

JAN 16 2018

**CITY OF COLUMBIA, ILLINOIS
ORDINANCE NO. 3366**

Sterling J. Hoff
City Clerk

AN ORDINANCE REGULATING LIQUOR LICENSES

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, the City desires to amend the classifications of liquor licenses; and

WHEREAS, the City finds that it is in the public interest to restrict issuance of liquor licenses for establishments receiving more than fifty percent (50%) of their monthly gross revenue from video gaming.

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

Section 1. That the preceding recitations in the upper part of this Ordinance are realleged, restated and adopted as paragraph one ("1") of this Ordinance.

Section 2. That Section 5.20.010 of the City Municipal Code shall be amended to add the following definition:

"Video Gaming Revenue" means the amount of monthly income generated by video gaming under the Illinois Video Gaming Act at a respective establishment, as reported by the Illinois Gaming Board as Net Terminal Income ("NTI").

Section 3. That Section 5.20.030 of the City Municipal Code shall be amended to read as follows:

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 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 corporation for profit, or a club, the date of incorporation, the names and addresses of the officers and directors, 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 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, the date on which its charter was issued;

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.

J. Whether the establishment derives more than fifty percent (50%) of its gross monthly revenues from Video Gaming Revenue. If the application is for the initial issuance of a liquor license, and not a renewal, the applicant shall state whether the establishment anticipates that more than fifty percent (50%) of its gross monthly revenues will be derived from Video Gaming Revenue. At the time of application, if the applicant operates any video gaming terminals or will apply for the operation of any video gaming terminal within twelve (12) months from the date of liquor license application, the applicant shall provide the City Clerk with a verified report or reports for the required periods, showing its gross revenue from all sources, including food, beverage and alcoholic liquor sales and video gaming. If the applicant has not been in operation prior to the date of application, the applicant shall provide verified reports of projected gross revenues from all sources for the 12 month period commencing from the date of the application.

K. If the liquor license application is for the initial issuance of an A-1 or A-2 liquor license, and not a renewal, the applicant shall state whether or not the establishment anticipates that more than fifty percent (50%) of its gross monthly revenues will be derived from the sale of alcoholic liquor. Applicants for A-1 or A-2 licensees shall provide verified reports of gross revenues from all sources for the 12-month period commencing from the date of the application. For A-1 and A-2 license renewal, the verified reports of projected gross revenues from all sources shall be provided by May 1 of each year. (Prior code § 21-2-2)

In case of a partnership or corporation, 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.

If the application is made in behalf of a partnership, firm, association, club or corporation, 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.

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 4. That Section 5.20.070 of the City Municipal Code shall be amended to read as follows:

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 of good character and reputation in the community in which he resides;
- B. A person who is not a citizen of the United States;
- C. A person who has been convicted of a felony under any federal or state law;
- D. A person who has been convicted of being the keeper or is keeping a house of ill fame;

E. A person who has been convicted of pandering or other crime or misdemeanor opposed to decency and morality;

F. A person whose license issued under this act has been revoked for cause;

G. A person who, at the time of application for renewal of any license issued hereunder, would not be eligible for such license upon the first application;

H. A co-partnership, unless all of the members of such co-partnership shall be qualified to obtain a license;

I. A corporation if any officer, manager or director thereof, or any stockholder(s) owning in the aggregate more than five percent 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;

J. A person whose place of business is conducted by a manager or agent unless the manager or agent possess the same qualifications required of the licensee;

K. A person who has been convicted of a violation of any federal or state law concerning the manufacture, possession or sale of alcoholic liquor, or shall have forfeited his bond to appear in court to answer charges for any such violation;

L. A person who does not own any 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;

M. Any law enforcing public official, any mayor or alderman, or member of the city council shall not be interested in any way, either directly or indirectly, in the manufacture, sale or distribution of alcoholic liquor;

N. Any person who is not a resident of the city.

O. Any person, association or corporation operating or seeking to operate an establishment that derives more than fifty percent (50%) of its gross monthly revenues from Video Gaming Revenue. At any time during a liquor license period or prior to the renewal of a liquor license, the Mayor may order the licensee to produce their accounting records to determine if the licensee remains eligible for a liquor license under this section. Ineligibility under this section, or the failure of the licensee to produce such records to the Mayor upon request, shall result in the automatic revocation of a liquor license. (Prior code § 21-2-6)

Section 5. Section 5.20.080 of the City Municipal Code shall be amended to read as follows:

Section 5.20.080 Classification of licenses--Fees.

Every person, firm or corporation engaged in the retail sale of alcoholic liquor in the City shall pay an annual license fee. Such licenses shall be divided into the following classes: (See Annual Liquor License Fee Schedule, Title 18 for annual license fee amounts).

A-1. Class "A-1" licenses shall authorize the retail sale of alcoholic liquor on the premises specified for consumption on the premises. An A-1 licensee may also sell, incidental to its business, alcoholic liquor in sealed containers for off premises consumption and not for resale in any form. To qualify for a Class A-1 license, licensee must have fifty percent (50%) or more of its monthly gross revenue derived from the sale of alcoholic liquor. No more than two (2) Class A-1 licenses shall be issued at any one time.

A-2. Class "A-2" licenses shall authorize the retail sale of alcoholic liquor on the premises specified for consumption on the premises. An A-2 licensee may also sell, incidental to its business, alcoholic liquor in sealed containers for off premises consumption and not for resale in any form. To qualify for a Class A-2 license, licensee must have fifty percent (50%) or more of its monthly gross revenue derived from the sale of food and non-alcoholic beverages. No more than one (1) Class A-2 license shall be issued at any one time.

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") and store the brew pub 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.

(Ord. 1343 § 2, 1995: prior code § 21-2-7)

Section 6. Section 5.20.210 of the City Municipal Code shall be amended to read as follows:

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. (Prior code § 21-3-9)

Section 7. A new Section 5.20.300 shall be added to the City Municipal Code and shall read as follows:

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."

Section 8. A new Section 5.20.310 shall be added to the City Municipal Code and shall read as follows:

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.

Section 9. Any licensee holding a Class A, A-1, or A-2 license authorizing the sale of alcohol for consumption on the premises on the effective date of this Ordinance, shall be exempt from the revenue requirements contained in Subsection (O) of 5.20.070, for so long as the use of the establishment does not change.

Section 10. This Ordinance shall be in full force and effect immediately upon passage as provided by law.

YEAS: Aldermen Ebersohl, Agne, Niemietz, Roessler, Reis, Holtkamp and Martens.

NAYS: None.

ABSTENTIONS: None.

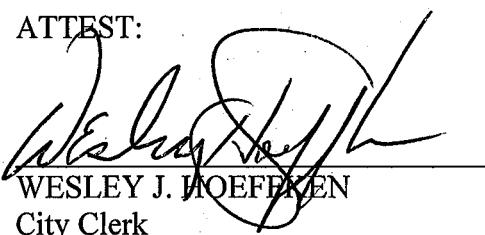
ABSENT: Alderman Hutch.

PASSED by the City Council and APPROVED by the Mayor this 16th day of January, 2018.



KEVIN B. HUTCHINSON
Mayor
City of Columbia

ATTEST:



WESLEY J. HOEFKEN
City Clerk
City of Columbia