



City of
CHAMPAIGN

**LIQUOR
COMMISSION**

**RULES OF THE
LOCAL LIQUOR
COMMISSIONER**

Revised: August 1, 2008
Revised: February 7, 2003
Revised: January 1, 2000
Adopted: August 16, 1984

RULES OF THE LOCAL LIQUOR COMMISSIONER

These Rules are promulgated pursuant to Section 5-91 (5).

The words and phrases used herein shall be defined as in Section 5-1 of Chapter 5 of The Municipal Code of Champaign, 1985, as amended unless otherwise provided herein. References to section numbers are to the described section of the Municipal Code of Champaign, 1985 unless otherwise indicated.

Rule 1. Violations

No person holding a retail liquor license issued by the City of Champaign shall violate or allow the violation on the control premise of any law of the State of Illinois or ordinance of the City of Champaign or any rule or regulation of the State Commission or rule of the Commissioner not inconsistent with the law. (Section 5-70)

Rule 2. Telephones

All licensees, except Class 'T' licensees, must provide a telephone that is easily accessible to the bartender or manager and which is to be useable without the insertion of a coin.

Rule 3. Cooperation with Police and Prosecutors

All licensees shall immediately notify the Police of any disorderly conduct or other violations of State criminal statutes or City quasi-criminal ordinances occurring on the control premise. The licensee shall cooperate fully with the Police and the prosecutor in the preparation and prosecution of said offenses. (Section 5-81 (a) [2])

Rule 4. Weapons

Licensees shall immediately report to the Police any person or persons on the control premise known to possess or reasonably suspected of possessing a weapon in violation of Section 24-1 of the Illinois Criminal Code (720 ILCS 5/24-1)(Section 5-81 (a) [2])

Rule 5. Information Required to be Provided

- (a) All licensees are required to maintain on file with the Commissioner the following:
- (1) current, valid mailing address at which all correspondence can be received via first class and certified U. S. mail;
 - (2) current "doing-business-as" name;
 - (3) current on-premise telephone number; and
 - (4) current "Use of Force" policy.

(b) There shall also be maintained on the premises, readily available for immediate use by the police and establishment, a call card that contains the names and phone numbers of the owner(s) and/or manager(s) responsible and available for immediate response to the premise in the event of an emergency.

Rule 6. Application Procedure

Eligibility to apply for a license shall be determined as follows:

- (a) Any person may apply for a license in a category for which there is no limitation on the number of licenses;
- (b) A bona fide purchaser of a business for which a license has been previously issued shall be allowed to apply for the transfer of the license without being placed in the pool of applicants and without having to participate in the lottery as set out in subsection (c) below. Eligibility to apply, however, shall not be construed as creating a right to the transfer of said license;
- (c)
 - (1) Any person may file a request, upon forms provided by the Commissioner, to be placed in a pool of applicants for a particular category of license. Said request will be accompanied by a non-refundable fee of One Hundred Dollars (\$100.00) and proof of location. Each person may be listed in a pool for a particular class of license only once at a time. For the purposes of this Rule, a person shall be considered the same person if an individual; a partner, whether general or limited, of a partnership; or the stockholder of twenty-five percent (25%) or more of the stock of a corporation. For example, an individual who owns fifty percent (50%) of the stock of a corporation may not place himself or herself in the pool and have the corporation in the same pool at the same time.
 - (2) When a license becomes available which is not or is no longer subject to the provisions of Rule 5, subsection (b), the Commissioner shall notify the pool of applicants in writing that a lottery for the license will be held. The notice shall state the date, time, and location of the lottery and shall be served by Certified Mail, Return Receipt Requested, or by personal service. Additionally, notice shall be placed in the News-Gazette or other newspaper of general circulation in the City of Champaign containing all information relevant to the upcoming lottery. Any person may request to be placed in the pool of applicants upon submission of the Registration Form, proof of location, and the non-refundable fee of One Hundred Dollars (\$100.00) by a date and time set by the Commissioner.
 - (3) The lottery drawing shall be open to the public. The Commissioner shall draw names equal to the number of licenses available. One or more alternate names shall then be drawn for the pool and shall be given preference in the order they are drawn. The persons chosen shall, within five (5) working days, inform the Commissioner in writing whether or not they wish to apply. If so, each applicant

shall file a formal application along with the required processing fee as soon as practicable but in no case later than fifteen (15) working days after the submission of the written acceptance.

