their employees shall have direct access to the storage lockers, from which containers of customer-furnished alcoholic liquor may be retrieved for table service provided by the licensee or their qualified employees. Alcoholic liquor containers may remain at the customer's table for the duration of their visit to the licensed establishment. Prior to a customer leaving the licensed premises, opened containers that have not been emptied of their contents shall either be disposed of or re-corked, as described above, to be stored in a locker or taken with said customer.
- H. BYOB license applicants and license holders shall be subject to all applicable provisions of this Liquor Code, including all requirements for eligibility, application, fees, issuance, establishment operations, administration, and enforcement.

Section 5.20.100 Renewal of license.

Any licensee may renew his license at the expiration thereof; provided, that he is then qualified to receive a license and the premises for which such renewal license is sought are suitable for the purposes; provided further, that the renewal privilege herein provided for shall not be construed as a vested right which shall in any case prevent the mayor from decreasing the number of licenses to be issued within his jurisdiction.

- A. **Annexing License Holders.** The restrictions contained in this section shall in no way affect taverns and other businesses holding retail liquor licenses, duly licensed by the county of Monroe or other municipalities, which are located in the territory annexed to the city. Licenses may be issued to them or renewed by the duly constituted authorities upon annexation; provided, that thereafter, all of the restrictions and contingencies contained herein shall apply.
- B. **Destroyed or Damaged Business.** No license shall be held in existence by the mere payment of fees by any person, firm or corporation, for a longer period than ninety (90) days, without a tavern or business licensed for the sale of alcoholic liquor being in complete and full operation. However, if a tavern or business licensed for the sale of alcoholic liquor has been destroyed or damaged by fire or act of God and cannot be rebuilt or repaired within the ninety (90) day period, then in that event the liquor control commission shall extend the period of time for which a license may be held

by the payment of fees without the tavern or business licensed for the sale of alcoholic liquor being in full and complete operation for an additional ninety (90) days. If either of the above-stated periods of time passes without the particular tavern or business licensed for the sale of alcoholic liquor returning to complete and full operation, the license for that particular business shall expire and not be subject to renewal, unless all other requirements of this chapter shall have been met.

Section 5.20.110 Term of license--Disposition of fees.

- A. **Term--Pro-Rating Fee.** Each such license shall terminate on the thirtieth day of April next following its issuance. The fee to be paid shall be reduced in proportion to the full calendar months which have expired in the year prior to the issuance of the license.
- B. **Disposition of Fees.** All such fees shall be paid to the city clerk at the time application is made and shall be forthwith turned over to the treasurer. In the event the license applied for is denied, the fee shall be returned to the applicant; if the license is granted, then the fee shall be deposited in the general corporate fund or in such other fund as shall have been designated by the mayor and council for proper action.

Section 5.20.120 Transfer of license.

A license shall be purely a personal privilege, good for not to exceed one year after issuance unless sooner revoked as in this code provided; and shall not constitute property, nor shall it be subject to attachment, garnishment or execution, nor shall it be alienable or transferable, voluntarily or involuntarily, or subject to being encumbered or hypothecated. Such license shall not descend by the laws of testate or intestate devolution, but it shall cease upon the death of the licensee, provided that executors or administrators of the estate of any deceased licensee and the trustee of any insolvent or bankrupt licensee, when such estate consists in part of alcoholic liquor, may continue the business of the sale of alcoholic liquor under order of the appropriate court, and may exercise the privileges of the deceased or insolvent or bankrupt licensee after the expiration of such license; but not longer than six months after the death, bankruptcy or insolvency of such licensee. A refund shall be made for that portion of the license fees paid for any period in which the licensee shall be prevented from operating under such license in accordance with the provisions of this paragraph.

The licensee may renew his license at the expiration thereof, provided he is then qualified to receive a license and the premises for which such renewal license is sought are suitable for such purposes; provided that the renewal privilege herein provided shall not be construed as a vested right, and may be denied by the local liquor control commissioner.

Section 5.20.130 Revocation of licenses.

The local liquor control commissioner shall have the following powers, functions and duties with respect to licenses granted under this chapter:

- A. In addition to and not limited by the specific penalties above set out for violations of specific sections of this chapter, the local liquor control commissioner may suspend for thirty (30) days or revoke any liquor license issued under this chapter for any state law pertaining to the sale of alcoholic liquors by any licensee, his agent, servant or employee.
- B. The local liquor control commissioner may suspend or revoke any liquor license if the licensee makes any false statement or misrepresentation in the application for a license.
- C. The local liquor control commissioner may enter or authorize any law enforcing officer to enter at any time upon any premises licensed to determine whether any of the provisions of this chapter or the laws of the state of Illinois pertaining to the sale of alcoholic liquor have been or are being violated at such time to examine the premises of the licensee in connection therewith.
- D. **Complaint by Residents.** Any five residents of the city shall have the right to file a complaint with

the mayor, stating that any licensee under this chapter has been or is violating the provisions of this chapter, or any amendments hereto, or of any of the statutes of the state of Illinois, enacted with reference to the control of liquor. Such complaint shall be in writing and shall be signed and sworn to by the parties complaining.

