



## Chapter 5

### ALCOHOLIC BEVERAGES\*

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\*Cross reference – Use of vehicle for transporting alcoholic beverages, § 36-82  
State law reference – Liquor Control Act, Illinois Compiled Statutes 235 ILCS 5/1-1 et seq.

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## **ARTICLE I. IN GENERAL**

### **Sec. 5-1. Definitions.**

The following terms as used in this chapter shall have the meanings respectively ascribed to them in this article, unless the context otherwise requires.

(C.B. No. 84-132, § 1, 7-17-84; C.B. No. 87-76, § 1, 4-21-87; C.B. No. 90-245, § 1, 9-18-90)

#### **Sec. 5-1.1. Alcohol defined.**

Alcohol shall mean the product of distillation of any fermented liquid, whether rectified or diluted, whatever may be the origin thereof, and includes synthetic ethyl alcohol, but does not include denatured alcohol or wood alcohol.

(C.B. No. 90-245, § 2, 9-18-90)

#### **Sec. 5-1.2. Alcoholic liquor defined.**

Alcoholic liquor shall include the four (4) varieties of liquor defined in this article; i.e., 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.

(C.B. No. 90-245, § 2, 9-18-90)

#### **Sec. 5-1.3. Applicant defined.**

Applicant shall mean the person required to sign the application for a liquor license pursuant to this chapter.

(C.B. No. 90-245, § 2, 9-18-90;)

#### **Sec. 5-1.4. Beer defined.**

Beer shall mean 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.

(C.B. No. 90-245, § 2, 9-18-90)

#### **Sec. 5-1.4.5. Bona fide sale defined.**

Bona fide sale shall mean a sale for real value where the sale includes the purchase of fixtures, equipment, good will or the like.

(C.B. No. 98-66, § 1, 4-7-98)

**Sec. 5-1.5. Change of form of ownership defined.**

Change of form of ownership shall mean a change from individual ownership to corporate ownership, partnership to corporate ownership, or corporate ownership to partnership or individual ownership where the principals involved in the change are the same.

(C.B. No. 90-245, § 2, 9-18-90)

**Sec. 5-1.6. Change of ownership defined.**

Change of ownership in connection with corporations shall mean 1) the transfer among and between current owners of fifty (50) percent or more of the stock of a corporation, except where such stock is publicly traded; or 2) the transfer of twenty-five (25) percent or more in the stock of a corporation to a person or persons with no current ownership interest in the corporation.

(C.B. No. 90-245, § 2, 9-18-90; C.B. No. 98-66, § 1, 4-7-98)

**Sec. 5-1.7. Club defined.**

Club shall mean a patriotic or veterans' society or fraternal corporation organized under the laws of the State or a not-for-pecuniary-profit corporation organized under the laws of the State solely for the promotion of some common object other than the sale or consumption of alcoholic liquors, kept, used and maintained by its members through the payment of annual dues and owning, hiring or leasing a building or space in a building of such extent and character as may be suitable and adequate for the reasonable and comfortable use and accommodation of its members and their guests, and provided with suitable and adequate kitchen and dining room space and a sufficient number of servants and employees for cooking, preparing and serving food and meals for its members and their guests. The affairs and management of the club shall be conducted by a board of directors, executive committee or similar body chosen by the members at their annual meeting and no member or any officer, agent or employee of the club is paid, or directly or indirectly receives in the form of salary or other compensation any profits from the distribution or sale of alcoholic liquor to the club or the members of the club or its guests introduced by members beyond the amount of such salary as may be fixed and voted at any annual meeting by the members or by its board of directors or other governing body out of the general revenue of the club.

(C.B. No. 90-245, § 2, 9-18-90)

**Sec. 5-1.8. Commissioner defined.**

Commissioner shall mean the Local Liquor Control Commissioner or the Commissioner's Deputy.

(C.B. No. 90-245, § 2, 9-18-90)

**Sec. 5-1.9. Deputy Commissioner defined.**

Deputy Commissioner shall mean the Deputy Liquor Control Commissioner.

(C.B. No. 90-245, § 2, 9-18-90)

**Sec. 5-1.10. Fifty (50) percent or more of the value of the structure defined.**

Fifty (50) percent or more of the value of the structure shall mean fifty (50) percent or more of the assessed value of the structure.

(C.B. No. 90-245, § 2, 9-18-90)

**Sec. 5-1.11. Hotel defined.**

Hotel shall mean every building or structure kept, used, maintained, advertised and held out to the public to be a place where food is actually served and consumed and sleeping accommodations are offered for adequate pay to travelers and guests, whether transient or permanent or residential, in which twenty-five (25) or more rooms are used for the sleeping accommodations of such guests and having one or more public dining rooms where meals are served to such guests, such sleeping accommodations and dining rooms being conducted in the same building in connection therewith and such building or structure being provided with adequate and sanitary kitchen and dining room equipment and capacity, and which shall include motels.

(C.B. No. 90-245, § 2, 9-18-90)

**Sec. 5-1.12. Keg defined.**

Keg shall mean any metal, wooden, plastic, paper or other container designed to hold four (4) or more gallons of liquid and actually contains any amount of alcoholic liquor.

(C.B. No. 90-245, § 2, 9-18-90)

**Sec. 5-1.13. Licensee defined.**

Licensee shall mean that person or entity named in the retail liquor license.

(C.B. No. 90-245, § 2, 9-18-90; C.B. No. 2002-182, § 1, 7-16-02)

**Sec. 5-1.14. Licensee, agent of.**

Agent of a licensee shall include and mean any individual who is a licensee or any on-duty officer, associate, member, representative, manager, agent or employee of said licensee.

(C.B. No. 2002-182, § 1, 7-16-02)

**Sec. 5-1.15. Lounge defined.**

Lounge shall mean a room or designated area in a restaurant where liquor is predominantly served at a bar with or without stools, or at nearby tables where service of food may occur, and which room or area is accessory to the primary establishment, and the size of which does not exceed twenty-five (25) percent of the total public areas of the premises.

(C.B. No. 90-245, § 2, 9-18-90)

**Sec. 5-1.16. Original license defined.**

Original license shall mean the initial or first license issued for a premise or person by the City of Champaign, unless the context clearly indicates otherwise.  
(C.B. No. 90-245, § 2, 9-18-90)

**Sec. 5-1.17. Original package defined.**

Original package shall mean any bottle, flask, jug, can, cask, barrel, keg, hogshed 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.  
(C.B. No. 90-245, § 2, 9-18-90)

**Sec. 5-1.18. Possession.**

Possession and any form of the word Possess as used in this Chapter shall mean and include actual or constructive possession. A person has actual possession when he has immediate and exclusive control over a thing. A person has constructive possession when he lacks actual possession of a thing but he has both the power and the intention to exercise control over a thing, either directly or through another person. If two 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 has possession.  
(C.B. No. 2002-182, § 1, 7-16-02)

**Sec. 5-1.19. Premises annexed by operation of State law defined.**

Premises annexed by operation of State law shall mean those premises for which a current valid Champaign County retail liquor license was in existence at the time the premises were annexed to the City of Champaign by operation of Public Act 84-1261.  
(C.B. No. 90-245, § 2, 9-18-90)

**Sec. 5-1.20. Premises, control defined.**

Premises, control shall mean the total area of the premise which the licensee controls or is responsible for and shall include but not be limited to service premises, parking lots, sidewalks or other areas adjacent to the service premises.  
(C.B. No. 90-245, § 2, 9-18-90)

**Sec. 5-1.21. Premises, service defined.**

Premises, service shall mean that area as described in the application where alcoholic liquor is served, stored or sold and areas internally or externally connected thereto by a doorway which areas are integrally related to the operation of the licensed establishment.  
(C.B. No. 90-245, § 2, 9-18-90)

**Sec. 5-1.22. Restaurant defined.**

Restaurant shall mean any public place kept, used, maintained, advertised and held out to the public as a place where meals are served, and where meals are actually and regularly served, without sleeping accommodations, and 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 food for its guests.

(C.B. No. 90-245, § 2, 9-18-90)

**Sec. 5-1.23. Retail sale defined.**

Retail sale shall mean the sale for use or consumption and not for resale in any form.

(C.B. No. 90-245, § 2, 9-18-90)

**Sec. 5-1.24. Sale (to sell) defined.**

Sale (to sell) shall mean any transfer or exchange in any manner or by any means whatsoever for direct or indirect consideration, and including all sales made by any person, whether as principal, proprietor, agent, servant or employee, includes, but is not limited to, all of the following acts:

- (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;
- (7) The storage of any alcoholic liquor.

(C.B. No. 90-245, § 2, 9-18-90)

**Sec. 5-1.25. Spirits defined.**

Spirits shall mean any beverage which 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.

(C.B. No. 90-245, § 2, 9-18-90)

**Sec. 5-1.26. Wine defined.**

Wine shall mean any alcoholic beverage 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.

(C.B. No. 90-245, § 2, 9-18-90)

**Secs. 5-2--5-10. Reserved.**

**ARTICLE II. LICENSING AND APPLICATION\***

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\*Cross reference(s)--Licenses and permits generally, Ch. 19.

State law reference(s)--Authority of City to license retail, 235 ILCS 5/4-1; State licenses, 235 ILCS 5/5-1 et seq. and 5/7-1 et seq.

**Sec. 5-11. License required.**

- (a) No person shall sell, expose or offer for sale at retail, or display for sale within the corporate limits of the City, either personally or through an agent, any alcoholic liquor without first obtaining a license from the Commissioner, or in violation of the terms of such license.
- (b) Where two (2) or more operations, places or premises are in the same building or at one street address, a separate local retail liquor dealer's license shall be obtained for each such operation, place or premises; provided that nothing contained in this section shall be so construed as to prevent any hotel or motel operator licensed under the provisions of this Chapter from serving alcoholic liquor to his registered guests in any room or part of his hotel or motel, if such liquor so served shall be kept in and served from a licensed location, place or premises in the hotel or motel. For the purposes of this Chapter, "operation, place or premises" shall mean individual business entity operating under a specified name such as two (2) taverns, lounges or restaurants with separate names.
- (c) "Sale" or "sell" shall be presumed to include the exchange of money or other consideration for admission to an outdoor area, structure, dwelling unit, or any part of a structure where alcoholic liquor is being served in conjunction with the cost of admission or the event at which the liquor is served, whether or not other goods, services, or entertainment being provided for in the admission charge.

(C.B. No. 84-132, § 1, 7-17-84; C.B. No. 95-291, § 1, 11-21-95)

**Sec. 5-12. Application for license.**

- (a) An applicant for any license under the provisions of this Chapter shall submit to the Commissioner an application in writing under oath upon forms provided.

Applications for a license shall be made in the following instances: annual renewal; Class T license; original application; new premises in a location, premises or building for which a license is currently issued and the new premises will be operated by a different owner or operator; change of category of license; change of ownership; expansion of the existing premises; transfer of the premises to a new location; change in form or ownership; and, for an original license for premises annexed by operation of State law.

The application shall be accompanied by a nonrefundable fee in the following amounts:

- (1) Annual renewal . . . \$30.00
- (2) Class T . . . 30.00
- (3) Original application/new premises . . . 500.00
- (4) Change of category . . . 500.00
- (5) Change of ownership . . . 500.00
- (6) Expansion of premises . . . 500.00
- (7) Transfer of location . . . 500.00
- (8) Change of form of ownership . . . 30.00
- (9) Original license for premises annexed by operation of State law . . . no fee

In addition, the applicant shall pay the applicable fees set out in section 5-32 before the license shall be issued. The license applicant, however, may pay the annual fee in accordance with section 5-33 provided that the pro-rata share of the annual fee shall be paid before the license is issued.

- (b) Each application for a license required by this section and application for the renewal of a license shall be accompanied by evidence of dramshop liability insurance in the form of a certificate of insurance issued by an insurance company licensed to do business in the State. The certificate shall insure the applicant and the owner or lessor of the premises in at least the minimum required by Illinois State law. Such coverage shall be kept current at all times. Upon request of the Commissioner, a licensee shall provide evidence of coverage at times other than the initial application and application for a renewal of a license.
- (c) Each license application for an original license, transfer of location or expansion of the premises shall be accompanied by a set of floor and site plans prepared under the seal of an architect or engineer licensed to practice in the State. The plans shall show the dimensions of the premises, its location on and the dimensions of its site; the property license and their relationship to the building and all parking areas located on the property; its control premises and service premises; and the design

and layout for determination of occupancy, including but not limited to exiting, seating, game and waiting areas and position of equipment and fixtures therein whether or not an application for a license has been or will be submitted. The plans will show on the face thereof a written computation of proposed occupancy limits. The layout may not be changed without submission of a new set of plans and approval by the appropriate department or division. An applicant for a class T license may submit instead a drawing without such seal showing accurate measurements and the layout of the service area.

- (d) Each application for a license required by this section shall be signed by the applicant. If the applicant is a partnership, all partners shall sign the application. If the applicant is a corporation or club, all officers shall sign the application and indicate their official position; provided, however, that where the stock of a corporation is publicly traded, the application shall be signed and verified by oath or affirmation as to each person signing the application. Such application shall be submitted and filed with the Commissioner. Each application shall contain at least the following information and statements:
- (1) The name, birthdate, social security number, driver's license number and address of the applicant in the case of an individual; in the case of a partnership, the names, birthdates, social security numbers, driver's license numbers and addresses of all partners; in the case of a corporation or a club, the date of incorporation, the objects for which it was organized, the names, birthdates, social security numbers, driver's license numbers and addresses of the officers, directors, managers, and if a majority in interest of the stock of the corporation is owned by one person or his/her nominees, the name, birthdate, social security number, driver's license number and address of that person.
  - (2) The class of license applied for.
  - (3) The nature of the business which the applicant intends to carry out, and, in the case of an applicant for a class R and class P license the amount of the applicant's anticipated gross revenue with the gross revenue from other sources within the proposed licensed premises.
  - (4) The nature of entertainment proposed to be offered within the proposed premises.
  - (5) The length of time that the applicant has been a resident of the State, the County and the City or, if a partnership, the length of time that each partner has been a resident of the State, County and City, or if a corporation, the length of time which its proposed resident manager has been a resident of the State, the County and the City.
  - (6) The length of time that the applicant has been in a business of that character or, in the case of a corporation, the date on which its charter was issued, the state of incorporation, and if a foreign corporation, the date of being qualified

to do business under the "Business Corporation Act of 1983" (Ill. Compiled Statutes Ch. 32, par. 1.01 et seq.).