- (4) If one of the persons whose name was drawn declines to apply or fails to qualify for the issuance of the license, the first alternate and then subsequent alternates in the order they are drawn shall be given the opportunity to apply for the license within the same time frames identified in (3) above. If the license is not issued to any of the persons or alternates drawn, a new lottery shall be held.
- (5) Any person wishing to withdraw from the pool shall inform the Commissioner in writing of that fact. The name of that person will be removed from the pool effective the date of the actual receipt of the notification by the Commissioner; no refund will be given.

(Section 5-13.1 and Section 5-13.2)

Rule 7. Documentation for Application

- (a) All supporting documentation required for the application process shall be filed with or, as soon as practicable, after the filing of the application; provided, however, that the processing of the application may be delayed until all necessary documentation has been submitted. An application shall be considered void if after sixty (60) days from the date of receipt of the application not all documentation has been submitted. The applicant shall be notified in writing by first class mail of the termination of the application and the license shall be considered available for issuance pursuant to Rule 5.
- (b) That in connection with a bona fide sale of a business, the applicant, the current licensee, or a personal representative or attorney for the licensee or applicant shall supply a written statement setting out the details of the transfer, including but not limited to, closing date of the sale of the business, closing date of the sale of the premise or date of possession of the premise, whether or not the applicant will manage the business for the licensee, and any other information which will help the Commissioner determine whether or not the applicant has supplied all the documentation necessary for the processing of the application.
- (c) The floor and site plan required to be submitted pursuant to Section 5-12 may be a copy in reduced form; provided, however, that an applicant or licensee shall provide an original full-sized plan upon the written request of the Commissioner. (Sections 5-12 and 5-14)

Rule 8. Original Application Routing

Upon receipt of complete application and all supporting documentation, the Commissioner shall route the application as is necessary to one or more of the following departments or divisions for review.

<u>Department or Division</u>	<u>Review</u>
Planning	Zoning and planning factors
Police	Criminal background check
Fire	
- Building Safety	Building code compliance; fire and life safety code compliance; occupancy limits identification; in the case of a “T” application, tent inspection
- Commercial Inspection	When no structural improvements are being made, fire and life safety code compliance
Legal	Articles of Incorporation, leases, agreements, deeds, dramshop insurance

The Commissioner may, from time to time, request that a particular department or division review additional items or questions.
(Section 5-12, 5-13 and 5-14)

Rule 9. Renewal Application

(a) 1. One month prior to the issuance of renewals by the Commissioner, the Commissioner or the Commissioner’s designee shall determine whether or not any licensees have outstanding ordinance violations, fines or fees that must be corrected prior to issuance of the liquor license. The Commissioner or Commissioner’s designee may route any license renewal application as necessary to one or more of the following departments to review for the violations noted:

<u>Department or Division</u>	<u>Review</u>
Planning	Sign ordinance violations; outdoor cafe violations
Police	Ordinance or criminal violations
Fire	

- Building Safety	Building code violations
- Commercial Inspections	Fire and life safety code violations; occupancy limit verification
Legal	Liquor Code violations; City Court fines
Neighborhood Services	Nuisance code violations
Finance	Outstanding fees owed to the City, including sewer use fees, food and beverage taxes, etc.

The Commissioner may, from time to time, request that a particular department/division review additional items or questions.

2. The Commissioner may periodically verify the status of a licensee with the Illinois Department of Revenue, the Illinois Secretary of State, and the Illinois Liquor Control Commission.

(b) The licensee is required to submit the completed annual renewal form and any relevant documentation consistent with Section 5-12 along with payment for the required license fees and any other outstanding fines and fees before a valid license will be issued.

(Section 5-12, 5-13 and 5-14)

Rule 10. Status of License Pending Bona Fide Sale of Business

Upon the closing on a bona fide sale or transfer of a business holding a liquor license, said license shall become inoperative and void until and unless the Commissioner has approved a completed application for transfer of the license as is provided in Chapter 5. Said license shall be subject to revocation if said license transfer application is not completed by the applicant and approved by the Commissioner within 14 calendar days of said closing on the bona fide sale or transfer of the business in question.

(Sections 5-12, 5-14 and 5-15)

Rule 11. Mandatory Orientation for New Licensee

No license shall be issued pursuant to an original application of the applicant, other than for a class "T" license, until the Champaign Police Department and/or the Deputy Commissioner has reviewed the local law enforcement practices and procedures with the licensee and/or local manager.