The complaint shall state the particular provision, rule or regulation believed to have been violated and the facts in detail upon which such belief is based. If the mayor is satisfied that the complaint substantially charges a violation, and that from the facts alleged, there is reasonable cause for such belief, it shall set the matter for hearing, and shall serve notice upon the licensee of the time and place of such hearing and of the particular charges in the complaint.

Section 5.20.135 Appeals.

- A. Pursuant to the provisions of ILCS Ch. 235, Act 5 § 7-9, any appeal authorized thereunder from an order of the Local Liquor Control Commissioner shall be limited to a review of the official record of the proceedings of the Local Liquor Control Commissioner, and it is hereby resolved that such review shall be solely on the record.
- B. The local liquor control commissioner may suspend or revoke any liquor license if the licensee makes any false statement or misrepresentation in the application for a license.
- C. The local liquor control commissioner may enter or authorize any law enforcing officer to enter at any time upon any premises licensed to determine whether any of the provisions of this chapter or the laws of the state of Illinois pertaining to the sale of alcoholic liquor have been or are being violated at such time to examine the premises of the licensee in connection therewith.

Section 5.20.140 Hours.

- A. **Closing Hours.** It is unlawful to keep open or permit to be open any business, except restaurants, retail grocery stores, convenience stores (a/k/a quick shops) or convenience stores operated as part of a gasoline service station, where alcoholic liquor is sold or consumed, between the hours of one (1:00) o'clock a.m. and five a.m. of every day of the week, Monday through Sunday, inclusive.
- B. **Other Closing Hours.**
 1. **Restaurant Hours.** Restaurant operators possessing a license shall not sell, dispense or serve any alcoholic liquor between the hours of one (1:00) a.m. and five (5:00) a.m. of every day of the week, Monday through Sunday, inclusive. Further, the operators of restaurants shall not permit customers upon the restaurant's premises to have alcoholic liquor in their possession, except in containers with unbroken seals, at any time between the hours of one-thirty (1:30) a.m. and five-thirty (5:30) a.m. of every day, Monday through Sunday, inclusive.
 2. **Retail Grocery Stores, Convenience Stores and Convenience Stores Operated as Part of a Gasoline Service Station Hours.** Retail grocery stores, convenience stores and convenience stores operated as part of a gasoline service station whose operators possess a license to sell packaged liquor, shall not dispense liquor on premises and shall only be permitted to sell packaged liquor for off-premises consumption. Such establishments shall not and it shall be unlawful for such establishments to sell packaged liquor between the hours of one (1:00) a.m. and five (5:00) a.m. of any day of the week, Monday through Sunday, inclusive.
- C. **Penalty.** Except as stated above, no alcoholic liquor shall be sold and all licensed premises must remain closed at the times specified. Any holder of a retail liquor license or his agent or employee who violates the provisions of this chapter in regulating the legal hours of operation shall, upon conviction of the first offense, be fined not less than one hundred dollars (\$100.00), nor more than seven hundred fifty dollars (\$750.00), and for the second offense, be fined not more than seven

hundred fifty dollars (\$750.00), and suffer the revocation of such retail liquor license.

D. Time. The times referred to above shall mean daylight saving time when the same is in effect in the city, and upon cessation of daylight saving time, shall mean Central Standard Time.

Section 5.20.150 Location restrictions.

No license shall be issued for the sale at retail of any alcoholic liquor within one hundred (100) feet of any church, school, hospital, home for the aged or indigent persons or for veterans, their spouses or children; provided, that this prohibition shall not apply to hotels offering restaurant services, regularly organized clubs, or to restaurants, food shops or other places where the sale of alcoholic liquors is not the principal business carried on if such place of business so exempted was so located and established before the enactment of the city's liquor code.

The prohibition contained in this section shall also not apply to renewal of a license for the sale at retail of alcoholic liquor on premises within one hundred (100) feet of any church or school where such church or school has been established within one hundred (100) feet since the issuance of the original license. In the case of a church, the distance of one hundred (100) feet shall be measured to the nearest part of any building used for worship services or educational programs and not to property boundaries.

Nothing contained herein shall prohibit the issuance of a license to a church or private school to sell at retail alcoholic liquor if any such sales are limited to periods when groups are assembled on the premises solely for the promotion of some common object other than the sale or consumption of alcoholic liquors.

Section 5.20.160 Change of location.

A liquor dealer's license shall permit the sale of alcoholic liquor only in the premises described in the application and license. Such location may be changed only upon the written permit to make such change issued by the mayor. No change of location shall be permitted unless the proposed new location is a proper one for the retail sale of alcoholic liquor under the statutes of the state and the ordinances of the city.

Section 5.20.170 Unlawful entertainment.