- (7) The addresses, and telephone numbers of the premises, business office if different and manager, and in the case of an original application, new premises application, expansion of premises application, or transfer of location application, a detailed description of the premises and an exterior photograph. In the case of all other applications, the addresses and telephone numbers of the premises, business office if different and manager, and a statement that the physical premises has not been modified or altered since the prior submission of an application.
  - (8) A list of governmental entities to which the applicant has submitted an application for a liquor license, the dates of such application, the disposition of such application, amounts of and reasons for fines imposed, and the dates, reason and length of suspension or revocation of such license, if any.
  - (9) A list of convictions of the applicant for any non-traffic violations of any ordinance or statute of any city, county or state or of the Federal Government indicating the names of the offenses and dates of conviction.
  - (10) A completed criminal background and credit check authorization form for each person required to report conviction information.
  - (11) The name of any person who has been issued a Federal wagering stamp for the current tax year.
  - (12) Documentation sufficient to establish that the licensee beneficially owns the premises for which a license is sought or has a lease thereon for the full period for which the license is to be issued and that the licensee has sole or exclusive possession of the premises for which the license is sought.
- (e) In the case of a corporation such information must be supplied by all officers, directors, shareholders owning more than five (5) percent of the stock and by the manager. In the case of a partnership, such information must be supplied by all partners or managers thereof. However, any of the requirements of this section, section 5-13 and section 5-15 as to the providing of conviction and credit information which applies to corporations need only be provided by the president, secretary and resident manager of the corporation or by any stockholder holding twenty-five (25) percent or more of the stock where that corporation's stock is publicly traded.
- (C.B. No. 84-132, § 1, 7-17-84; C.B. No. 87-76, § 4, 4-21-87; C.B. No. 89-193, § 1, 8-1-89; C.B. No. 98-67, § 1, 4-7-98)

**Sec. 5-13. Persons ineligible to hold a license.**

No license of any kind issued by the Commissioner shall be issued to:

- (1) A person who is not a resident of the City;
- (2) A person who has been convicted of:
  - a. A felony under any federal or state law, unless the Liquor Control Commissioner determines that such person has been sufficiently rehabilitated to warrant the public trust after considering matters set forth in such person's application and obtained through the Commissioner's investigation.
  - b. A violation of any federal or state law or ordinance concerning the manufacturing, possession or sale of alcoholic liquor subsequent to the passage of "an Act relating to alcoholic liquors" (Liquor Control Act, 235 ILCS 5/1-1, et seq.);
  - c. Any federal, state, or municipal law in relation to gambling;
  - d. Pandering or other crime or misdemeanor which is one of moral turpitude;
  - e. Being the keeper of a house of or is keeping a house of prostitution.
- (3) A person whose license has been revoked under "an Act relating to alcoholic liquors" (Liquor Control Act, 235 ILCS 5/1-1 et seq.);
- (4) A person who at the time for renewal of any license pursuant to this chapter would not be eligible for such license upon a first application;
- (5) A partnership, unless all the members of such partnership shall be qualified to obtain a license;
- (6) A corporation, if any officer, manager, or director thereof, or any stockholder or stockholders owing in the aggregate more than five (5) percent of the stock of such corporation, would not be eligible to receive a license pursuant to this chapter for any reason other than residence within the City;
- (7) A corporation, unless it is incorporated in Illinois, or unless it is a foreign corporation, which is qualified under the "Business Corporation Act of 1983" (805 ILCS 5/1.01 et seq.) to transact business;
- (8) A person whose business is conducted by the manager unless the manager possesses the same qualifications required for the license;
- (9) 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, and who does not have sole or exclusive possession of the premises for

which the license is sought; provided, however, that the applicant may employ or contract with other persons to provide services for the licensee;

- (10) Any law enforcing public official including, but not limited to, the Mayor, Council Members, and Deputy Commissioner; no official shall have a direct interest in any way in the manufacture, sale or distribution of alcoholic liquor;
- (11) A person, partnership, or corporation or any individual, partner or office manager or director thereof or stockholders owning in the aggregate more than twenty (20) percent of the stock of a corporation that has been issued a federal wagering stamp for the current tax period;
- (12) Any premises for which a Federal Wagering Stamp has been issued by the Federal Government for the current tax period.  
(C.B. No. 84-132, § 1, 7-17-84; C.B. No. 2001-72, § 1, 4-17-01)

**Sec. 5-13.1. Eligibility to apply for original license in category with restricted numbers.**

- (a) Any person may apply for an original license in a category for which the Council has not restricted the number of licenses which may be issued.
- (b) Prior to applying for an original license in a license category for which the Council has restricted the number of licenses which may be issued, the person applying must meet one (1) of the following conditions:
  - (1) Have been selected to apply for an original license in that license category at the random drawing of registered applicant described in section 5-13.2;
  - (2) Be a bona fide purchaser of a business for which a license is issued;
  - (3) Be the owner or purchaser or property annexed pursuant to an annexation agreement which contains a provision waiving the requirement that an applicant for a license for the location for which the license is sought first be selected to apply for a license in a random drawing; or be the lessee of property annexed pursuant to an annexation agreement with a lease term of five (5) years or longer and with permission from the owner or purchaser to apply for the license granted to said owner or purchaser by an annexation agreement; or
  - (4) Be the owner or purchaser of property, or lessee with a lease term of five (5) years or longer with permission to undertake development or redevelopment of the property, and invest a minimum of five hundred thousand dollars (\$500,000.00) in permanent improvements to a minimum of three thousand (3,000) square feet of usable building floor space to City building code standards in a new or existing building and be subject to the following additional requirements and conditions:

- a. The application shall be for a Class A or Class AP retailer's license.
  - b. The person applying for said Class A or Class AP retailer's license shall submit a completed application for said Class A or Class AP retailer's license within six (6) months of having received a certificate of occupancy for the development or redevelopment project.
  - c. A Class A or Class AP retailer's license issued as provided herein shall expire if the business issued said license does not open to the public within six (6) months of issuance of said license.
  - d. The Liquor Commissioner shall have the discretion to grant a six month extension for good cause of the deadline for submittal of a completed application for the liquor license or for the opening of the business upon written request of the applicant or license holder.
- (5) If, as a result of the issuance of licenses under Section 5-13.1(b)(3) or (b)(5), the total number of Class A and Class AP licenses rises above the restricted limit of sixty (60), no new Class A or Class AP license shall be issued by lottery until the number of fifty-nine (59) is reached through attrition.

(C.B. No. 87-76, § 2, 4-21-87; C.B. No. 89-335, § 1, 12-19-89; C.B. No. 91-262, § 1, 10-15-91; C.B. No. 92-61, § 1, 3-3-92; C.B. No. 94-353, § 1, 12-20-94; C.B. No. 98-120, § 1, 5-19-98; C.B. No. 99-219, § 1, 7-20-99; C.B. No. 2004-100, § 1, 5-4-04; C.B. No. 2004-140 § 1, 6-1-04; C.B. No. 2005-001, § 1, 1-4-05)

**Sec. 5-13.2. Registration for restricted license category; random drawing.**

- (a) When a license becomes available in a license category for which the Council has restricted the number of licenses which may be issued and an application from a person that may apply for such license is not currently pending, the Liquor Commissioner will randomly select the person that may apply for the license from those persons registered to apply for a license in that category. The Liquor Commissioner may at the same time randomly select one or more alternate registrants that will be allowed to apply for the license if the first person selected does not submit an application as required or is not issued the license for any reason.
- (b) In order to register to apply for a license in a category for which the Council has restricted the number of licenses which may be issued, a person must submit a registration form for a specific person and premises to the Liquor Commissioner together with the registration fee and documentation sufficient to establish that the premises to be licensed is beneficially owned by the person or that the person has a lease for the premises to be licensed. Either the ownership rights or the lease required in this subsection may be subject to the issuance of the license. The registration fee for a Class A or Class AP license is one hundred dollars (\$100.00)

and the registration fee for a Class C license is fifteen dollars (\$15.00). The registration fee is not refundable.

- (c) In any random selection under subsection (a) for Class A liquor licenses held by the Liquor Commissioner, if the number of Class A or Class AP liquor licenses in the area described below is less than two (2), then at least one license shall be given to applicants seeking to establish a Class A or Class AP retailer's liquor license premise in the area described below:

From Wright Street on the east; south to Springfield Avenue; west to the ICG railroad tracks; north to the Conrail railroad tracks; west to Neil Street; north to I-74; east to the City boundary line; and south to Wright Street.

The Mayor is authorized to promulgate rules to effectuate the operation of this subsection.

(C.B. No. 87-76, § 3, 4-21-87; C.B. No. 87-281, § 1, 11-3-87; C.B. No. 89-350, § 1, 12-19-89; C.B. No. 92-231, § 1, 8-18-92; C.B. No. 2004-100, § 2, 5-4-04; C.B. No. 2004-140, § 2, 6-1-04)

#### **Sec. 5-14. Issuance of license; determining factors.**

- (a) The Commissioner shall not issue an annual liquor license, a new liquor license, or approve a change of category, a transfer of location or the transfer of the license to a new business owner unless he/she has previously found that there is no reason to refuse to issue such license. In deciding whether there is reason to refuse to issue a license, the Commissioner shall consider at least the following criteria:
- (1) The class of liquor license applied for and whether or not it is the most appropriate license for the proposed operation;
  - (2) The past performance of the applicant in the area of liquor sales or service; if a partnership, that of each of the partners; if a corporation, that of the officers, directors, majority stockholder and manager, as well as the performance of the corporation as a licensee;
  - (3) The eligibility of the applicant pursuant to section 5-13;
  - (4) The compliance of the premises with all ordinances of the City and specifically health, building, property maintenance, zoning and fire safety ordinances, if applicable;
  - (5) Any monies owed to the City by the applicant which have remained unpaid for a period of more than forty-five (45) days, whether for bills, taxes, licenses or otherwise;

- (6) The number, class and type of licensed premises within a radius of one thousand (1,000) feet of the proposed licensed premises and within the City as a whole;
  - (7) Whether or not the premises will be located within five hundred (500) feet of any residential zone; provided, however, that this shall not apply to premises licensed before August 1, 1984;
  - (8) Compliance with provisions of "an Act relating to alcoholic liquor" (Liquor control act, 70 ILCS 5/1-1 et seq.);
  - (9) The possible negative land use impact of the premises in the one thousand-foot radius area surrounding the premises, including but not limited to the City's Comprehensive Land Use Plan and Zoning Ordinance;
  - (10) The likelihood that the establishment will cause or contribute to parking and traffic congestion problems;
  - (11) Law enforcement problems, if any, which would be created by the location, design or operation of the premises.
- (b) If the Commissioner determines that there is no reason to refuse to issue the license, the Commissioner shall issue the license.
  - (c) If the Commissioner has reason to believe that it would be in the best interests of the City to refuse to issue the license, the Commissioner shall hold a hearing upon the issue of whether or not the application for the license shall be granted. The notice of hearing shall be in accord with the provisions for a notice of hearing for the revocation or suspension of or imposition of a fine upon a license as set out in section 5-82; provided, however, a Class T applicant shall be given only such notice of such hearing as is reasonable.
- (C.B. No. 84-132, § 1, 7-17-84; C.B. No. 86-245, § 1(Attach. A, § 33), 9-16-86)

**Sec. 5-15. Transfer of license.**

- (a) A license required by this article shall be a purely personal privilege and shall not constitute property pursuant to Section 1 of Article VI of "an Act relating to alcoholic liquors" (Liquor control act, 235 ILCS 5/1-1 et seq.).
- (b) Notwithstanding subsection (a) of this section, application for the transfer of a license to a new business owner may be made to the Commissioner in the case of a bona fide sale or transfer for valuable consideration of the business.
- (c) [Reserved.]
- (d) [Reserved.]

- (e) The death of a licensee, termination of a partnership or corporation, or bankruptcy of a licensee shall cause the license to cease to exist except that the administrator or executor of the estate or the trustee in bankruptcy may continue to operate the business for six (6) months in accordance with Section 1 of Article VI of "an Act relating to alcoholic liquors" (Liquor control act, 235 ILCS 5/1-1 et seq.); provided, however, that the administrator or executor of an estate must meet the qualifications set out in section 5-13. Further provided that the heirs of an estate or purchaser of the assets of a debtor's estate may apply for and have the opportunity to qualify for the transfer of the license prior to any other person being given the opportunity to apply and qualify for the license. The licensee, administrator or executor of an estate, or a personal representative of a licensee or the heirs of a licensee, shall give written notice to the Commissioner within ten (10) days of the death of or filing of petition in bankruptcy of those individuals required to provide criminal background information pursuant to section 5-12.

(C.B. No. 84-132, § 1, 7-17-84; C.B. No. 89-334, §§ 1, 2, 11-21-89)

#### **Sec. 5-16. Changes in interest; partnerships and corporations.**

Changes in personnel of any person licensed pursuant to this chapter are subject to the following requirements:

- (1) Any changes in partners, officers, directors, persons holding directly or beneficially more than five (5) percent of the stock or ownership interest or managers of establishments licensed under this chapter shall be reported in writing to the Commissioner within ten (10) days of the change; provided, however, that changes in stock ownership need not be reported where the stock is publicly traded if the stock transfer is less than twenty-five (25) percent of the stock. All such persons shall meet all the standards of this chapter and must otherwise qualify to hold a license.
- (2) When a license has been issued to a partnership and a change of ownership occurs resulting in a partnership interest by one who is not eligible to hold a liquor license, such license shall terminate effective on the date of such change.
- (3) When a license has been issued to a corporation and a change takes place in the officers, directors, managers or shareholders of more than five (5) percent of the stock resulting in the holding of office or such shares by one who is not eligible for a license, such license shall terminate effective on the date of such change.
- (4) The licensee shall submit a criminal background and credit check authorization form for each change of individual interests referred to in subsection (a) of this section. The licensee shall pay a processing fee of not less than fifteen dollars (\$15.00) and not more than sixty dollars (\$60.00), which sum shall be determined by the Commissioner based upon the number of background checks authorized.

(C.B. No. 84-132, § 1, 7-17-84)

**Sec. 5-17. Record of licenses; copies; notice of issuance.**

The Commissioner shall keep or cause to be kept a complete record of all licenses issued by him/her pursuant to this chapter. The Commissioner shall furnish the City Clerk, Treasurer and Police Chief or their designee with a copy thereof and upon the issuance of any new license or the revocation or suspension of any old license, the Commissioner shall give written notice of such action to each of these officers within ninety-six (96) hours of the action.

(C.B. No. 84-132, § 1, 7-17-84)

**Secs. 5-18--5-25. Reserved.**

**ARTICLE III. LICENSE CLASSIFICATIONS, TERM, FEES\***

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\*Cross reference(s)--Licenses and permits generally, Ch. 19.

State law reference(s)--Authority of City to license retail sales of liquor, 235 ILCS 5/4-1; State licenses, 235 ILCS 5/5-1 et seq. & 5/7-1 et seq.

**Sec. 5-26. Class A retailer's license.**

(a) Class A regular retailer's license shall permit the licensee to sell any and all alcoholic liquor by the drink or by the package only for consumption on the premises where sold; provided, however, that if the licensee pays the additional fee set out in section 5-32, the licensee may sell, as a secondary part of his or her business, by the package for consumption off the premises. For purposes of this section, secondary sales of package liquor shall not exceed fifteen (15) percent of the licensee's total alcoholic liquor sales for any quarter of any year.

(b) A Class A licensee may, during its initial application, or during the period for license renewal, apply for one of two types of twenty-one and older admission age restrictions: an "All-day 21 and older admission restriction", and a "9:00 p.m. to close 21 and older admission restriction". Admission to a licensee with such a restriction shall be limited in the manner provided in section 5-45 herein. Any licensee obtaining a twenty-one and older restriction on their license shall be required to prominently post and maintain a written notice at any public entrance to said licensee's premises which informs the public of the minimum age for admission.