Rule 12. Liquor Hearing Procedures

The procedure in relation to hearings shall be as follows:

- (a) Hearing officer defined. The term “hearing officer”, as used in these rules, shall mean the person actually conducting a hearing regarding alleged violations by a liquor licensee, whether that person be the Commissioner, Deputy Commissioner or other person appointed by the Commissioner to act in that capacity.
- (b) Discovery. Prior to a hearing regarding an alleged violation of the Liquor Control ordinance by a liquor licensee, the parties shall exchange information in accordance with the following rules:
 - (1) The licensee shall produce any books, videotapes or other documents or tangible evidence directly pertaining to the conduct of the licensee’s business or otherwise relevant to the issues concerning an alleged liquor violation by said licensee, as requested by the Commissioner, the Deputy Commissioner, or a hearing officer appointed by the Commissioner in writing, within seven calendar days of the service of said request. Written request shall state with particularity the nature of the materials sought.
 - (2) Notwithstanding whether a written request or subpoena has yet been served on the licensee for the items in question in accordance with these rules, the licensee shall preserve any books, videotapes, or other documents or records that may be relevant to the issues concerning an alleged liquor violation by said licensee for a minimum period of thirty days after the licensee or agent thereof has been notified by a police officer or other City official of the pendency of an investigation of said violation.
 - (3) The written requests to produce set forth in sub-section (1) may be made prior to the filing of a complaint against the licensee during an investigation of an alleged violation by the licensee, or subsequent to the filing of the complaint.
 - (4) The City Attorney’s office shall provide the licensee with copies of any police reports regarding the violations alleged in a complaint filed against the licensee a minimum of five working days prior to any hearing date regarding the alleged violations.
 - (5) Subsequent to the filing of a complaint of violation against a licensee, the licensee may obtain additional documents from the City by serving the City Attorney’s office with a written request setting forth with particularity the nature of documents sought and their relevancy to the issues at the hearing. The hearing officer may, upon motion of the City Attorney, deny or narrow said request for documents by a licensee for good cause shown.
 - (6) There shall be no depositions or interrogatories allowed for discovery purposes except by agreement of the parties.
 - (7) A minimum of seven calendar days prior to the hearing, the Licensee and the City Attorney’s office shall each serve the other party with a list containing the name and address of any witness that party may call at the hearing
 - (8) Nothing contained herein shall preclude the parties from agreeing to the voluntary exchange of more information than is required.
- (c) Continuances. Requests for continuances shall be made by a written motion to the hearing officer, and shall be grounded upon good cause. Said motion shall be filed and served three

(3) days prior to the hearing except that a request based upon an emergency may be made at the hearing or in less than three (3) days prior to the hearing. Continuances shall be granted upon reasonable cause at the discretion of the hearing officer.

- (d) Rules of evidence. Evidentiary rulings shall be made by the hearing officer pursuant to the following rules. Irrelevant, immaterial, or unduly repetitious evidence shall be excluded. The rules of evidence and privilege as applied in civil cases in the circuit courts of this State shall not be followed. Evidence shall be admitted if it is of a type commonly relied upon by reasonably prudent men in the conduct of their affairs. Objections to evidentiary offers may be made and shall be noted in the record. Subject to these requirements, when a hearing will be expedited and the interests of the parties will not be prejudiced, any part of the evidence may be received in written form. Notice may be taken of matters of which the circuit courts of this State may take judicial notice.
- (e) Evidence as to proper penalties for violations. In the event a Licensee is found by the Commissioner to have committed one or more alleged violations, the Licensee may submit evidence in mitigation regarding the proper penalty to be imposed, but said submittal shall be in writing except as otherwise provided herein. Said written submittal shall be delivered to the Commissioner within seven (7) calendar days of the service upon the Licensee of the Commissioner's written finding of one or more violations.—Nothing herein shall prevent the Commissioner from permitting a separate hearing on the question of proper penalties for one or more violations if, in the Commissioner's sole discretion, such a hearing is in the best interest of the public.
- (f) Examination of witnesses. A party may conduct cross-examination required for a full and fair disclosure of the facts. The hearing officer may also cross-examine witnesses to insure said full and fair disclosure of the facts.
- (g) Stipulations/ waivers. Nothing in these rules shall be construed to prevent a licensee from making admissions to some or all of the alleged violations prior to a hearing, or to prevent the Licensee and the City, by its agent, the City Attorney, from submitting a proposed agreement as to the proper findings and disposition of a particular case to the Commissioner in lieu of a hearing.
- (h) Decisions/Findings of the Hearing Officer. The decision of a Hearing Officer appointed by the Commissioner shall be in writing, and shall include recommendations to the Commissioner regarding the following:
 - (1) determinations as to whether the licensee committed each of the alleged violations; and
 - (2) findings of fact in support of said determinations.

