

APR 16 2010

CITY OF COLUMBIA, ILLINOIS
ORDINANCE NO. 3402

Daley Stapp
City Clerk

**AN ORDINANCE PROHIBITING LIQUOR LICENSES TO CERTAIN PERSONS OR
ENTITIES**

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 6-2 of the Illinois Liquor Control Act (235 ILCS 5/6-2) grants the City the authority to prohibit the issuance of a liquor license to certain persons or entities; and

WHEREAS, the City desires to amend Section 5.20.070 of the City Liquor Code to comply with Section 6-2 of the State Liquor Code; and

WHEREAS, the City finds that it is in the public interest to amend the City's liquor code to fully comply with the state liquor code.

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 5.20.070 of the City Liquor 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 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(G) A person whose license issued under the Illinois Liquor Control Act has been revoked for cause.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 for use or consumption on his or her licensed retail premises who does not have liquor liability 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, or trust or any subsidiary, affiliate, or agent thereof, or any other form of business enterprise licensed as a manufacturer of beer.

(V) 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.

Section 3. This Ordinance shall be in full force and effect immediately upon passage as provided by law.

YEAS: Aldermen Ebersohl, Agne, Niemietz, Roessler, Huch, Reis, Holtkamp, and

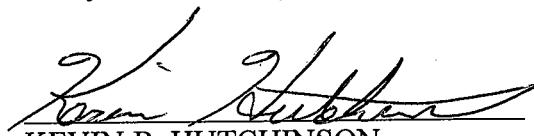
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NAYS: None.

ABSTENTIONS: None.

ABSENT: None.

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



KEVIN B. HUTCHINSON
Mayor
City of Columbia

ATTEST:



WESLEY J. HOEFFKEN
City Clerk
City of Columbia