(C.B. No. 84-132, § 1, 7-17-84; C.B. No. 84-261, § 1, 12-4-84; C.B. No. 89-334, § 3, 11-21-89; C.B. No. 89-335, § 2, 12-19-89; C.B. No. 91-219, § 1, 9-3-91; C.B. No. 91-262, § 2, 10-15-91; C.B. No. 93-95, § 1, 4-6-93; C.B. 94-153, § 1, 7-5-94; C.B. No. 96-293, § 1, 12-17-96; C.B. No. 98-82, § 1, 4-21-98; C.B. No. 99-107, § 1, 4-20-99; C.B. No. 2002-182, § 2, 7-16-02; C.B. No. 2004-100, § 3, 5-4-04)

**Sec. 5-26.1. Class BW brewery-winery license.**

A class BW Brewery/Winery License shall permit an establishment primarily engaged in the production and wholesale distribution of beer, ale, other malt beverage or wine to sell at retail any beer, ale, other malt beverage or wine by the drink or by the package for consumption on the premises or in original package form for consumption off the premises where sold, subject to the following requirements:

- (a) The floor area that is open to the public for said retail sale of beer, ale, other malt beverage or wine shall not exceed the total floor area on the premises used for the production and storage for wholesale of beer, ale, other malt beverage, or wine made on the premises.
- (b) Ninety percent (90%) of the gross revenue from the retail sales of beer, ale, other malt beverage or wine sold on the premises shall be derived from product manufactured on the premises.

(C.B. No. 2007-206, § 2, 8-21-07)

**Sec. 5-27. Class C club licenses.**

A Class C license shall be issued only to clubs. The Class C license shall permit the licensee to sell any and all alcoholic liquor by the drink only for consumption on the premises where sold to members and guests accompanied by members. Not more than nine (9) licenses shall be issued. No Class C licenses shall be issued to any organization which is not currently a licensee. Upon the nonrenewal, surrender or revocation of any Class C license, the number of Class C licenses provided for in this chapter shall be reduced automatically.

(C.B. No. 84-132, § 1, 7-17-84; C.B. No. 85-217, § 1, 8-6-85)

**Sec. 5-27.1. Class CA caterer's retail liquor license.**

A CA caterer's retail liquor license shall permit the sale of alcoholic liquor by a caterer or current holder of another type of liquor license provided for in this Chapter, in connection with the sale of prepared food, for service at private parties, weddings or other similar private events which are not open to the general public, at a location other than the premises leased, owned or otherwise operated by the licensee. For the purpose of the application of the regulations of this Chapter, the location of the catered event shall be deemed the licensed premises. In addition to compliance other requirements for licensed premises in this Chapter, a Class CA licensee shall meet and operate in compliance with the following requirements:

- (a) The Class CA licensee shall be a bona fide caterer or current holder of another type of liquor license provided for in this Chapter.
- (b) Consumption of alcoholic liquor shall only be permitted on the premises where the food is catered.

- (c) Gross revenues from the sale of alcoholic liquor at any event catered by a Class CA licensee shall not exceed forty percent (40%) of the total gross revenues generated from the sale of alcohol and food at that event. The Class CA licensee shall submit an affidavit on a quarterly basis, on a form provided by the Liquor Commissioner, certifying compliance with this requirement.
- (d) 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, a copy of said contract shall be available for inspection on the premises of the catered event, during said event.
- (e) The requirements for special events as set forth in Chapter 24 of this Code shall also be complied with where applicable.
- (f) No event catered by a Class CA licensee shall exceed three days in length, nor shall alcoholic liquor be served at such an event for more than eight (8) consecutive hours.

(C.B. No. 2003-028)

**Sec. 5-28. Class H hotel licenses.**

A Class H hotel license shall permit the licensee to sell any and all alcoholic liquor by the drink or by the package for consumption only on the premises where sold. Such license shall be issued to hotels only.

(C.B. No. 84-132, § 1, 7-17-84)

**Sec. 5-28.1. Class K keg permits.**

- (a) A Class K permit shall permit a person to purchase and possess alcoholic liquor in one or more kegs with a total cumulative capacity in excess of sixteen (16) gallons; provided, however, that no such permittee shall sell, directly, or indirectly by means of an admission charge or otherwise, such alcoholic liquor. Further, possession shall only be allowed off the premises for which the permit is issued for purposes of transporting the alcoholic liquor to and from the place of purchase.
- (b) This section shall not be applicable to the possession of a keg or kegs by Class A, C, H, P (any class), R (any class) or T licenses on premises licensed by the City under such license or the purchase of a keg or kegs by a licensee other than a Class K permittee.
- (c) A Class K permit shall be issued for a time period of no more than two (2) consecutive days.

(C.B. No. 90-245, § 3, 9-18-90; C.B. No. 95-291, § 2, 11-21-95)

**Sec. 5-29. Class P package retailer's license.**

A Class P package retailer's license shall permit the licensee to sell any and all alcoholic liquor in original package form for consumption off the premises where sold.

(C.B. No. 84-132, § 1, 7-17-84; C.B. No. 84-241, § 1, 11-20-84; C.B. No. 89-335, § 3, 12-19-89; C.B. No. 90-220, § 1, 9-4-90; C.B. No. 2004-100, § 4, 5-4-04; C.B. No 2004-140, § 3, 6-1-04)

**Sec. 5-29.1. Reserved.**

Editor's note--Section 2 of Council Bill No. 90-220 repealed former § 5-29.1, relative to Class P-2 package retailer's license, which derived from C.B. No. 89-335, § 4, adopted Dec. 19, 1989.

- (a) A Class AP retailer's license shall permit the licensee to sell any and all alcoholic liquor in original package form for consumption on or off the premises and by the drink for consumption on the premises.
- (b) The sale of alcoholic liquor for consumption on the premises in a Class AP license shall be restricted to a specific room or area on the premises, hereinafter referred to as the "bar area." The bar area shall be sufficiently separated from the remainder of the premises by walls or other physical barriers such that admission to said bar area by minors may be effectively restricted as provided in section 5-45 herein.

(C.B. No. 2004-100, § 5, 5-4-04)

**Sec. 5-30. Class R restaurant licenses.**

- (a) Class R restaurant licenses may be issued to restaurants which meet the qualifications set out in sections 5-1, 5-41 and 5-47, and which have a current, valid restaurant license issued for the premises pursuant to this Code.
- (b) Class R-1 restaurant licenses shall permit restaurants to sell any and all alcoholic liquor only by the drink for consumption on the premises where sold; provided, however, that if the licensee pays the additional fee set out in section 5-32, the licensee may sell, as a secondary part of his or her business, alcoholic liquor by the package for consumption off the premises. For purposes of this section, secondary sales of package liquor shall not exceed fifteen (15) percent of the licensee's total alcoholic liquor sales for any quarter of any year. A licensee holding a Class R-1 license may have a lounge area, but seating in the lounge area and waiting area shall not exceed twenty-five (25) percent of the total public areas of the premises.
- (c) Class R-2 restaurant licenses shall permit restaurants to sell any and all alcoholic liquor by the drink for consumption on the premises where sold; provided, however, that if the licensee pays the additional fee set out in section 5-32, the licensee may sell, as a secondary part of his or her business, alcoholic liquor by the package for consumption off the premises. For purposes of this section, secondary sales of package liquor shall not exceed fifteen (15) percent of the licensee's total alcoholic

liquor sales for any quarter of any year. A licensee holding a Class R-2 license shall not be permitted to have a separate lounge area and shall serve alcoholic liquor incidentally to the service of meals.

(C.B. No. 84-132, § 1, 7-17-84; C.B. No. 2004-100, § 6, 5-4-04, C.B. No. 2005-072, § 3-15-05)

#### **Sec. 5-30.1. Class T licenses; categories of license.**

Class T licenses shall permit the retail sale of alcoholic liquor at a picnic, outing, festival or other such similar special occasion for consumption on the premises or within an area specifically designated in such licenses. Class T licenses shall be designated as T-1, T-2, T-3, or T-4 and shall be issued as follows:

- (1) A Class T-1 license may be issued to civic, service, charitable or other not-for-pecuniary-profit organizations for premises on private property. No alcoholic beverage may be sold or consumed within ten (10) feet of any public street open to vehicular traffic.
- (2) A Class T-2 license may be issued to current liquor license holders for an area which the liquor licensee owns or has the right to use, which is contiguous to and which extends no farther than one hundred (100) feet from the business premises for which the liquor licensee holds an existing license
- (3) A Class T-3 license may be issued to any person who would otherwise qualify for the issuance of a license for a premises on private property located in a B-3 zone or less restricted zone for a special event including, but not limited to, wedding parties, employee or customer relations events, art openings, and the like. If the event is to be held out of doors, it shall be subject to the location requirements of a T-2 license.
- (4) A Class T-4 license may be issued to any person utilizing property of Burnham City Library, the Champaign Park District, or Parkland College where permission has been granted by the governing body of the facility pursuant to the rules and regulations of the governing body.

If the applicant for any category of Class T license is not the owner of record of the property designated for the site of the event, the owner of record or agent must join in the application; a Class T license shall not be issued where the owner of record of the property has not joined in the application. The application for a Class T-1, Class T-2, Class T-3, or Class T-4 license shall designate the license applicant as the agent of the owner of record for service of notice to remove all refuse, litter, debris, and garbage and for the notice of lien as set out in section 5-31.3.

(C.B. No. 99-142, § 2, 6-1-99)

#### **Sec. 5-30.2. Class T licenses; restrictions and requirements**

- (a) The duration of Class T licenses shall be limited as set forth herein. The term "business day" as used in this section shall mean 6:00 a.m. until 2:30 a.m. on the following day.

- (1) A Class T-1 license shall be issued for a specific period of time which shall not include more than three (3) consecutive business days, provided that if the event is conducted on the control premises of a current liquor license holder, said period of time shall not include more than two (2) consecutive business days.
  - (2) A Class T-2 license shall be issued for a specific period of time which shall not include more than one (1) business day.
  - (3) A Class T-3 license shall be issued for a specific period of time which shall not include more than one (1) business day.
  - (4) A Class T-4 license shall be issued for a specific period of time which shall not include more than one (1) business day.
  - (5) No event or combination of events authorized by any type of T license on the control premises of a current holder of a liquor license may take place on more than two (2) consecutive business days.
- (b) An applicant for a Class T license shall submit a completed application for such a license on forms provided by the City at least fifteen (15) working days prior to the date for which the license shall be issued.
  - (c) The applicant for a Class T license shall state in the application for such license the hours during which alcoholic liquor is intended to be sold, not inconsistent with Section 5-43.
  - (d) The number of T licenses shall be restricted as follows:
    - (1) No person, firm, organization, association, or corporation other than a current holder of a retail liquor license shall be issued more than one (1) Class T-1, or Class T-3 license in any one (1) calendar year.
    - (2) Not more than two (2) Class T-1 or T-3 licenses or combination of T-1, or T-3 licenses shall be issued for a location, premises, or address in one (1) calendar year.
    - (3) As many as three separate events utilizing a T license may be conducted on the control premise of a current license holder in any one (1) calendar year, provided that not more than two of those events may be authorized by T-1 licenses.
    - (4) For the purpose of determining the number of Class T licenses, the owner joining in the application shall not be considered as a person, firm, organization or association or corporation under this subsection.
  - (e) A Class T license, if issued, shall not relieve the license holder of complying with any other requirement of law.

- (f) When a picnic, outing, festival or other similar special event is held out of doors pursuant to a Class T-1, T-2, or T-3 license, the license holder shall:
- (1) Use only paper or plastic products to serve alcoholic liquor or food;
  - (2) Provide fencing with at least two (2) means of ingress and egress around the area designated in the license; the egress shall have a ratio of at least forty-four (44) inches for every two hundred (200) occupants and at least one (1) alternate exit of at least forty-four (44) inches;
  - (3) Monitor each means of ingress and egress so as to provide adequate crowd control; and
  - (4) Prevent alcoholic liquor from being removed from the designated area by invitees or customers.
  - (5) Participate in a meeting with representatives of the Police Department if requested by the Police Chief or the Chief's designee. The purpose of said meeting shall be to discuss and review in detail the following:
    - (A) the proposed physical layout of the site of the event, including but not limited to the location and size of fences or other barriers used to secure the area, the location where alcoholic beverages will be served, the location and size of any stage that will be used for live entertainment, and the number and location of sound amplification devices;
    - (B) the identity, training and background of any persons who will be responsible for security at the event;
    - (C) any other aspects of how the applicant proposes to operate and manage the event that are related to insuring that the event will not violate the requirements of this Chapter or otherwise adversely impact on the health, safety and welfare of the public.
  - (6) Provide any additional security measures that are recommended by the Police Chief or the Police Chief's designee and required by the Commissioner. Said measures may include the use of fencing or other physical barriers and/or the use of additional personnel. Said additional measures shall be reasonably calculated to insure compliance with the requirements of this Chapter and other regulations in this Code.
  - (7) The Police Chief or Chief's designee may consider the following characteristics of the event as proposed to determine whether to request a meeting with the applicant ahead of the event and whether to recommend the imposition of additional security measures as a condition of the license:
    - (A) the size of the site for the event.

- (B) the duration of the event.
  - (C) The number of persons that can reasonably be expected to attend the event.
  - (D) The event's proximity to residential areas.
  - (E) The event's proximity to public streets or other public rights-of-way.
  - (F) Whether live entertainment will be provided.
  - (G) The Police Department's or other municipalities' experience with similar events in the past.
  - (H) Any other characteristics of the event as proposed that could reasonably be expected to adversely affect the public health, safety and welfare in the absence of adequate security measures.
- (g) In addition to a suspension of the Class T license, or a fine imposed for a violation of this chapter, the Code and Ordinances of the City or the laws of the state the Liquor Control Commissioner may also impose a penalty that the Class T license holder may not be issued another Class T license for a period of up to three (3) years from the date of the violation for which the Class T license has been suspended.
- (h) The Commissioner may impose reasonable conditions upon a license for operation under a Class T license.
- (C.B. No. 99-142, § 3, 6-1-99, C.B. No. 2006-205)

**Sec. 5-30.3. Class T licenses; cleanup.**

- (a) The Class T-1, T-2, T-3, or T-4 license holder shall, within twenty-four (24) hours after the ending time of the event, remove all refuse, litter, debris, garbage and the like from the property used for the event and the abutting public right-of-way. Upon written application, the twenty-four (24) hour period may be extended by the Commissioner for a definite period of time for good cause shown. Good cause shall include, but not be limited to, natural disasters and extreme weather conditions.
- (b) In the event that a Class T-1, T-2, T-3, or T-4 license holder does not remove all refuse, litter, debris, garbage and the like in the twenty-four (24)-hour period, or the extension of that period, as required by this section, the City may, after twenty-four (24) hours' notice, remove all refuse, litter, debris, garbage and the like from the property used for the event. The notice shall also state that the failure of the owner or licensee to remove all refuse, litter, debris, garbage and the like within the twenty-four (24)-hour period as required by such notice shall be deemed to form a contract between the City and the owner and licensee for payment of the costs of the removal of the refuse, litter, debris, garbage and the like. Service of notice shall be made upon the license holder or an agent or employee of the license holder.

Service shall be by personal service except if that service cannot be made upon diligent inquiry, service may be had by posting the notice on the property. The reasonable costs of removal shall be a lien upon the real property for which the license was issued.