Said decision shall be submitted to the Commissioner, and served upon the Licensee in the manner provided herein. A hearing officer shall only consider the evidence presented at the hearing in making his or her recommendations regarding a decision as to whether the alleged violations have been proven.

- (i) Decisions/Findings of the Commissioner-violations. The decision of the Commissioner regarding whether a licensee has committed one or more violations shall be in writing and shall include the following:
- (1) A determinations as to whether the licensee committed each of the alleged violations; and
 - (2) findings of fact in support of said determinations

Said decision shall be served upon the licensee in the manner provided herein.

The Commissioner shall only consider evidence presented at the hearing and, when applicable, the recommended decision and findings of fact of the hearing officer in making his or her decision on whether the licensee committed one or more of the alleged violations.

- (j) Decisions/Findings of the Commissioner- penalties. The decision of the Commissioner regarding the proper penalties or conditions to be imposed on a licensee found to have committed one or more violations shall be in writing and shall include a recitation of any factors regarding the licensees prior history of violations of state law or City ordinances, or of these rules to the extent that such a history was considered in determining the penalties imposed on the licensee. Said decision shall be served upon the Licensee in the manner provided herein.

In determining the proper penalty for any violations committed by the Licensee, the Commissioner shall only consider, in addition to any evidence presented at the hearing and any recommendations by a hearing officer, any prior record of violations by the Licensee of state law, city ordinances or the Commissioner's rules and any evidence in mitigation tendered by the Licensee in the manner permitted in these rules.

- (k) Appeal. The appeal period set out in Section 7-9 of "An Act in relation to alcoholic liquor" (235 ILCS 5/7-9) shall run from the date of service upon the Licensee of the written decision of the Commissioner regarding the penalties to be imposed upon the Licensee for one or more violations. The costs for any additional proceedings shall be borne as set out in Section 5-81.
- (l) Subpoenas. Subpoenas requiring the attendance and the giving of testimony by witnesses at a hearing, and subpoenas duces tecum requiring the production of books, papers, records or memoranda, may be issued by the Commissioner, the Deputy Commissioner or a hearing officer appointed by the Commissioner, upon his or her own motion or upon the written request of any party upon a showing of the relevancy of the request to the issues in the hearing.

For good cause, the Commissioner, Deputy Commissioner or a hearing officer appointed by the Commissioner may deny or modify the request for subpoenas. The party requesting the subpoena shall be responsible for the witness and mileage fees for his or her subpoenas. Witness and mileage fees shall be the same as those provided for the issuance of subpoenas in civil cases under state law.

A subpoena shall be served a minimum of seven calendar days prior to the hearing date for the matter in question, and may be served in the same manner as a subpoena issued out of the

circuit court, or may be served by United States registered or certified mail, addressed to the person concerned at the person's last known business or residential address. Service of a subpoena by mail may be proved prima facie by a return receipt showing delivery to the subpoenaed party or that party's authorized agent.

(m) Motions other than motions for continuance.

(1) Motions, unless made during a hearing, shall be made in writing and shall set forth the relief or order sought and the legal authority for the action requested. Except as otherwise provided in these rules or by a specific statute, motions may seek any relief or order recognized in the Illinois Code of Civil Procedure and Rules of the Illinois Supreme Court, and shall include a reference to the applicable Section of such Code or Rules. Motions based on a matter, which does not appear of record, shall be supported by affidavit.

(2) Written motions shall be titled as to the party making the motion and the nature of the relief sought. Such title shall be in capital letters and shall be placed either below the caption or to the right of the caption beneath the docket number. No motion shall be identically titled with any other motion. Examples of properly-titled motions: Respondent's Motion to Dismiss, Respondent's Second Motion to Dismiss.

(3) Motions attacking the sufficiency of the complaint of violation, if not raised at the earliest opportunity shall be deemed waived.

(4) If the hearing is being conducted by a hearing officer appointed by the Commissioner, said hearing officer shall not have the authority to dismiss, postpone, vacate, or overturn an Order or Complaint issued by the Commissioner, but may make a recommendation as to such a disposition to the Commissioner any time that circumstances merit such a recommendation.

(n) Service.