No licensee, his agent, servant or employee shall permit or allow any lewd or lascivious act, or any topless and/or bottomless female employee and/or employees, (topless being defined as naked and substantially without clothing or covering of the body from the waist to the neckline, and bottomless being defined as naked and substantially without clothing or covering of the body from the waist downward) or entertainment to be performed within the licensed premises by an entertainer employed therein, or by any employee or guest; nor shall any licensee, his agent, servant or employee permit or allow any employee or guest, or any other person whomever to solicit or encourage the purchasing of alcoholic liquor or beverage of any description or the giving of any gratuity or gift by any patron, or guest to or for the benefit of any such employee or guest.

Section 5.20.180 Elections.

A person may sell at retail any alcoholic liquor on the day of any national, state, county or city election, including primary elections, during the hours the polls are open.

Section 5.20.190 Sanitary conditions.

All premises used for the retail sale of alcoholic liquor, or for the storage of such liquor for such sale, shall be kept in a clean and sanitary condition, and shall be kept in full compliance with the codes regulating the condition of premises used for the storage or sale of food for human consumption.

Section 5.20.200 Employees.

It is unlawful to employ in any premises used for the retail sale of alcoholic liquor, any person who is

afflicted with or who is a carrier of any contagious, infectious or venereal disease; and it shall be unlawful for any person who is afflicted with or a carrier of any such disease to work in or about any premises or to engage in any way in the handling, preparation, or distribution of such liquor.

Section 5.20.210 Gambling.

It is unlawful to keep, place, maintain or operate any gambling device or instrument in and upon the premises used or occupied as a place where alcoholic liquor is sold or given away, unless permitted by the Illinois Video Gaming Act or other applicable state statute.

Section 5.20.220 Disorderly house.

A person licensed under this chapter shall not suffer any disorder, drunkenness, quarreling, fighting, unlawful games, or riotous or disorderly conduct in any house or premises kept or occupied by him for the sale of liquor.

Section 5.20.230 Stores selling school supplies and lunches.

No license shall be issued to any person for the sale at retail of any alcoholic liquor at any store or other place of business where the majority of customers are minors of school age or where the principal business transacted consists of school books, school supplies, food, lunches or drinks for such minors.

Section 5.20.240 Reserved.

Section 5.20.250 Prohibited sales--Generally.

No licensee, nor any officer, 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) years, or to any intoxicated person or to any person known by him to be an habitual drunkard, spendthrift, insane, mentally ill, mentally deficient, or in need of mental treatment. No person, after purchasing or otherwise obtaining alcoholic liquor shall sell, give or deliver such alcoholic liquor to another person under the age of twenty-one (21) years.

Section 5.20.260 Unlawful purchase of liquor.

Any person to whom the sale, gift or delivery of any alcoholic liquor is prohibited because of age shall not purchase or accept a gift of such alcoholic liquor, or have such alcoholic liquor in his possession.

Section 5.20.270 Posting warning.

In every licensed business where alcoholic liquor is sold, there shall be displayed at all times in a prominent place, a printed card which shall be supplied by the city clerk and which shall read as follows:

WARNING TO MINORS

**YOU ARE SUBJECT TO A FINE UP TO \$500.00 UNDER THE ORDINANCE OF THE
CITY OF COLUMBIA IF YOU PURCHASE ALCOHOLIC LIQUOR, OR
MISREPRESENT YOUR AGE FOR THE PURPOSE OF PURCHASING OR
OBTAINING ALCOHOLIC LIQUOR.**

It is unlawful for any holder of a retail liquor dealer's license, or his agent, or employee to suffer or permit any minor to be or remain in any room or compartment adjoining or adjacent to or situated in the room or place where such licensed premises is located; provided that this paragraph shall not apply to any minor who is accompanied by his parent or guardian, or any licensed premises which derives its principal business from the sale of services or other commodities other than alcoholic liquor.

Section 5.20.280 Identification required.

If a licensee or his agents or employees believe or have reason to believe that a sale or delivery of any alcoholic liquor is prohibited because of the non-age of the prospective recipient, he shall, before making such sale or delivery, demand presentation of some form of positive identification, containing proof of age, issued by a public officer in the performance of his official duties.

Section 5.20.290 Exclusionary provision.

The possession and dispensing or consumption by a minor of alcoholic liquor in the performance of a religious service or ceremony, or the consumption by a minor under the direct supervision and approval of the parents or parent of such minor in the privacy of a home is not prohibited by this chapter.

Section 5.20.300 Limitation of Number of Licenses.

No location, establishment or premises shall be issued more than one (1) liquor license for such location, establishment or premises at any given time. However, a location, establishment or premises may be issued a caterer's license (Class "E") if it holds a valid Class "A-1", "A-2", or "B" license.

Section 5.20.310 Shared Common Wall.

No liquor license shall be issued to any applicant for a location, establishment or premises that shares a common wall with a location, establishment or premises that already possesses a liquor license unless the common wall permanently prohibits ingress and egress between the locations, establishments or premises through the common wall.