- (c) Except for the case of Class T-4 licenses, whenever a bill for the reasonable costs of removal made pursuant to this section remains unpaid for thirty (30) days after it has been sent to the license holder and the owner of record, the Clerk shall file a notice of lien with the County Recorder.
  - (1) The notice of lien shall be filed within ninety (90) days after the cost and expense of the removal has been incurred. The notice shall consist of a sworn statement setting out a description of the real estate sufficient for identification thereof, the amount of money representing the cost and expense incurred or payable for the removal and the date or dates when such cost and expense were incurred by the City. However, the City's lien shall not be valid as to a purchaser whose rights in and to such real estate have arisen subsequent to removal of the refuse, litter, debris, garbage and the like and prior to the filing of such notice, and the City's lien shall not be valid as to any mortgagee, judgment creditor or other lienor whose rights in and to such real estate arise prior to the filing of such notice. Upon payment of the cost and expenses by the license holder or the owner of record or persons interested in the property after notice of the lien has been filed, the City shall release the lien and the release may be filed or recorded as in the case of filing a notice of lien.
  - (2) Costs and expenses under this section include, but are not limited to, the actual costs and expenses for the time of City employees, use of equipment and materials concerning the actions of removal pursuant to this section, and transportation to and from the property, title searches or certifications, preparation of lien documents, foreclosure and other related reasonable attorney's expenses.
  - (3) Whenever the costs and expenses for removal of all refuse, litter, debris, and garbage shall remain unpaid for a period of thirty (30) days after the lien is filed, the City may institute proceedings to foreclose the lien, and the real estate may be sold under the order of the Court.
  - (4) Upon payment of the costs and expenses, plus interest at a rate of nine (9) percent per annum from the date thirty (30) days after the bill was sent and after the notice of lien has been filed, the Clerk shall file with the Recorder a release of lien.
- (d) If the payment of the City's cost of removal or abatement of the nuisance is not paid to the City within thirty (30) days of the billing of such costs the City Attorney is empowered to commence proceedings in the Circuit Court seeking a personal judgment from the owner or licensee interested in the premises as noticed in subsection (j) of this section. The action authorized by this subsection shall be in addition to and without waiver of any other remedy. Such action shall be based

upon the implied consent for persons to form a contract for the removal or abatement of such nuisances. No such action shall be filed against a governmental body.

(C.B. No. 99-142, § 3, 6-1-99)

**Sec. 5-31. Reserved.**

Editor's note--Council Bill No. 99-142, § 1, adopted June 1, 1999, repealed § 5-31, which pertained to Class T licenses. See the Code Comparative Table.

**Sec. 5-31.1. Class OC outdoor cafe license.**

- (a) Class OC outdoor cafe license shall permit the retail sale of alcoholic liquor by any person holding a class A, R-1 or R-2 license within the area bounded by Randolph Street, Church-Main (extended), the ICG Railroad right-of-way and Clark-Logan Street or whose business fronts on one of the boundary streets, upon a sidewalk designated in an outdoor cafe permit adjacent to the licensed premises during the hours of 11:00 a.m. to 1:00 a.m., Monday through Saturday, and 12:00 noon to 1:00 a.m. on Sunday, provided that a valid outdoor cafe permit has been issued, pursuant to article XI of chapter 30.
- (b) During the times when alcoholic liquor may be served under the class OC license, the licensee shall:
  - (1) Not allow or permit any customer, employee or other person to remove alcoholic liquor from the area designated in the outdoor cafe permit or the service premises of the licensee.
  - (2) Not serve, allow or permit any person to be served, be in possession of, or consume alcoholic liquor in the area designated in the outdoor cafe permit unless that person is utilizing the seating which has been provided in accordance with the site plan approved with the outdoor cafe permit.
  - (3) Comply with all requirements set forth in article XI of chapter 30.
  - (4) Provide table service, which shall include food service, in the outdoor cafe area during the hours when alcoholic liquor is permitted to be served.
- (c) The outdoor cafe area shall be subject to all provisions of this chapter as though the outdoor cafe area was part of the licensee's service premises during the times permitted by this section for alcoholic liquor sales.
- (d) Prior to the issuance of a class OC outdoor cafe license the licensee shall provide proof of dramshop insurance. The policy shall name the City of Champaign as an additional insured, and will indemnify and hold it harmless from any action, proceeding or claim of liability asserted against it as a result of the operation of an outdoor cafe. Failure by the licensee to maintain the insurance required by this section shall result in the revocation of the license.

- (e) The annual fee for this license will be one hundred fifty dollars (\$150.00).  
(C.B. No. 97-94, § 1, 5-6-97; C.B. No. 97-337, § 1, 12-16-97)

**Sec. 5-32. License fees.**

- (a) The following annual base fees shall be paid for licenses to sell alcoholic liquors on Monday through Sunday prior to November 1, 2009:

|                                 |            |
|---------------------------------|------------|
| (1) Class A (by the drink)..... | \$2,100.00 |
| (2) Class C .....               | \$2,100.00 |
| (3) Class CA.....               | \$1,250.00 |
| (4) Class H.....                | \$2,100.00 |
| (5) Class P.....                | \$2,100.00 |
| (6) Class R-1.....              | \$2,100.00 |
| (7) Class R-2.....              | \$1,250.00 |
| (8) Class AP.....               | \$3,900.00 |
| (9) Class BW.....               | \$3,900.00 |

In addition, Class A and Class R license holders who wish to sell by the package shall pay an additional annual fee of two hundred dollars (\$200.00). Class A, C, H, P or R license holders who wish to also have a CA caterer's retail liquor license shall pay an additional annual fee of three hundred dollars (\$300.00).

- (b) In addition to the license fees set out in subsection (a) of this section, the holders of class A and Class AP licenses and class H licenses for their restaurants and lounges shall pay an annual fee of five dollars (\$5.00) per every person over one hundred fifty (150) occupancy, whether seated or standing, including but not limited to, foyers, dining areas, waiting areas, lounges, game and dance areas. The holder of a class R license shall pay a fee of two dollars and fifty cents (\$2.50) for every person over one hundred fifty (150) occupancy for dining areas and five dollars (\$5.00) for every person over one hundred fifty (150) occupancy for all other areas. The additional fee set out in this subsection for permanent outside service areas shall be calculated upon one-half the actual occupancy of such area. No Class A, Class H, or Class R licensee required to pay the additional fee set out in this subsection shall pay more for the total of the base annual fee and the additional fee set out in this subsection than three thousand five hundred dollars (\$3,500.00) for said total effective November 1, 2009. No Class AP licensee required to pay the additional fee set out in this subsection shall pay more for the total of the base annual fee and the additional fee set out in this subsection than five thousand one hundred dollars (\$5,100.00) for said total effective November 1, 2006. Class C license holders shall be exempt from payment of this fee.
- (c) In addition to the license fees set out in subsections (a) and (b) hereof, the holders of a class H license shall pay an annual fee of fifty dollars (\$50.00) per convention and banquet room; provided, however, that a holder of a class H license shall pay no more than five hundred dollars (\$500.00) in additional fees set out in this subsection.

(d) The daily fee for a class T license shall be one hundred dollars (\$100.00); provided, however, that if the City incurs no costs pursuant to section 5-31(i) for the removal of refuse, litter, debris, garbage and the like in connection with the event for which the class T license was issued, fifty dollars (\$50.00) of the fee shall be refunded to the class T licensee. No part of the fee shall be considered as prepayment of any such costs or be applied to the payment of any such costs.

(e) The fee for a Class K keg permit shall be twenty-five dollars (\$25.00). (C.B. No. 84-132, § 1, 7-17-84; C.B. No. 87-76, § 5, 4-21-87; C.B. No. 90-220, § 3, 9-4-90; C.B. No. 2003-028; C.B. No. 2004-100, § 7, 5-4-04; C.B. No. 2007-206, § 2, 8-21-07; C.B. No. 2009-059, § 1, 4-21-09)

**Sec. 5-33. Term; payment of liquor license fees.**

(a) All licenses required by this chapter except classes T and K shall be issued for a term not to exceed one year.

(b) All licenses except classes T and K shall expire on the October thirty-first next following the issuance of such license.

(c) All license fees shall be paid when the license is issued; provided, however, that a licensee may choose to pay one-half the annual fee on or before October thirty-first and one-half the annual fee on or before April thirtieth.

(d) When a license is issued at some time other than November first, the fee shall be reduced in proportion to the full calendar months which have expired in the license year prior to the issuance of a license.

(e) For the purposes of the payment of fees, a license shall be considered a new license when issued under a change of ownership or transferred to a new location. The license shall pay the license fee which would be due upon issuance of a new license. License fees paid for the license prior to change of ownership or transfer of location shall not be refunded or credited towards the license fee due after issuance to the new owner or the new premises.

(f) The licensee shall immediately pay the pro rata fee due resulting from the increase in any of the factors upon which the annual license is based as set out in section 5-32.

(C.B. No. 84-132, § 1, 7-17-84; C.B. No. 87-76, § 6, 4-21-87; C.B. No. 90-34, § 1, 2-20-90; C.B. No. 90-245, § 4, 9-18-90)

**Sec. 5-34. Restrictions on the number of A and AP licenses.**

(a) Not more than a combined total of sixty (60) A and AP retail liquor licenses shall be issued at any time, except as otherwise provided herein.

- (b) Should any Class A or AP retail liquor licenses become available for issuance due to the death of a licensee, termination of a partnership or corporation or bankruptcy of a licensee, or due to the revocation of an individual's license, or for any other reason, it will be offered for application in a random drawing pursuant to section 5-13.2 of this Code.
- (c) No Class AP retail liquor licenses shall be permitted and a maximum of fifteen (15) Class A licenses retail liquor licenses shall be permitted in the area which is described as follows:

Beginning at the point where the Illinois Central Gulf Railroad tracks intersect Healey Street, extended west; east on Healey Street to First Street; north on First Street to Springfield Avenue; east on Springfield Avenue to Wright Street; south on Wright Street to the south boundary of the City; west following the south boundary of the City to the Illinois Central Gulf Railroad tracks; north on the ICG tracks to its intersection with Healey Street extended to the point of beginning.

Should any of the fifteen (15) Class A retail liquor licenses referenced in this paragraph "c" become available for issuance due to the death of a licensee, termination of a partnership or corporation, or bankruptcy of a licensee, or due to the revocation of a license or for any other reason, the number of Class A retailer's licenses issued or available in the above described area shall be reduced until there are no more than a total of ten (10) Class A retailer's licenses issued or available in the above described area. No Class A retailer's licenses shall be transferred to locations within the above-described area which would increase the total number of Class A retailer's licenses issued or available in that area to a number of in excess of the (10). Nothing in this section shall be construed to prevent a Class A retailer's license in existence and located within the above-described area on the effective date of this section from transferring to another location within the above-described area.

- (d) The limitation on the number of licenses under paragraph (a) in this section may be temporarily exceeded by the issuance of a license under section 5.13.1(b)(3) or (b)(4). However, the number of licenses shall be reduced to the limits set forth in paragraph (a) in this section as licenses become available from the expiration or termination of a license for issuance as specified in paragraph (b) in this section. The number of licenses herein shall not prevent the issuance of a Class A or Class AP retailer's license issued pursuant to section 5.13.1(b)(3); provided that any Class A or Class AP retailer's license issued pursuant to section 5-13.1(b)(3) may not be transferred to a different location unless a Class A or Class AP license has been granted to the owner for the establishment pursuant to section 5.13.1(b)(1) before said transfer, or unless at least two (2) years have passed from the date of issuance.
- (e) The number of licenses provided herein shall not prevent the issuance of a Class A or Class AP retailer's license pursuant to section 5-13.1(b)(4); provided that any Class A or Class AP retailer's license issued pursuant to section 5-13.1(b)(4) may be transferred to a different location only if it meets the following conditions:

- (1) A minimum of two (2) years has passed from the date of issuance; and
  - (2) The transfer is pursuant to a bona fide sale or transfer for valuable consideration of the business; and
  - (3) The location to which the license is to be transferred is located outside the area described in paragraph (c) in this section.
- (C.B. No. 2004-100, § 8, 5-4-04)

**Sec. 5-35. Delivery of alcohol.**

- (a) A Class P package retailer’s license and a Class AP retailer’s license shall permit the licensee to deliver any and all alcohol in its original package off the licensed premises.
  - (b) Licensee shall not be allowed to deliver alcohol off the licensed premises between the hours of 12:00 a.m. and 6:00 a.m.
  - (c) Class A and Class R licensees who have paid the additional annual fee for a “package rider” per Section 5-32(a) shall not e permitted to deliver alcohol off the licensed premises.
- (C.B. No. 2009-029, § 1, 2-17-09)

**Secs. 5-36--5-40. Reserved.**

**ARTICLE IV. REGULATION OF OPERATION**

**Sec. 5-41. Adoption of state law by reference.**

- (a) Each and every part of "an Act relating to alcoholic liquors," enacted by the General Assembly of the State, approved January 31, 1934, as amended, (Liquor Control Act, Ill. Rev. Stat. ch. 43, § 93.9 et seq.) and regulations promulgated thereunder, which relate in any manner to the sale at retail of alcoholic liquors, is hereby adopted by this reference and made a part of this chapter, to the same extent and with the same legal effect as if fully set forth in this section except where otherwise specifically provided, changed or amended in this chapter. Any violation of such applicable and adopted provisions of such act shall be deemed a violation of this chapter and be subject to penalties provided in this chapter.
- (b) The statutory provision that a restaurant, licensed as such, may serve alcoholic liquor only with meals shall not apply in the City; provided, however, that in no event may the total sales of alcoholic liquor by the restaurant for which a class R-1 license has been issued in any calendar quarter exceed fifty (50) percent prior to January 1, 1998; forty-five (45) percent between January 1, 1998 and December 31,

1998; forty (40) percent thereafter, or for which a class R-2 license has been issued in any calendar quarter exceed forty (40) percent of the total of food and alcoholic liquor sales. Those holders of class R-2 licenses originally licensed on or before January 1, 1984, need have sales of alcoholic liquor not greater than fifty (50) percent of their total of food and alcoholic liquor sales prior to January 1, 1998; forty-five (45) percent between January 1, 1998 and December 31, 1998; forty (40) percent thereafter. All licensees holding a class R license shall file with the Commissioner on or before January 30 and July 30 of each year an affidavit of food and alcoholic liquor sales. The licensee shall, at any other time, provide upon the request of the Commissioner an audit report prepared by an independent certified public accountant at the expense of the licensee for a time period designated by the Commissioner.

(C.B. No. 84-132, § 1, 7-17-84; C.B. No. 84-241, § 1, 11-20-84; C.B. No. 97-136, § 1, 6-3-97)

#### **Sec. 5-42. Posting of license.**

Every person licensed in accordance with the provisions of this chapter shall immediately frame and hang the license so issued in a conspicuous place on the licensed premises and shall keep such license so posted during all of the time the license is in force.

(C.B. No. 84-132, § 1, 7-17-84)

#### **Sec. 5-43. Service hours.**

The following restrictions shall apply regarding the sale, service and consumption of alcoholic liquor on the premises of a liquor licensee, except and to the extent there are more restrictive provisions pertaining to liquor licensees in the CN Commercial Neighborhood Zoning District as defined in Chapter 37 of the Code.