(1) Method of Service:

- i. The complaint alleging a liquor violation, and the notice of hearing on said complaint shall be served by personal delivery to the licensee or an agent of the licensee, or by certified or registered mail addressed to the licensee or licensee's agent at the last known address of the licensee.
- ii. Service of a written request or motion or of written decisions of a hearing officer or the Commissioner as provided herein, shall be accomplished as follows:
 1. Service upon the Licensee shall be by personal delivery to the Licensee or Licensee's agent, or by first class mail addressed to the Licensee or Licensee's agent at the most recent address for the Licensee on file in the office of the Commissioner.
 2. Service upon the City shall be by personal delivery to the office of the City Attorney, or by first class mail addressed to the City Attorney or Assistant City Attorney handling the case at the office of the City Attorney.

(2) Date of Service: Service shall be deemed complete on the following dates:

- i. on the date of personal delivery
- ii. for a certified or registered mailing, on the date said mailing is accepted by the licensee or agent of the licensee as disclosed on a signed receipt for the same, or,

if a certified or registered mailing is returned refused, on the date of the mailing of said complaint or notice.

iii. for a first class mailing, two days after the date of mailing.

(3) Proof of service: Proof of service may be made by a certificate executed by the party making personal delivery or making the mailing, by a return receipt showing that certified or registered mail has been received, or by certification of the attorney representing the party, including, in the case of the City, the City Attorney or City Attorney's designee.

(o) Computation of time. The time within which any act under these Rules is to be done shall be computed by excluding the first day and including the last day.

(section 5-91)

Rule 13. Alcoholic Beverage Tasting

All persons who wish to conduct an alcoholic beverage tasting shall conduct them in the manner set forth in this rule. The term "tasting" as used herein means a supervised presentation of alcoholic products to the public on the premise of a licensed retailer for the purpose of disseminating product information and education, with consumption of alcoholic products being an incidental part thereof.

(a) Tastings shall be conducted only on a premise currently licensed by the City for the sale of alcoholic liquor. The consumption of alcoholic products otherwise permitted herein as an incidental part of a tasting shall be permitted on the premises of a Class P package retailer's license;

(b) The person conducting the tasting shall serve no more than the following amounts of alcoholic beverages based on the type of beverage:

- (1) Distilled spirits ¼ oz.
- (2) Wine 1 oz.
- (3) Beer 2 oz.

(c) The person serving the beverage shall be at least nineteen (19) years of age;

(d) All State laws and City ordinances shall be followed;

(see definition of "Tasting" in section 110.10 of the State Liquor Commission Rules and Regulations)

Rule 14. Waiver or Extension of Time Limitations

The Commissioner may, upon written request and for good cause, extend or waive any time limitations contained in Chapter 5 of The Municipal Code of Champaign, 1985, as amended.

Rule 15. Class “T” Temporary Licenses; Fire Inspections

- (a). BEFORE turning in a temporary event application, the applicant needs to contact the Champaign Fire Marshal’s Office (403-7210) to schedule a meeting to discuss the location of the event and ensure safety code compliance.

Applicants for Class “T” licenses must submit a completed application no later than thirty (30) days in advance of the event. The Commissioner shall route the application to the following departments/ divisions for review:

<u>Department or Division</u>	<u>Review</u>
Planning	Parking; signage issues
Police	Special event; noise issues; public safety factors
Fire	
- Building Safety	Tent permit/inspection
- Fire Marshal	Fire and life safety code compliance & drawing of event to scale
Neighborhood Services	Nuisance code compliance

- (b). A fire inspection must take place for the site or premise where an event will be held under a Class “T” license of any category. The applicant may choose to have the set-up at the site or premise inspected as follows:

- (1) At a pre-arranged time during the hours of 7:30 a.m. and 4:30 p.m. Monday through Friday;
- (2) At a pre-arranged time other than those set out in subsection (a) of this Rule for an additional One Hundred and Seventy Five Dollars (\$175.00).

In each instance, the applicant must have the site or premise set up as it will be set up during the event. If the applicant chooses to use option (b), the applicant must submit the fee to the office of the Commissioner by noon of the business day preceding the day the event is to begin. The license will be prepared and given to the fire inspector scheduled to make the inspection. The inspector, upon approval of the set-up, will note the occupancy upon the license and give it to the licensee so that it can be posted in a conspicuous location at the site.

- (c). The Commissioner shall issue a copy of the Class “T” license marked “pending inspection” to the applicant so that it may comply with any State of Illinois licensing requirements within the State’s required timeframes. The license will not be valid until the applicant has successfully passed the fire inspection.

(Sections 5-30.1, 5-30.2 and 5-30.3)

Rule 16. Availability of Ordinance and Rules; Instructions

All licensees shall keep a copy of the current alcoholic liquor ordinance and Liquor Commission rules and any other documentation required within such ordinance and rules, in a place where it is readily available to all employees; said place being near or close to where the license is posted. All licensees shall instruct each employee in the provisions of the Ordinance and Rules.