- (a) No agent of a licensee shall sell, offer for sale, deliver or allow the pickup of alcoholic liquor by the package for consumption off the premises between the hours of midnight and 6:00 a.m.
- (b) No agent of a licensee shall sell, offer for sale, or deliver at retail in or upon any licensed premises any alcoholic liquor for consumption on the premises between the hours of 2:00 a.m. and 6:00 a.m. No agent of a licensee shall sell, offer for sale, or deliver at retail in or upon any premises of an R retail liquor licensee any alcoholic liquor for consumption on the premises except during times when the service of meals is available on the premises; provided that the availability of the service of meals requirement shall not apply to the lounge area as defined herein.
- (c) No person, regardless of whether a member of the public or an off-duty agent of the licensee, may consume or be in possession of alcoholic liquor in or upon the premises of a licensee between the hours of 2:30 a.m. and 6:00 a.m.

Any person who conceals any container of alcoholic liquor on the premises of the licensee, or who refuses to relinquish control over any container of alcoholic liquor

while on the premises of the licensee in response to a request by an agent of the licensee to do so, in a manner that obstructs the licensee's efforts to comply with this section, shall be deemed to have violated this section.

- (d) No agent of the licensee shall knowingly, recklessly or negligently allow any person to consume alcoholic liquor in violation of subsection (c) above.
- (e) The licensee shall be deemed to have committed a violation under this Section if all cups, glasses, bottles or other containers of alcoholic liquor have not been removed from the customer areas of the premises during the hours when the consumption of alcoholic liquor is prohibited as provided in this section. It shall be an affirmative defense to a violation of this subsection (e) that a customer or other member of the public concealed such a container from view or otherwise caused a violation of this subsection by resisting reasonable efforts by an agent of the licensee to remove the container or containers in question.
- (f) It shall be unlawful to keep open for business or to admit the public in, or permit the public to remain within the premises for which a Class A, license has been issued or within the lounge of the premises for which a Class R license has been issued, between the hours of 2:30 a.m. and 6:00 a.m.

The licensee shall be deemed to have violated this subsection (f) if any member of the public is within the premises of the lounge, as the case may be during a time when it is unlawful for the business or the lounge to be open to the public. It shall be an affirmative defense to a violation of this subsection (f) if the member of the public is present on the premises or in the lounge in violation of this paragraph without the knowledge of any agent of the licensee, or despite the reasonable efforts of one or more agents of the licensee to exclude said member of the public from the premises or lounge in order to comply with this paragraph.

(C.B. No. 84-132, § 1, 7-17-84; C.B. No. 86-245, § 1(Attach. A, § 37), 9-16-86; C.B. No. 94-9, § 1, 1-18-94; C.B. No. 95-203, § 1, 8-15-95; C.B. No. 2001-101, § 1, 5-15-01; C.B. No. 2002-182, § 2, 7-16-02; C.B. No. 2004-100, § 9, 5-4-04)

State law reference(s)--Municipal restrictions on hours of sale, 235 ILCS 5/6-14.

#### **Sec. 5-44. Sale to persons less than 21 years old and sale to intoxicated persons.**

- (a) No agent of the 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 or her to be under a legal disability or in need of mental treatment.
- (b) No licensee or any officer, associate, member, representative, manager, agent or employee of such licensee shall knowingly, recklessly or negligently allow any person under the age of twenty-one (21) years to remain on the licensee's service premises while in the possession of or consuming alcoholic liquor in violation of this chapter.
- (c) It shall be an affirmative defense to violations of subsection (a) and (b) of this section that the licensee implemented a written policy for checking identification of

patrons, which policy has been filed with the Liquor Commissioner prior to the date of the incident, and that as part of such policy, the licensee actually viewed an "identification card" as defined in section 5-66, and such identification card reasonably described such person under twenty-one (21) years old, that such identification card was not altered in such a fashion so as to indicate to a reasonable person that the identification card had been altered, and that such identification card showed such person under twenty-one (21) years of age to be over twenty-one (21) years of age.

(C.B. No. 88-83, § 2, 4-5-88; C.B. No. 92-110, § 1, 4-21-92; C.B. No. 94-182, § 1, 7-5-94; C.B. No. 2002-182, § 2, 7-16-02)

Cross reference(s)--Offenses concerning minors, § 23-211 et seq.

**Sec. 5-44.2. Sale by employee is sale by manager.**

The same, gift or delivery of alcoholic liquor to any person under the age of twenty-one (21) years by an employee of a licensee shall be considered as a sale, gift or delivery by the manager, who shall be punishable in the same manner as if he or she made the unlawful sale, gift or delivery.

(C.B. No. 88-83, § 4, 4-5-88)

**Sec. 5-45. Presence of minors in liquor establishments; teen events.**

(a) No agent of a Class A, or Class R licensee shall knowingly, recklessly or negligently admit or allow to remain any person under the minimum age for admittance to said licensee, which shall be as follows:

- (1) For a Class A without any additional admission age restrictions, nineteen (19) years old.
- (2) For a Class A with a "9:00 p.m. to close twenty-one (21) and older admission restriction," nineteen (19) years from 6:00 a.m. until 9:00 p.m. the same day, and twenty-one (21) years from 9:00 p.m. until close on that day.
- (3) For a Class A with an "All day twenty-one (21) and older admission restriction", twenty-one (21) years.
- (4) For the lounge area of a Class R, nineteen (19) years.
- (5) For the bar area of a Class AP, nineteen (19) years.

(b) The licensee shall be deemed to have violated this section if any person under the minimum age for admittance to the licensee is present in or about the licensee's premises except as provided in subsection (d) of this section. It shall be an affirmative defense to a violation of this section by the licensee if the licensee, at the time of the violation, had implemented a written policy for checking identification of the patrons and that as part of such policy, an agent of the licensee viewed an "identification card" as defined in section 5-66, such identification card

reasonably described such person as being old enough for admittance to the licensee and such identification card was not visibly altered.

- (c) No person under the minimum age for admittance to the licensee shall enter or remain about a class A licensed premises or lounge area of a class R licensed premises.
- (d) This section shall not apply as follows:
  - (1) To bowling alleys;
  - (2) To a person under the minimum age for admittance to the licensee who is accompanied by a parent or legal guardian;
  - (3) To a restaurant holding a class A license for other than a lounge area which claims an exemption under this section, registers under this section at the time of application of a license, and meets all of the requirements which must be met by the holder of a class R license including but not limited to filing of affidavits of food and alcohol sales on January thirtieth and July thirtieth of each year, kitchen/dining room ratio, numbers of seats, and provision of additional affidavits or an audit by an independent certified public accountant at any time upon the request of the Commission and at the expense of the licensee. A class A license holder claiming the exemption shall meet the food/alcoholic liquor sales ratio of a class R-1 license holder. A class A license holder claiming the exemption set out in this section shall be issued a permit therefore, which permit shall be posted conspicuously at all times.
- (e) Any licensee may hold an all-teen event provided that a license is first obtained therefore. Such license notwithstanding any other provision of this chapter shall permit persons under twenty-one (21) years of age upon the premises subject to the conditions contained in this subsection and contained on the license. Such licensee shall register that event with the Commissioner at least five (5) working days prior to the event and pay a daily fee of ten dollars (\$10.00) or an annual fee of two hundred fifty dollars (\$250.00).

A licensee paying the annual fee must inform the Commissioner at least five (5) working days in advance of any additional events or any cancelled events. A license holding an all-teen event shall:

- (1) Remove all taps and containers of alcoholic liquor from the area where the teen event will be held;
- (2) Provide supervision of the event by persons twenty-one (21) years of age or older;
- (3) Comply with all life safety and fire prevention requirements; and
- (4) Conspicuously post the teen event license.

The Commissioner may deny, suspend or revoke the all-teen license or the liquor license of the licensee for any of the reasons that a liquor license can be denied, revoked, suspended or fine the licensee for any of the reasons that the licensee can be fined under this chapter. Additionally the Commissioner may impose conditions on the all-teen license as to hours of operation, amount of adult supervision on the control premises of the licensee, and operation of the teen event by the licensee as are reasonable to ensure adequate crowd control or to safeguard property or persons from harm or damage.

(C.B. No. 84-132, § 1, 7-17-84; C.B. No. 84-241, § 1, 11-20-84; C.B. No. 85-194, § 1, 7-16-85; C.B. No. 92-110, § 1, 4-21-92; C.B. No. 2002-182, § 2, 7-16-02; C.B. No. 2004-100, § 10, 5-4-04)

Cross reference(s)--Offenses concerning minors, § 23-211 et seq.

#### **Sec. 5-46. Minors prohibited from service or sales.**

(a) In the licensed premises of a licensee, no person under the age of nineteen (19) years of age shall handle alcoholic liquor in a container that has the original packaging or seal broken, tend bar, pour or mix any alcoholic liquor or sell any packaged alcoholic liquor. For the purpose of this section, 'sell' shall mean taking orders for the sale of alcoholic liquor, serving or delivering alcoholic liquor, taking money for the purchase of alcoholic liquor or ringing such a sale on a cash register.

(b) No licensee shall employ any person in violation of this section.

(C.B. No. 84-132, § 1, 7-17-84; C.B. No. 95-115, § 1, 6-6-95)

Cross reference(s)--Offenses concerning minors, § 23-211 et seq.

#### **Sec. 5-47. Premises and business requirements.**

(a) Compliance with the City's building, fire, life safety, health, property maintenance and zoning codes and ordinances shall be as follows:

(1) Every existing premises which is licensed or is to be licensed under this chapter for consumption of alcoholic liquor on the premises shall meet all applicable current fire and life safety, health, property maintenance and zoning codes and ordinances.

(2) Every premises which is newly constructed or which is being repaired, remodeled, expanded, rehabilitated or the like to the extent of fifty (50) percent or more of the value of the structure within a period of twelve (12) months shall meet all building, fire and life safety, health, property maintenance and zoning requirements.

(3) Any club licensed prior to September 20, 1983, shall comply with the requirement to have a kitchen only upon transfer of location, expansion of the premises or remodeling, rebuilding, repairing, rehabilitating or the like to the

extent of fifty (50) percent or more of the value of the structure within a period of twelve (12) months.

- (b) Consistent with the provisions of this chapter, any person licensed pursuant to this Code may sell alcoholic liquor at retail in an area outside of the building or other structure where the sale of alcoholic liquor is permitted if all the conditions, of this section are met:
- (1) For all Class A-licensed establishments and for Class R, H, C and P licensed establishments which do not always provide wait and food service in their permanent outside service area when that area is open to patrons:
    - a. The permanent outside service area shall be contiguous to the building or other structure where the sale of alcoholic liquor is permitted, but not located on publicly-owned property;
    - b. The permanent outside service area shall be surrounded by a barrier of sufficient strength and design such that:
      - i. the service area is clearly defined; and
      - ii. access directly to and egress directly from the outdoor service area, except for fire and other such emergency purposes, shall be allowed only when there is an employee of the business present at all times in the outdoor area to monitor and observe customer activities. In the absence of an employee of the business present at all times in the outdoor area to monitor and observe customer activities, access to and egress from the outdoor service area shall only be provided through the building or structure where the sale of alcoholic liquor is permitted.
  - (2) For Class R, H, C and P -- licensed establishments which always provide wait and food service in their permanent outside service area when that area is open to patrons:
    - a. For lots of two (2) acres or more, the permanent outside service area shall not be more than three thousand (3,000) square feet, shall not be closer than twenty-five (25) feet from any public right-of-way and need not be contiguous to the licensed structure;
    - b. For lots of less than two (2) acres, the permanent outside service area shall be contiguous to the licensed structure, and shall be surrounded by a barrier which clearly defines the area in which alcohol may be served.
  - (3) In connection with outside service of alcoholic liquor, the Commissioner may impose such conditions as are reasonable and proper under the circumstances in connection with the issuance of a particular liquor license and the operation of a premises thereunder, which will apply to the operation of the licensee

with respect to its outside service. Such conditions shall be placed on the face of the license.

- (c) No person shall advertise any alcoholic liquor by means of signs or lights in any form hanging over or on any public street or sidewalk within the city.
- (d) All establishments selling alcoholic liquors to the public shall be kept well-lighted. No area where alcoholic liquors are sold or served shall be lighted by less than three (3) lumens or foot candles per square foot.
- (e) Notwithstanding the provisions of subsection (a) of this section, a club issued a license on or after July 1, 1984, shall be located only in a B-3 or less restricted zoning district. Those clubs licensed as clubs before September 30, 1983, which have class C licenses on February 5, 1985, shall apply to transfer location one time to a proposed location in an R-6 zoning district, if such property where the proposed transfer is to take place was purchased by the club prior to September 30, 1983, and such transfer is completed on or before June 1, 1986. Thereafter, such licensees shall be required to locate in a B-3 or less restricted zoning district upon a transfer of location. Those clubs issued a license between September 30, 1983 and June 30, 1984, shall comply with the location restriction set out in this subsection on or before July 1, 1984.
- (f) A restaurant licensed as such shall meet the following requirements:
  - (1) A restaurant for which either category of a newly issued or an original class R license has been issued shall have a ratio of kitchen to dining areas of one-fourth to three-fourths.
  - (2) A restaurant for which a newly issued or an original R-1 license has been issued shall have a seating capacity of one hundred seventy-five (175) or more seats. The one hundred seventy-five (175) seats shall exclude bar stools or stools at drink rails and those seats contained in a lounge.

A restaurant for which an original license has been issued prior to August 1, 1984, shall meet the requirements as to the kitchen and dining area ratio and definition of seats only upon transfer of location, expansion of the premises, whether for inside or outside service, or where the premises is being remodeled, repairs, expanded, rehabilitated or the like to the extent of fifty (50) percent or more of the value of the structure within a period of twelve (12) months.

- (g) Reserved.
- (h) Those hotels licensed on or before August 1, 1984, need not comply with the provisions requiring a hotel to have kitchen and dining facilities. Those licensed thereafter shall comply with such requirements.
- (i) Any licensee ceasing to do business for a period of more than ten (10) days, shall provide written notice to the Liquor Commissioner within five (5) days of closure. "Doing business" is the continuous and regular sale of alcoholic liquor and does not

include selling furniture, fixtures, real property, etc. Such written notice shall state the reason for closure and the effective date of closure. Any licensee not providing such written notice shall be subject to revocation of the license. In the event the licensee anticipates a bona fide sale of the business and transfer of the license, the licensee shall give written notice to the Liquor Commissioner and the Liquor Commissioner may allow the license to remain valid for up to six (6) months if there is an identified timeframe for the sale and progress toward the sale can be demonstrated during the six (6) months. If the license expires during this six (6) month period, failure to renew the license prior to the end of its term shall cause it to lapse. The license may not be renewed for more than six (6) months unless there has been demonstrated progress towards a sale.

(C.B. No. 84-132, § 1, 7-17-84; C.B. No. 85-14, § 1, 2-5-85; C.B. No. 87-76, § 7, 4-21-87; C.B. No. 91-315, § 1, 1-7-92; C.B. No. 96-293, § 3, 12-17-96; C.B. No. 2000-237, § 1, 9-19-00; C.B. No. 2005-150, § 1, 6-7-05)

Cross reference(s)--Buildings and building regulations, Ch. 9; fire prevention and protection, Ch. 13; health and sanitation, Ch. 16; zoning, Ch. 37.

#### **Sec. 5-48. Payment for alcoholic liquor**

Payment for alcoholic liquor at retail shall be made in accordance with State law.

(C.B. No. 84-132, § 1, 7-17-84)

#### **Sec. 5-49. Civil rights in licensed premises.**

No licensee shall deny or permit his agents and employees to deny any person the full and equal enjoyment of the accommodations, advantages, facilities and privileges of any premises in which alcoholic liquors are authorized to be sold subject only to the conditions and limitations established by law and applicable alike to all citizens.

(C.B. No. 84-132, § 1, 7-17-84)

#### **Sec. 5-50. Liability of licensee for acts of agent of licensee/Presumption of agency after hours.**

Except as otherwise provided in this Chapter, every act or omission of whatsoever nature constituting a violation of any of the provisions of this chapter by any agent of any licensee, shall be deemed to be a violation committed by such licensee and shall be grounds for penalties and/or sanctions as provided in Article VI of this Chapter.

Any agent of the licensee who is present on the licensee's premises during a time when the general public is prohibited from being on the licensee's premises as provided in this chapter shall be deemed to be on duty and subject to all of the requirements and prohibitions provided in this Chapter for on-duty agents of the licensee, regardless of whether said agent is being paid or otherwise compensated by the licensee for being present at that time.

(C.B. No. 84-132, § 1, 7-17-84; C.B. No. 2002-182, § 2, 7-16-02)

**Sec. 5-51. Announcements by licensees.**

No licensee, or anyone on the licensee's behalf, including his or her agents, servants or employees, shall announce the presence of police officers in or on the licensed premises, unless requested to do so by a police officer.

(C.B. No. 92-222, § 1, 8-18-92)

**Sec. 5-52. Advice by licensees on avoiding compliance with law.**

- (a) No licensee, or anyone on the licensee's behalf, including his or her agents, servants or employees, shall advise anyone on how to avoid complying with laws pertaining to the purchase, possession or consumption of alcoholic beverages while on the licensed premises.
- (b) It shall not be a defense to this section that any person, after receiving such advice, did not purchase, possess or consume alcoholic beverages.
- (c) By way of example, but not to be construed as a limitation of this section, the following would constitute a violation of this section:
  - (1) A bartender or other server advising a person under the age of twenty-one (21) that such person may obtain alcoholic liquor by having a person twenty-one (21) years or older purchase alcoholic liquor on behalf of the person under twenty-one (21);
  - (2) A door-person advising a person under the age of twenty-one (21) regarding methods of transferring stamps or other marks which permit the purchase of alcoholic liquor. (C.B. No. 92-222, § 1, 8-18-92)

**Sec. 5-53. Name tags required.**

- (a) In all Class A, Class C, Class H, and Class R licensed establishment, and at all events for which a Class T liquor license is issued, all door personnel and all persons selling or delivering alcoholic liquor, including but not limited to all bartenders, all managers, all servers, and all wait-person, shall wear a name tag, approved by the Liquor Commissioner, with at least his or her first name and last initial displayed on it while on duty, or a number not greater than three (3) digits, as long as the licensee maintains a log which indicates the name of the employee to whom the number displayed on the name tag is issued.
- (b) In all Class P licensed establishments, all managers, all clerks and all persons selling or delivering alcoholic liquor shall wear a name tag, approved by the Liquor Commissioner, with at least his or her first name and last initial on it while on duty, or a number not greater than three (3) digits, as long as the licensee maintains a log which indicates the name of the employee to whom the number displayed on the name tag is issued.
- (c) No licensee shall allow any person to work in violation of this section.

- (d) No person shall work in a licensed establishment in violation of this section.  
(C.B. No. 94-153, § 2, 7-5-94)

**Sec. 5-54. Consumption by agent of licensee prohibited.**

- (a) No agent of the licensee shall consume any alcoholic beverage while on duty in any licensed establishment.
- (b) No agent of the licensee either on or off duty, who has consumed any alcoholic beverage, either on or off duty, and who exhibits visible signs of intoxication, shall perform any function involving direct contact with, or service of, patrons of any licensed establishment.
- (c) The licensee shall be liable for a violation of this section if the Licensee or a manager or supervisor on duty at the time of the violation knowingly, recklessly, or negligently allowed the violation to occur. If the manager or supervisor on duty at the time of the violation knowingly, recklessly or negligently permits a violation of this section, that individual shall be subject to the same penalties as the agent of the licensee who committed the violation.

(C.B. 94-153, § 2, 7-7-94; C.B. No. 99-328, § 1, 12-7-99; C.B. No. 2002-182, § 2, 7-16-02)

**Secs. 5-55--5-60. Reserved.**

**ARTICLE V. MISCELLANEOUS OFFENSE PROVISIONS; RESPONSIBILITY**

**Sec. 5-61. Consumption, possession and storage on unlicensed premises.**

- (a) No owner, proprietor, associate, member, or officer, agent or employee thereof, of any establishment inviting or permitting public patronage, or use by club members and guests, shall in the ordinary course of operation permit the consumption or possession of, and no person shall consume or possess alcoholic liquors on the premises, and no person shall permit alcoholic liquor to be brought into or bring into such public place or club except those specifically licensed for possession, consumption or sale of alcoholic liquor on the premises.
- (b) No person shall visit, frequent or patronize any house, building, store or place which such person knows or has reason to believe is established, operated or maintained for the purpose of selling alcoholic liquor without a license as required by this chapter.
- (c) No person shall keep or store alcoholic liquor in any building or premises used in whole or in part for a nonresidential establishment of any type inviting or permitting

public patronage or use by club members or guests, unless such establishment is licensed to sell alcoholic liquor.

- (d) This section shall not be construed to prevent possession of alcoholic liquor for personal use by the occupants of apartments or dwelling rooms in the same building in which a liquor establishment is located whether licensed to sell alcoholic liquor or not; provided such apartments or rooms are not directly connected with or accessible from such establishment.
- (e) This section shall not be construed to prevent possession of alcoholic liquor for personal use in a nonresidential establishment inviting public patronage where that personal use is limited to occasional consumption by employees of the establishment only. Nor shall this section be construed to prevent the owner or occupant, but not third parties, from having an open house or employee party once a year where fifty (50) or fewer persons are in attendance upon the premises at any one time and where neither alcoholic liquor nor set-ups are sold. This subsection shall not apply to premises which are or should be licensed.

(C.B. No. 84-132, § 1, 7-17-84)

#### **Sec. 5-62. Possession prohibited on public property and business parking lots.**

- (a) Public property defined. "Public property" for the purpose of this section shall mean any real property owned, controlled or managed by the City, the Champaign Park District, or the Champaign Community Unit School District No. 4. Any street, alley, sidewalk, public parking lot, parkway, school grounds, or park shall be prima facie public property for the purpose of this section.
- (b) Possession prohibited. No person shall possess any open container of or consume alcoholic liquor in any public property or the parking lot of any business establishment or in any vehicle traveling upon or parked on any public property or parking lot of any business establishment, except where such possession or consumption has been authorized pursuant to the terms of a liquor license, or pursuant to a resolution of the governing body of the public property.

(C.B. No. 84-132, § 1, 7-17-84; C.B. No. 87-104, § 1, 5-19-87; C.B. 96-76, § 1, 4-2-96; C.B. No. 97-94, § 2, 5-6-97; C.B. No. 99-5, § 1, 1-19-99; C.B. No. 99-142, § 5, 6-1-99)

#### **Sec. 5-62.1. Carrying open liquor out of premises.**

No person shall carry any open containers of alcoholic liquor out of any liquor service premises.

(C.B. No. 87-104, § 2, 5-19-87)

#### **Sec. 5-63. Transporting alcoholic liquor in motor vehicles.**

- (a) Except as provided in subsection (c), 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.

- (b) Except as provided in subsection (c), no passenger may carry, possess or have any alcoholic liquor within any passenger area of any motor vehicle except in the original container and with the seal unbroken.
- (c) This section shall not apply to the passengers on a chartered bus when it is being used for purposes for which chartered buses are ordinarily used or on a motor home or mini-motor home as defined in the "Illinois Vehicle Code" (ILCS Ch. 625). However, the driver of any such vehicle is prohibited from consuming or having any alcoholic liquor in or about the driver's area. Any evidence of alcoholic consumption by the driver shall be prima facie evidence of such driver's failure to comply with this section.

(C.B. No. 84-132, § 1, 7-17-84)

Cross reference(s)--Use of taxicab for crime, alcoholic beverages, § 36-82.

State law reference(s)--Similar provisions, 625 ILCS 5/11-502.

#### **Sec. 5-64. Gambling devices and slot machines.**

- (a) No playing of dice, or any gambling devices or games of chance, punch boards or slot machines shall be permitted or used in any premises licensed for the sale of alcoholic liquors under this chapter.
- (b) No person shall operate, keep, own, use, exhibit, rent or lease or allow or permit the operation, keeping, owning, using, exhibition, renting or leasing of gambling devices on a premises licensed for the sale of alcoholic liquor under this chapter.

(C.B. No. 84-132, § 1, 7-17-84)

#### **Sec. 5-65. Purchases, possession of alcoholic liquor by persons less than 21 years old.**

- (a) No person under the age of twenty-one (21) years shall purchase, attempt to purchase, accept delivery, accept a gift of, or have possession of or consume alcoholic liquor; provided, however, that a person under the age of twenty-one (21) years of age may accept and consume alcoholic liquor in a religious ceremony, or under the direct supervision of a parent or legal guardian of such person in the privacy of the home.
- (b) 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; provided, however, alcoholic liquor may be given or delivered to a person under the age of twenty-one (21) years in a religious ceremony or as a parent or guardian of such a person while under the direct supervision of such parent or legal guardian while in the privacy of the home.
- (c) If any person under the age of twenty-one (21) years is located in a hotel or motel room in the presence of alcoholic liquor, in the absence of that person's parent or

legal guardian, such person shall be presumed to be in possession of such alcoholic liquor.

(C.B. No. 84-132, § 1, 7-17-84; C.B. No. 88-83, § 5, 4-5-88; C.B. No. 89-193, § 2, 8-1-89; Ord. No. 94-182, § 3, 7-5-94; C.B. No. 2002-182, § 2, 7-16-02)

**Sec. 5-66. Unlawful use of identification.**

(a) For the purposes of this section, "identification card" means a written form of identification containing a date of birth and a photograph of the person identified, issued by a public officer in the performance of official duties and shall include the following:

- (1) Driver's license or permit;
- (2) State identification card;
- (3) Armed Forces identification;
- (4) Passport
- (5) In lieu of one of the forms of identification specified above, two other forms of government issued identification, one of which need not have a photograph of the person identified.

(b) A person shall be guilty of unlawful use of identification if that person:

- (1) Allows or permits the use of his/her identification card by another person who is under the age of twenty-one (21) years;
- (2) Is under the age of twenty-one (21) years and possesses the identification card of another;
- (3) Alters or defaces the date of birth or name on his/her identification card or the identification card of another;
- (4) Is under the age of twenty-one (21) years and possesses an altered or defaced identification card;
- (5) Is under the age of twenty-one (21) years and possesses an identification card which recites an age different than the true age of the person to whom it was issued.

(C.B. No. 84-206, § 1, 10-16-84; C.B. No. 2002-182, § 2, 7-16-02)

**Sec. 5-67. Adult responsibility.**

(a) No parent or guardian shall permit or suffer any child under the age of twenty-one (21) years of age of which he/she is the parent or guardian to violate any provisions of this chapter. Such parent or guardian shall be in violation of this section when

he/she knew, or in the exercise of reasonable care, should have known of such violation by the child.

- (b) No owner or occupant of any premises located within the City shall allow any person under the age of twenty-one (21) years of age to remain on such premises while in the possession of or consuming alcoholic liquor in violation of this chapter. Such owner or occupant shall be in violation of this section when he/she knew, or in the exercise of reasonable care, should have known of the possession or consumption of alcoholic liquor on his/her premises by a person under the age of twenty-one (21) years.

(C.B. No. 88-132, § 1, 7-17-84; Ord. No. 94-182, § 5, 7-5-94)

Cross reference(s)--Permitting child to violate curfew, § 23-212.

#### **Sec. 5-67.1. Keg sales; adult responsibility.**

No licensee shall sell alcoholic liquor in a keg without first having obtained the signature of the purchaser on an adult responsibility form provided by the City. The licensee shall retain such form at the place of sale for a period of no less than six (6) months from the date of sale and make them available for City's inspection at the City's request.

(C.B. No. 9-245, § 5, 9-18-90)

#### **Sec. 5-67.2. Kegs: Purchase or possession without a permit.**

- (a) No person shall purchase or attempt to purchase alcoholic liquor in a keg without having first signed an adult responsibility form approved by the City and provided by the seller.
- (b) No person or persons shall possess, attempt to possess alcoholic liquor in keg packaging in excess of sixteen (16) gallons without first having obtained a class K permit from the City.
- (c) For the purposes of this section, it shall be presumed that the persons in control of the premises where kegs containing alcoholic liquor are found as lessees or owners, as the case may be, are in possession of the kegs.

(C.B. No. 90-245, § 5, 9-18-90; C.B. No. 95-291, § 3, 11-21-95)

#### **Sec. 5-68. Liability of owner of premises.**

If the owner of the licensed premises or any person from whom the licensee derives the right to possession of such premises or the agent of such owner or person, shall knowingly permit the licensee to use the licensed premises in violation of this chapter, such person shall be deemed guilty of a violation of this chapter to the same extent as the licensee and shall be subject to the same penalties provided for in this chapter.

(C.B. No. 84-132, § 1, 7-17-84)

**Sec. 5-69. Nuisance declared.**

Any premises, licensed or unlicensed, used to conduct the sale of alcoholic liquor in violation of "an Act relating to alcoholic liquors" (Liquor control act, Ill. Rev. Stat. Ch. 43, § 93.9 et seq.) or this chapter, is hereby declared a public nuisance per se. (C.B. No. 84-132, § 1, 7-17-84)

**Sec. 5-70. Absolute liability offenses.**

Except in those provisions where the mental state of knowledge, recklessness or negligence is specifically required, the violation of any prohibition or requirement contained in this chapter is hereby declared to be an absolute liability offense. The terms "knowledge", "recklessness", and "negligence" as used in this section shall have the same meanings as provided in Section 23-2 of this Code. (C.B. No. 84-132, § 1, 7-17-84; C.B. No. 2002-182, § 2, 7-16-02)

**Secs. 5-71--5-80. Reserved.**

**ARTICLE VI. REVOCATION, SUSPENSION OF LICENSES; FINES\***

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\*Cross reference(s)--Licenses and permits generally, Ch. 19.  
State law reference(s)--Authority of City to license retail sale of liquor, 235 ILCS 5/4-1; State licenses, 235 ILCS 5/5-1 et seq. and 5/7-1 et seq.