Rule 17. Non-Discriminatory Entry Policies

With regard to entrance requirements to a licensed establishment, licensees shall not deny entry to anyone based on race, color, creed, class, national origin, religion, sex, age, marital status, physical and mental handicap, personal appearance, sexual preference, family responsibilities, matriculation, political affiliation, prior arrest or conviction record, or source of income. Licensees shall not give preferential treatment to any group for admission purposes to licensed establishments. This rule shall not prohibit dress codes so long as said codes are not used for discriminatory purposes.

(Sec. 5-49)

Rule 18. Stamping for 21-Year-Olds

Any licensee who stamps or otherwise marks or identifies patrons by age for entry or possession or purchase of alcohol must mark patrons for twenty-one (21) years of age. If the Licensee uses wrist banding procedures for this purpose, the wrist band procedures promulgated by the City for special events involving alcohol, attached hereto as Attachment A and incorporated by reference herein, must be used.

(Sec. 5-44)

Rule 19. Training

(a) Definitions.

- (1) "Management" shall mean managers and assistant managers with overall responsibility for operations at a specific licensed premise.
- (2) "Supervisors" shall mean employees with responsibility for operations on the premises while on duty.
- (3) "Security personnel" shall mean employees who have as a central element of their job any one of the following: 1) liquor-related crowd control; 2) identification checking at the door; and 3) removing or refusing to admit patrons to the establishment.
- (4) "BASSET-approved" shall mean a program conducted by BASSET-certified trainers; specifically the City-sponsored BASSET-approved program. Licensees who conduct BASSET-approved training programs for their employees may submit a copy of the course curriculum and their training policy to the City for approval in lieu of having their

employees attend a City-sponsored program. Such licensee training shall include on-premise training on local laws.

(b) Recommended training. BASSET-Approved

It is recommended that all management and supervisors be trained in a BASSET-approved program. Whether a licensee has had employees trained will be taken into account in determining penalties for any violation found by the Commissioner.

(c) Mandatory Training – Security Awareness

If a licensee has security personnel, security personnel shall be required to be trained in a “security awareness” program within sixty (60) days of employment. The “security awareness” program shall be sponsored by the City, provided that a licensee may request City approval of alternative programs. The “security awareness” program shall include, at a minimum, consideration of use of force policies, when to call the police, identification checking and referrals to sources of training for use of force. Security personnel shall be certified for a period of three years upon completion of said security training. Each individual so trained shall be required to be retrained at least every three years, prior to the expiration of that individuals current training certification.

Rule 20. Incident Reporting

(note- a change in numbering of this section to comport with the format for the rest of the rules is not shown by strike-throughs or underlining except for the strikethrough of current section (a))

(a) It is recommended that each licensee maintain a system for recording unusual incidents such as:

- (1) Escorted removal of a patron with physical contact by the licensee’s employees;
- (2) Injury of a patron;
- (3) Over-intoxication of a patron which has resulted in employee assistance or medical or police intervention;
- (4) Physical altercations involving punching or striking;
- (5) Employee use of force (physical contact with a patron that exceeds the contact necessary to simply guide or direct the patron);
- (6) Call for police or fire assistance;
- (7) Display or use of a weapon (note, notification of such is required under Rule 4 herein);
- (8) Criminal damage to property or theft;
- (9) Patron complaint of employee conduct.

(b) Reports should be recorded on the same business day on which it occurred, and include the names and addresses of the patron(s) involved, if known, the employees involved, the manager on duty and a brief description of the incident. The form attached to this rule is recommended.

Rule 21. Use of Force Policies

THE CITY OF CHAMPAIGN DOES NOT RECOMMEND THE USE OF FORCE BY LICENSEES AT ANY TIME. ANY USE OF FORCE BY A LICENSEE MAY SUBJECT THE EMPLOYEE AND LICENSEE TO CIVIL AND CRIMINAL PENALTIES. HOWEVER THIS RULE RECOGNIZES THAT IN THE EVENT THAT FORCE IS DEEMED NECESSARY BY THE LICENSEE OR ITS EMPLOYEES, A POLICY AND TRAINING IS ESSENTIAL

Each licensee must maintain a “use of force” policy for direction of its employees. Such policy must be approved in form by the Commissioner. Examples of approved policies are available from the Commissioner.

The policy, in addition to guidelines for employee use of force, shall contain the licensee’s training standards for employees. Annually, at the time of filing an application to renew the license, the licensee shall attach to such renewal its current “use of force” policy and the training which staff has received in such policy in the last year.