**Sec. 5-81. Grounds for suspension, revocation; appeals; fines.**

- (a) The Commissioner may suspend or revoke any license issued under this chapter for any one of the following reasons:
- (1) Violation of the laws of the United States, the Laws of this State or any of the ordinances of the City where such violations relate to the operation of a licensed premises;
  - (2) Knowingly, permitting without protest, any violation of this chapter, any disorderly practices upon the premises or violations of any law or ordinance, whether upon the control premises or the service premises, where the licensee is licensed to operate under this chapter; for the purposes of this section "protest" shall mean a formal declaration, whether verbal or written, made by a person interested or concerned in some act or course of conduct about to be done, already performed or being presently done, whereby that person expresses his or her dissent or disapproval or affirms the act is against his or her own will;

- (3) The willful making of any false statement as to a material fact in the application for the license;
- (4) Failure to comply with the provisions of section 5-11;
- (5) Failure to pay the second one-half portion of the annual license fee as provided for in section 5-32 on or before April thirtieth;
- (6) Failure to obtain and keep current at all times at least the minimum amount of dramshop liability insurance required by section 5-12;
- (7) Failure to comply with any rules and regulations promulgated by the Commissioner;
- (8) Failure to pay a fine imposed by the Commissioner or costs imposed by this section within twenty-one (21) days of notice of such costs; or
- (9) Failure to answer under oath all relevant and material questions propounded to the licensee at a hearing conducted by the commissioner.

In lieu of or in addition to the suspension or revocation of a license, the Commissioner may impose a fine of not less than fifty dollars (\$50.00) and not more than two thousand dollars (\$2,000.00) for each such violation.

- (b) Appeals to the State Liquor Control Commission of decisions, orders or actions of the Commissioner shall be provided for as follows:
  - (1) All appeals to the State Liquor Control Commission by a City liquor licensee of a decision, order or action by the Commissioner to suspend or revoke the licensee's City liquor license or of the imposition of a fine against such license shall be limited to review of the official record of the formal proceedings before the Commissioner;
  - (2) Initial costs and hourly fees for the official reporter's attendance at formal hearings before the Commissioner shall be borne and paid by the City.
- (c) All costs of preparing and transcribing the official record on appeal to the State Liquor Control Commission by the licensee shall be borne by the licensee whose license has been suspended or revoked or against whom a fine has been imposed.
- (d) Upon the decision of the Commissioner adverse to a licensee being upheld or upon failure of a licensee to appeal within the appeal period, the licensee shall be responsible for the payment of all costs borne by the City in relation to bringing the hearing, including but not limited to initial court reporter costs and hourly fees, witness and mileage fees.

(C.B. No. 84-132, § 1, 7-17-84)

**Sec. 5-82. Notice of hearing; emergency closure.**

- (a) Except as provided in subsection (b) hereof, no such license shall be revoked or suspended or a fine imposed except after a public hearing by the Commissioner is held. The licensee shall be given a three-day written notice affording the licensee an opportunity to appear and defend.
- (b) If the Commissioner has reason to believe that the continued operation of a particular licensed premises will immediately threaten the welfare of the community, the Commissioner may, upon the issuance of a written order stating the reason for the conclusion and without notice or hearing, order the licensed premises closed for not more than seven (7) days. A hearing shall be held within a seven-day period. Such period shall begin on the date of the closing. The hearing shall give the licensee the opportunity to be heard on the matter. If the licensee is engaged in the conduct of another business on the licensed premises other than the sale of alcoholic liquor, the closure order shall not be applicable to such business.

(C.B. No. 84-132, § 1, 7-17-84)

**Sec. 5-83. Use of premises after revocation.**

When a license has been revoked for any cause, no license shall be granted to any person for the period of one year thereafter for the conduct of the business of selling alcoholic liquor at retail in the premises described in such revoked license.

(C.B. No. 84-132, § 1, 7-17-84)

**Sec. 5-84. Forfeiture of fees.**

Revocation of a license issued pursuant to this Chapter shall result in the forfeiture of all fees or moneys paid therefore

(C.B. No. 84-132, § 1, 7-17-84)

**Secs. 5-85--5-90. Reserved.**

**ARTICLE VII. ADMINISTRATION**

**Sec. 5-91. Powers and duties of commissioner.**

The Commissioner shall have the following powers and duties:

- (1) To grant licenses, to suspend or revoke licenses for cause, to impose fines upon licenses for cause, and to hold re-hearings on such matters and enter modified orders thereon.
- (2) To enter into and to authorize any law enforcement officer to enter at any time upon any premises licensed pursuant to this Chapter to determine whether any of the provisions of "an Act relating to alcoholic liquors" (Liquor control act, Ill. Rev.

Stat. Ch. 43, § 93.9 et seq.) or of this Code, or any rules and regulations adopted by the State Liquor Control Commission or by the Commissioner have been or are being violated.

- (3) To exercise all the powers, functions and duties which now or hereafter may be granted to him/her by "an Act relating to alcoholic liquors" (Liquor control act, Ill. Rev. Stat. Ch. 43, § 93.9 et seq.), regulations of the State Liquor Control Commission or by this chapter, to examine or cause to be examined under oath any applicant for a liquor license or for a renewal thereof of any license upon whom notice of hearing has been served, to hear testimony and take proof for his/her information in the performance of the Commissioner's duties, and at such time to examine the premises in connection therewith.
- (4) To receive the complaint of any resident of the City and to investigate such complaint or to investigate upon his/her own initiative any alleged violation of any law of the United States relating to the sale of alcoholic liquor or any of the provisions of "an Act relating to alcoholic liquors" (Liquor control act, Ill. Rev. Stat. Ch. 43, § 93.9 et seq.), or of this Code or any applicable rules and regulations adopted by the State Liquor Control Commission or by the Commissioner.
- (5) To make, promulgate, alter, amend, repeal and enforce such reasonable rules and regulations relating to the administration and enforcement of the provisions of this chapter as may be deemed by the Commissioner to be in the best interest of the City. The Commissioner shall forward such rules to the City Council and the licensees at least fourteen (14) days prior to the effective time and date. Upon the written request of two (2) or more Council Members prior to the effective time and date, the rules shall be subject to review by the City Council. After such a written request, such rules shall not be effective until considered by the Council. The rules shall go into effect after such review unless disapproved by a vote of at least five (5) members.
- (6) To receive local license fees and pay over the same forthwith to the City
- (7) To examine or cause to be examined, under oath, any applicant for a local license or for a renewal thereof, or any licensee upon whom notice of revocation or suspension has been served in the manner as provided by law or ordinance; 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/her information in the performance of his/her duties and for such purpose to issue subpoenas.
- (8) To appoint a hearing officer to hold hearings to take evidence on whether or not to suspend or revoke licenses for cause or to impose fines upon licensees for cause; to hold re-hearings on such matters; and to make recommendations as to findings of fact and penalties to be imposed. The Commissioner shall review the evidence and recommendations of the hearing officer and shall adopt, modify or reject those recommendations.

### **Section 5-91.1. Emergency powers.**

(a) The Commissioner shall have the authority to impose an emergency order containing one or more of the restrictions set forth herein upon the operation of retail liquor license holders in a geographic area described in the order, for a period of up to 48 hours, when the Commissioner has a reasonable belief that there may be a threat to the public health, safety and welfare from celebratory activities by members of the public in response to the University of Illinois' participation in a noteworthy athletic event, or from some other form of anticipated public assembly or civil unrest. Factors justifying a reasonable belief in the need for an emergency order entered under this subsection may include, among other factors, the City of Champaign's or other cities' experience with civil unrest under similar circumstances.

(b) The Commissioner may include one or more of the following restrictions in any emergency order entered pursuant to this subparagraph (9).

i. Restrictions upon sales of alcoholic liquor for consumption on the premises of the license holder:

- A. Limiting the hours and/or days of operation.
- B. Limiting the size of drinks.
- C. Restricting the types of containers used to serve beverages
- D. Restricting or prohibiting the sales of drinks of undiluted spirits.
- E. Imposing a requirement upon those holding an A or AP retail liquor license that a specified number of employees of the licensee who are 21 years of age or older be assigned the responsibility of checking IDs of all patrons entering the licensed premises to insure that they are of legal age to enter.
- F. Imposing the requirement upon those holding an A or AP retail liquor license that entry upon the premises be restricted to those patrons age 21 or older.

ii. Restrictions upon sales of alcoholic liquor for consumption off the premises of the license holder:

- A. Limiting the hours and/or days of operation.
- B. Prohibiting the sale of alcoholic liquor in glass and/or metal containers of less than one liter in volume.
- C. Requiring proof of a valid Keg Permit prior to the sale of one or more kegs with a cumulative capacity in excess of 16 gallons to an individual person or entity.
- D. Prohibiting or restricting the sales of kegs.
- E. Requiring completion of an adult responsibility form prescribed by the Liquor Commissioner prior to the sale of the following quantities of alcoholic liquor to an individual person or entity:

- a. 168 or more 12 ounce containers of beer or malt beverage
- b. 24 or more 1 liter containers of distilled spirits or wine

F. Restricting or prohibiting the sales of undiluted spirits.

(c) An emergency order entered pursuant to this section shall be in writing and shall, at a minimum, contain the following information:

- i. The basis for the emergency order.
- ii. A description of the geographic area that is affected by the order.
- iii. A description of the types of liquor licenses that are covered by the order.
- iv. The dates and times during which the order will be in effect.
- v. A description of each of the aforementioned restrictions that are being imposed during the time the order is in effect.

(d) An emergency 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 retail liquor license holders that will be regulated by said order in one or more of the following ways:

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

(e) No licensee shall violate the terms of an emergency order issued pursuant to this subsection.

(C.B. No. 84-132, § 1, 7-17-84; C.B. No. 84-263, § 1, 12-4-84; C.B. No. 2005-071 § 1, 03-15-2005; C.B. No. 2007-031, § 1, 2-20-07; C.B. No. 2008-56, § 1, 4-15-08)  
Cross reference(s)--Administration, Ch. 2; City officers and employees, § 2-91 et seq.  
State law reference(s)--Powers of Liquor Control Commissioner, Ill. Rev. Stat. Ch. 43, §§ 111--114.

**Sec. 5-92. Powers and duties of Deputy Commissioner; compensation; bond.**

- (a) There is hereby created the office of Deputy Liquor Control Commissioner. The Deputy Commissioner shall be appointed by and serve at the pleasure of the Mayor.
- (b) The Deputy Commissioner shall act on behalf of and at the request of the Commissioner and shall be empowered:
  - (1) To enter or to authorize any law enforcing officer to enter at any time upon any premise licensed pursuant to this chapter to determine whether any of the provisions of "an Act relating to alcoholic liquors" (Liquor control act, Ill. Rev. State. Ch. 43, § 93.9 et seq.), or of this Code, or any rules or regulations adopted by the Commissioner or by the State Liquor Control Commission have been or are being violated, and at such time to examine the premises of the licensee in connection therewith;

- (2) To receive complaint from any resident of the City or to investigate on his/her own initiative any alleged violation of any law of the United States relating to the sale of alcoholic liquor, any provision of "an Act relating to alcoholic liquors" (Liquor control act, Ill, Rev. Stat. Ch. 43, § 93.9 et seq.), or any provisions of this Code or any rules or regulations promulgated pursuant to one or all of them, that have been or are being violated and to act upon such complaints in the manner as provided by law or ordinance;
  - (3) To determine that a hearing shall be held in relation to alleged violations by a licensee and to sign the notices of hearing in the name of the Commissioner; and
  - (4) To review all license applications.
- (c) Upon written request of the Commissioner, or when the Commissioner is absent from the City or is disabled and incapable of acting as Commissioner, the Deputy Commissioner may, with the written concurrence of the Deputy Mayor, hold hearings to suspend for not more than thirty (30) days, revoke or impose a fine against, or take emergency actions and hold rehearings on such matters and enter modified orders thereon as set forth by Statute or ordinance in relation to all liquor licenses issued for premises within the City. The Commissioner shall be deemed incapable of acting as Commissioner when so declared by the Commissioner or by the Commissioner's personal attending physician.
- (d) The compensation of the Deputy Commissioner shall be as set by Council.
- (e) The Deputy Commissioner, before entering upon the duties of his/her office, shall give bond in an amount to be fixed by the City Council payable to the City, with good and sufficient sureties to be approved by the City Clerk. The bond, when not otherwise provided for by law or ordinance, shall be conditioned upon the prompt accounting for and return of the payment to the City or its proper officers or persons entitled thereto of all monies or properties that may come into his or her hands by virtue of this office.

Cross reference(s)--Administration, Ch. 2.

**Secs. 5-93--5-99. Reserved.**

## **ARTICLE VIII. ADULT USES--ALCOHOLIC BEVERAGES**

**Sec. 5-100. Short title.**

This article shall be known as, and may be referred to as "alcoholic beverages--adult use" article.

(C.B. No. 2000-53, § 2, 3-21-00)

**Sec. 5-101. Definitions.**

For the purposes of this article, the following terms, phrases, and words shall have the meanings given herein.

- (1) *Adult entertainment establishment.* Any premises licensed under this chapter that features or provides adult entertainment. "Adult entertainment" means:
  - a. Persons who appear nude or semi-nude.
  - b. Live performances that are distinguished or characterized by an emphasis on the exposure, depiction or description of specified anatomical areas or the conduct or simulation of specified sexual activities.
- (2) *Adult establishment employee.* Any individual, including entertainers, who works in or at, or renders any services directly related to the operation of, an adult entertainment establishment; provided, however, that this definition shall not include persons delivering goods, materials, food and beverages, or performing maintenance or repairs, to the licensed premises.
- (3) *Adult establishment patron.* Any individual, other than an adult establishment employee, present in or at any adult entertainment establishment at any time when such adult entertainment is open for business; provided, however, that this definition shall not include persons delivering goods, materials, food and beverages, or performing maintenance or repairs, to the licensed premises.
- (4) *Nude or state of nudity.* A state of dress or undress that exposes to view (i) less than completely and opaquely covered human genitals, pubic region, anus, or female breast below a point immediately above the top of the areolae, but not including any portion of the cleavage of the female breast exhibited by a dress, blouse, shirt, leotard, bathing suit, or other wearing apparel, provided the areolae is not exposed; or (ii) human male genitals in a discernibly turgid state, even if completely and opaquely covered, or any device or covering that, when worn, simulates human male genitals in a discernibly turgid state.
- (5) *Semi-nude.* A state of dress or undress in which clothing covers no more than the human genitals, pubic region, anus, and areolae of the female breast, as well as a portion of the body covered by supporting straps or devices or by other minor accessory apparel such as hats, gloves, and socks.
- (6) *Specified anatomical areas.* Any of the following:
  - a. Less than completely and opaquely covered human genitals, pubic region, buttocks, anus, or female breast below a point immediately above the top of the areolae, but not including any portion of the cleavage of the female breast exhibited by a dress, blouse, shirt, leotard, bathing suit, or other wearing apparel, provided the areolae is not exposed.
  - b. Human male genitals in a discernibly turgid state, even if completely and opaquely covered, or any device or covering that, when worn, simulates human male genitals in a discernibly turgid state.

(7) *Specified sexual activities.* Any of the following:

- a. Fondling or other erotic touching of human genitals, pubic region, buttocks, anus, or female breasts.
- b. Sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation, or sodomy.
- c. Masturbation, actual or simulated.
- d. Human genitals in a state of sexual stimulation, arousal, or tumescence.
- e. Excretory functions as part of or in connection with any of the activities set forth in paragraphs a., b., c., or d. of this definition.

(8) *Straddle dance.* The use by an adult establishment employee of any part of his or her body to touch the genitals, pubic region, buttock, anus, or female breast of any adult establishment patron or any other person, or the touching of the genitals, pubic region, buttock, anus, or female breast of an adult establishment employee by any adult establishment patron. Conduct shall be a "straddle dance" regardless of whether the "touch" or "touching" occurs while the person is displaying or exposing any specified anatomical area. Conduct shall also be a "straddle dance" regardless of whether the "touch" or "touching" is direct or through a medium. Conduct commonly referred to by the slang terms "lap dance," "table dance," and "face dance" shall be included within this definition of straddle dance.

(C.B. No. 2000-53, § 2, 3-21-00)

**Sec. 5-102. Reserved.**

**Sec. 5-103. Specific prohibited acts.**

- (a) No adult establishment patron or any other person at any adult entertainment establishment, other than an adult establishment employee employed to provide adult entertainment in accordance with the regulations in this article, shall appear, be present, or perform while nude or semi-nude.
- (b) No adult entertainment employee, employed to provide adult entertainment, shall publicly appear or perform in the nude.
- (c) No adult entertainment employee, employed to provide adult entertainment, shall appear or perform in the semi-nude state except in a performance area.
- (d) No adult establishment employee or any other person at any adult entertainment establishment shall perform or conduct any specified sexual activity with or for any adult establishment patron or any other adult establishment employee or any other person within a licensed premises.

- (e) No adult establishment patron or any other person at any adult entertainment establishment shall perform or conduct any specified sexual activity with or for any adult establishment employee or any other adult establishment patron or any other person upon or at a licensed premises.
- (f) No licensee shall allow or permit straddle dances within the licensed premises.  
(C.B. No. 2000-53, § 2, 3-21-00)

**Sec. 5-104. Alcohol prohibition.**

No licensee shall serve or otherwise provide alcoholic liquor within the licensed premises on any calendar day on which adult entertainment is provided at the licensed establishment.  
(C.B. No. 2000-53, § 2, 3-21-00)

**Sec. 5-105. Operational requirements.**

- (a) *Performance area.* The performance area of an adult entertainment establishment shall be limited to one (1) or more stages or platforms permanently anchored to the floor (a "Cabaret Stage"). Each cabaret stage shall be elevated above the level of, and separate from the patron seating areas. Each cabaret stage shall be separated by a distance of at least five (5) feet from all areas of the premises to which adult entertainment patrons have access. A continuous barrier at least two (2) feet in height and located at least five (5) feet from all points of each cabaret stage shall separate each cabaret stage from all patron seating areas. No adult patron shall be allowed or permitted by the licensee to be at any time on any cabaret stage, or within the five-foot separation perimeter.
- (b) *Lighting.* Sufficient lighting shall be provided and equally distributed throughout the public areas of the adult cabaret so that all objects are plainly visible at all times. A minimum lighting level of not less than 30 lux horizontal, measured at all times for all areas of the adult entertainment where adult establishment patrons are admitted.
- (c) *Tipping.* No adult establishment patron shall offer, and no adult establishment employee having performed on any cabaret stage shall accept, any form of tip or gratuity offered directly or personally to the employee by the adult establishment patron. Rather, all tips and gratuities to adult establishment employees performing on any cabaret stage shall be placed into a receptacle provided for receipt of such tips and gratuities by the adult entertainment establishment.
- (d) *Notice of select rules.* A sign at least two (2) feet by two (2) feet, with letters at least one (1) inch high shall be conspicuously displayed on or adjacent to every cabaret stage stating:

THIS ESTABLISHMENT IS REGULATED BY THE CITY OF CHAMPAIGN.  
PERFORMERS AND ENTERTAINERS ARE:

1. NOT PERMITTED TO ENGAGE IN ANY TYPE OF PROHIBITED SEXUAL CONDUCT.
2. NOT PERMITTED TO ACCEPT ANY TIPS DIRECTLY OR PERSONALLY FROM PATRONS. ANY SUCH TIPS MUST BE PLACED INTO THE RECEPTACLE PROVIDED BY MANAGEMENT.
3. NOT PERMITTED TO APPEAR IN A STATE OF NUDITY.  
(C.B. No. 2000-53, § 2, 3-21-00)

**Sec. 5-106. Age limitation.**

No licensee shall permit any person below the age of nineteen (19) upon the premises on any calendar day during which it provides adult entertainment.

(C.B. No. 2000-53, § 2, 3-21-00)

**TABLE I**

**Ordinance Violations  
Minimum Fines  
(Effective July 1, 2007 through June 30, 2009)**

Persons charged with violating any of the Chapters or Sections of the Champaign Municipal Code, 1985 ("Code"), listed below may offer to settle the charge by paying the minimum fine set forth in this Table within twenty-one (21) days after the issuance of the Notice to Appear. The minimum fine related to a Chapter or Article below shall be the minimum fine for each Section within that Chapter or Article. The charge will not be filed with the Court if the settlement accepted is provided in Section 1-24 of the Code.

| Section/<br>Chapter                 | Title  | Minimum<br>Fine |
|-------------------------------------|--|-----------------|
| Chapter 3                           | <b>Advertising</b>   | <b>\$155</b>    |
| Chapter 4                           | <b>Alarm Systems</b>   | <b>\$155</b>    |
| Chapter 5                           | <b>Alcoholic Beverages</b>   |                 |
| 5-11                                | <b>License required (liquor)</b>   | <b>\$300</b>    |
| 5-42                                | <b>Posting of license (liquor)</b>   | <b>\$155</b>    |
| 5-43                                | <b>Service hours</b>   | <b>\$155</b>    |
| 5-44                                | <b>Sale to persons less than 21 years old and sale to intoxicated persons</b>      | <b>\$300</b>    |
| 5-45                                | <b>Presence of minors in liquor establishments; teen events</b>                    | <b>\$300</b>    |
| 5-46                                | <b>Minors prohibited from tending bar</b>  | <b>\$205</b>    |
| 5-47                                | <b>Premises and business requirements</b>  | <b>\$205</b>    |
| 5-52                                | <b>Advice on avoiding compliance</b>   | <b>\$205</b>    |
| 5-53                                | <b>Name tag required</b>   | <b>\$155</b>    |
| 5-54                                | <b>Consumption by employee prohibited</b>  | <b>\$300</b>    |
| 5-61                                | <b>Consumption, possession and storage on unlicensed premises</b>                  | <b>\$300</b>    |
| 5-62                                | <b>Possession prohibited on public property and business parking lots</b>          | <b>\$155</b>    |
| 5-62.1                              | <b>Carrying open liquor out of premises</b>  | <b>\$155</b>    |
| 5-63                                | <b>Transporting alcoholic liquor in motor vehicles</b>                             | <b>\$155</b>    |
| 5-64                                | <b>Gambling devices and slot machines</b>  | <b>\$205</b>    |
| 5-65                                | <b>Purchases, possession of alcoholic liquors by person less than 21 years old</b> | <b>\$300</b>    |
| 5-66                                | <b>Unlawful Use of Identification</b>  | <b>\$300</b>    |
| 5-67                                | <b>Adult responsibility</b>  | <b>\$300</b>    |
| 5-67.1                              | <b>Kegs: adult responsibility</b>  | <b>\$300</b>    |
| 5-67.2                              | <b>Kegs: purchases/possession without license</b>                                  | <b>\$300</b>    |
| Chapter 5.5                         | <b>Ambulances</b>  | <b>\$155</b>    |
| Chapter 6                           | <b>Amusements</b>  | <b>\$155</b>    |
| Chapter 7                           | <b>Animals</b>   |                 |
| 7-4                                 | <b>Cruelty to animals prohibited</b>   | <b>\$205</b>    |
| 7-5                                 | <b>Keeping of animals other than domesticated pets</b>                             | <b>\$155</b>    |
| 7-10                                | <b>Disturbing the peace (dogs barking)</b>   | <b>\$155</b>    |
| 7-12                                | <b>Dogs running at large; impoundment</b>  | <b>\$155</b>    |
| 7-14                                | <b>Removal of excrement</b>  | <b>\$155</b>    |
| 7-51                                | <b>Rabies vaccination required</b>   | <b>\$155</b>    |
| Chapter 9                           | <b>Building and Building Safety Requirements</b>                                   | <b>\$155</b>    |
| Chapter 13                          | <b>Fire Prevention and Hazardous Materials</b>                                     |                 |
| 13-2                                | <b>Use of fire apparatus; interference</b>   | <b>\$205</b>    |
| 13-4                                | <b>Removal of fire apparatus restricted</b>  | <b>\$205</b>    |
| 13-6                                | <b>Careless smoking</b>  | <b>\$155</b>    |
| 13-8                                | <b>Burning leaves and rubbish in street prohibited</b>                             | <b>\$155</b>    |
| 13-22                               | <b>Fireworks prohibited</b>  | <b>\$155</b>    |
| All other sections<br>in Chapter 13 |  | <b>\$155</b>    |
| Chapter 14                          | <b>Food and Food Handlers</b>  | <b>\$155</b>    |
| Chapter 15                          | <b>Garbage and Disposal (unless issued under Section 15-62)</b>                    | <b>\$155</b>    |
| Chapter 16                          | <b>Health and Sanitary</b>   | <b>\$155</b>    |
| Chapter 18                          | <b>Laundries and Dry Cleaners</b>  | <b>\$155</b>    |

| Section/<br>Chapter                 | Title   | Minimum<br>Fine |
|-------------------------------------|---|-----------------|
| Chapter 20                          | <b>Massage Establishments</b>                                   | <b>\$155</b>    |
| Chapter 21                          | <b>Noise</b>  |                 |
| 21-14                               | <b>Specific prohibition - noise</b>                             | <b>\$205</b>    |
| 21-32                               | <b>Sound amplification systems</b>                              | <b>\$155</b>    |
| 21-33                               | <b>Noise - vehicle equipment</b>                                | <b>\$155</b>    |
| Chapter 22                          | <b>Property Code Enforcement and Property Maintenance Codes</b> |                 |
| 22-40                               | <b>Compliance with property codes</b>                           | <b>\$155</b>    |
| 22-823                              | <b>Nuisance party</b>   | <b>\$300</b>    |
| Chapter 23                          | <b>Offenses</b>   |                 |
| 23-21                               | <b>Resisting or obstructing a peace officer</b>                 | <b>\$205</b>    |
| 23-25                               | <b>Obstructing justice</b>                                      | <b>\$205</b>    |
| 23-41                               | <b>Assault</b>  | <b>\$205</b>    |
| 23-42                               | <b>Battery</b>  | <b>\$205</b>    |
| 23-43                               | <b>Reckless conduct</b>   | <b>\$205</b>    |
| 23-44                               | <b>Fighting</b>   | <b>\$205</b>    |
| 23-62                               | <b>Trespass generally</b>                                       | <b>\$155</b>    |
| 23-63                               | <b>Criminal trespass to governmental-supported land</b>         | <b>\$155</b>    |
| 23-64                               | <b>Breaking and entering</b>                                    | <b>\$205</b>    |
| 23-65                               | <b>Damaging City property</b>                                   | <b>\$205</b>    |
| 23-67                               | <b>Damaging property</b>  | <b>\$205</b>    |
| 23-68                               | <b>Theft generally</b>  | <b>\$205</b>    |
| 23-69                               | <b>Retail theft</b>   | <b>\$205</b>    |
| 23-70                               | <b>Theft of lost or mislaid property</b>                        | <b>\$205</b>    |
| 23-80                               | <b>All sub-sections regarding graffiti</b>                      | <b>\$155</b>    |
| 23-91                               | <b>Loitering</b>  | <b>\$155</b>    |
| 23-92                               | <b>Disorderly conduct</b>                                       | <b>\$155</b>    |
| 23-93                               | <b>Mob actions prohibited</b>                                   | <b>\$205</b>    |
| 23-94                               | <b>Disturbing lawful assemblies prohibited</b>                  | <b>\$155</b>    |
| 23-95                               | <b>Aggressive panhandling prohibited</b>                        | <b>\$155</b>    |
| 23-111                              | <b>Public indecency</b>   | <b>\$205</b>    |
| 23-112                              | <b>Public urination and defecation prohibited</b>               | <b>\$155</b>    |
| 23-113                              | <b>Prostitution</b>   | <b>\$205</b>    |
| 23-114                              | <b>Solicitation</b>   | <b>\$205</b>    |
| 23-127                              | <b>Gambling prohibited</b>                                      | <b>\$205</b>    |
| 23-128                              | <b>Lotteries (prohibited)</b>                                   | <b>\$205</b>    |
| 23-131                              | <b>Frequenting gambling places</b>                              | <b>\$205</b>    |
| 23-138                              | <b>Possession of cannabis</b>                                   | <b>\$300</b>    |
| 23-139                              | <b>Possession of drug paraphernalia prohibited</b>              | <b>\$300</b>    |
| 23-156                              | <b>Throwing of dangerous materials</b>                          | <b>\$205</b>    |
| 23-157                              | <b>Fireworks</b>  | <b>\$155</b>    |
| 23-176                              | <b>Possession (weapons)</b>                                     | <b>\$300</b>    |
| 23-177                              | <b>Discharge (weapons)</b>                                      | <b>\$300</b>    |
| 23-211                              | <b>Curfew established; hours</b>                                | <b>\$155</b>    |
| 23-212                              | <b>Permitting child to violate curfew</b>                       | <b>\$155</b>    |
| 23-214                              | <b>Tobacco and minors</b>                                       | <b>\$155</b>    |
| All other sections<br>in Chapter 23 |   | <b>\$205</b>    |
| Chapter 24                          | <b>Parades, Assemblies and Public Gatherings</b>                | <b>\$155</b>    |
| Chapter 25                          | <b>Peddlers, Solicitors and Transient Merchants</b>             | <b>\$155</b>    |
| 25-31                               | <b>License-charitable solicitation</b>                          | <b>\$205</b>    |
| 25-55(a)                            | <b>License-transient merchant</b>                               | <b>\$205</b>    |
| 25-55(c)                            | <b>Violation of transient merchant license</b>                  | <b>\$205</b>    |
| 25-65(a)                            | <b>Unlawful entry; refusal to leave</b>                         | <b>\$300</b>    |
| 25-65(d)                            | <b>Violation of posting</b>                                     | <b>\$155</b>    |
| 25-66(a)                            | <b>Sales on residential streets</b>                             | <b>\$155</b>    |
| 25-67                               | <b>Lack of mobility</b>   | <b>\$155</b>    |
| 25-68                               | <b>Selling from vehicle</b>                                     | <b>\$155</b>    |

| Section/<br>Chapter | Title   | Minimum<br>Fine |
|---------------------|---|-----------------|
| 25-69               | <b>Congested area selling</b>                           | <b>\$155</b>    |
| 25-70               | <b>Lack of zoning</b>                                   | <b>\$155</b>    |
| 25-71               | <b>Standing in driving lanes</b>                        | <b>\$155</b>    |
| Chapter 28          | <b>Second Hand Goods Dealers</b>                        | <b>\$155</b>    |
| Chapter 29          | <b>Sewers and Water Drainage</b>                        | <b>\$155</b>    |
| Chapter 30          | <b>Streets, Sidewalks and Public Ways</b>               | <b>\$155</b>    |
| Chapter 33/ Art. II | <b>Traffic and Motor Vehicles - Driving Regulations</b> | <b>\$155</b>    |
| Chapter 35          | <b>Vegetation</b>                                       | <b>\$155</b>    |
| Chapter 36          | <b>Vehicles for Hire</b>                                | <b>\$155</b>    |

(C.B. No. 2002-182, § 2, 7-16-02)