Rule 22. Major Incident Review

(a) Purpose. The purpose of proceedings under this Article is to coordinate an immediate response by the City and the licensee to major incidents, as defined herein, in order to minimize the possibility of their reoccurrence and mitigate, to the extent possible, consequences and further disturbances. It is not the purpose of the major incident review to determine whether a licensee has violated any provision of this ordinance or state law, nor to suspend or revoke licenses for cause or to impose fines upon licensees for cause.

(b) Definitions. As used in this rule, the following terms shall mean and include the following:

- (1) “Major incident” shall mean and include any of the following:
 - i. Death of a person on the premises, or death of a person as a result of a condition which occurred on or manifested itself on the control premises;
 - ii. Serious bodily injury suffered by a person on the control premises;
 - iii. Intentional display or discharge of a deadly weapon on the control premises;
 - iv. 10 or more persons participating in a fight on the control premises;
 - v. An incident on the control premises which required police use of chemical agents or police use of force;
 - vi. An incident on the control premises requiring the presence of more than three (3) police officers to control, or requiring police officers on the scene to request emergency assistance from other officers or departments.
 - vii. Use of force by a licensee’s employee beyond the control premises that results in an injury to a patron.
- (2) “Premises” shall mean, for the purpose of this rule, control premises as defined in Section 5-1.

(c) Major incident review.

- (1) Notification. Each licensee shall notify the Champaign Police Department immediately of the occurrence of a major incident. The Police Department shall notify the Commissioner as soon as reasonably possible of the occurrence of a major incident.
- (2) Review. Upon notification by the Police Department of a major incident, the Commissioner or Deputy Commissioner shall schedule a meeting as soon as reasonably possible between the licensee and such other parties as the Commissioner deems appropriate. The licensee shall attend the scheduled meeting and present the licensee's incident log for the past year as well as information concerning the major incident, so far as it is known. The Commissioner shall request the licensee to propose immediate response measures for the Commissioner's approval. Such immediate response measures may include, but are not limited to:
- i. A written review by a third party of licensee procedures which may have contributed to the major incident. The third party's expenses shall be borne by the licensee. Based on the review, the third party shall make recommendations with respect to the licensees' operations;
 - ii. The licensee may place licensee's employees who were involved in the incident on leave for a specified time, or until a final decision concerning responsibility has been made, or may require post-incident drug testing of involved employees;
 - iii. Closing the establishment for a period of time in order to avoid reasonably anticipated public disorder or harm to persons in the immediate future.
 - iv. The posting of cash security to guarantee the performance of the licensee with respect to any response measures ordered.

If the licensee does not propose immediate response measures acceptable to the Commissioner, the Commissioner shall order such temporary immediate response measures as he deems appropriate to avoid occurrence in the immediate future of another major incident. An emergency hearing on immediate response measures shall be scheduled within five (5) days if requested by the licensee after receipt of the Commissioner's decision.

The immediate response measures ordered by the Commissioner shall be provided in writing to the licensee within twelve (12) hours of the conclusion of the immediate response meeting.

- (3) Emergency hearing. Emergency hearing on immediate response measures shall be informal in nature, for the purpose of allowing the licensee to present additional information concerning appropriate immediate response measures.
- (4) Follow up. Within ten (10) days of the issuance of a written order on immediate response, the licensee shall provide a written report to the Commissioner concerning implementation of the immediate response measures required or agreed upon.

(d) Other penalties and proceedings.

Major incident review, and the immediate response ordered, shall not preclude the Commissioner from also proceeding under any other section of this ordinance or state law. Specifically, proceedings for suspension, revocation or fines for violation of this ordinance may be conducted in addition to proceedings under this Article.

Rule 23. Determining Rehabilitation With Regard To Eligibility To Hold Liquor License

- a. General. In considering whether a person convicted of a felony has been sufficiently rehabilitated to be eligible under Section 5-13(2)(b) to hold a liquor license, the burden shall be on the applicant to provide sufficient information and evidence to the Commissioner to warrant a determination of rehabilitation. Convicted felons are typically denied the privilege of holding a liquor license unless they can demonstrate that they have been sufficiently rehabilitated. The determination of whether or not a person has been sufficiently rehabilitated shall be at the discretion of the Commissioner. As part of the investigation to determine whether a person has been sufficiently rehabilitated the Commissioner may consider the following factors:
- (1) The nature and seriousness of the offense that results in the felony conviction;
 - (2) The nature and extent of the applicant's record of convictions for misdemeanors or felonies.
 - (3) The length of time elapsed since the conviction, with recognition that the seriousness of the offense may be considered in evaluating the significance of the length of time elapsed;
 - (4) The profession, occupation and outside activities in which the applicant has been involved;
 - (5) Any counseling or other rehabilitative activities in which the applicant has participated, and the extent to which the applicant's family and friends have been involved in the applicant's rehabilitation process, if applicable;
 - (6) If restitution was ordered, whether or not it has been made;
 - (7) If probation was involved, successful (or unsuccessful) compliance with the terms of probation. Records may need to be submitted.
 - (8) The future plans of the applicant;
 - (9) Information provided by character witnesses and letters of reference; and
 - (10) A criminal history compiled by the Police Department complete with fingerprint files.
 - (11) Any other information that may be relevant to the issue of the applicant's rehabilitation.

(Section 5-13)

Rule 24. Required signage for 21 and Older admission restrictions

Class A licenses with 21 and older admission restrictions shall prominently post signs at all points of entry by the public notifying the public of said age restriction. Said signs for an "All-day 21 and older admission restriction" shall, at a minimum, include the following language:

"By City Ordinance, You must be 21 years of age or older to enter this establishment. Violators will be subject to prosecution and fines."

Said signs for a "9:00 p.m. to close 21 and older admission restriction" shall, at a minimum, include the following language:

"By City Ordinance, After 9:00 p.m. You must be 21 years of age or older to enter or remain in this establishment. Violators will be subject to prosecution and fines."

(Section 5-26(e))

j:COU\LIQUOR\RULES\Revised Rules 8.6.08 (non-strikeout version)

Champaign Police Department Alcohol Enforcement Unit

Attachment to Liquor Commissioner Rules

Recommended Wrist Banding Procedures

In an effort to reduce youth access to alcohol the City of Champaign has developed the following specifications and procedures for the use of wristbands. These procedures apply to licensed establishments and special events approved by the city and where alcohol will be served and minors may be present.

Wristband Specifications

Wristbands must be made of Tyvek material and must be a minimum of 1/2" in width. For licensed establishments the wristband must contain the added security feature of an invisible ink design visible only under black light. The wristband must be of a solid color. Colors selected must be visible from at least 25' in low light conditions. The wristband may be printed with the name of the event or business name. For accounting purposes, the wristband may include a control number.

Wristband Procedures

Standard acceptable procedures for age verification will be followed. Valid forms of ID are limited to a state drivers license or ID card, active duty military ID or passport. In the event that they do not have one of the above forms of ID the patron must provide 2 forms of government issued IDs, one of which must contain a photo and one of which must contain a birth date.

For persons 21 years or age and older the wristband must be worn on the right wrist. It must be placed on the wrist by staff for the licensee or special event. It must be placed on the wrist snugly to avoid removal.

If licensed establishments use wristbands, the licensee will use a color rotation of 5 colors. The owner or general manager will randomly select the color to be used and announce the color to employees on a daily basis. No schedule of colors will be set and no announcement will be made prior to the day the color is used. The same color will not be used two days in a row.

For persons under 21 years of age, upon entry the minor will be marked with a stamp or marker using permanent black ink. This mark will be placed on the back of the right hand and must be at least 1.5" in length. The mark must be visible from at least 25' in low light conditions.

Champaign Police Department Alcohol Enforcement Unit

For special events, with city approval, wristbands may be used for minors as well as adults so long as the colors used vary greatly. Event sponsors must provide samples of the colors to be used at least 15 days prior to the event to insure approval. If the special event is more than one day, different colors will be used each day.

Re-Entry Procedures

Patrons wishing to re-enter a licensed establishment or special event using wristbands must have the old wristband removed and the patron must go through standard carding procedures for entry. Only after the age is verified will a new wristband be placed on the patron.

Wristband Security

The security of wristbands is vital to ensuring success. Licensees who use wristbands must keep the wristbands in a secured location at all times.

Accessibility to these wristbands must be limited to only ownership and management staff. In the event that a theft of wristbands is detected the licensed establishment must report the theft to the police and immediately suspend the use of that color wristband. The color may be placed back into the rotation after 60 days.

Following are companies that produce wristbands which meet standards as defined by the City of Champaign. This is not an all inclusive list and licensees are encouraged to research for additional companies. The City of Champaign makes no recommendations on specific companies and encourage licensees to contact these and other companies to find the best deals while meeting the standards.

National Ticket Co.
RO. Box 547
Shamokin, PA 17872-0547
1-800-829-0829
www.nationalticket.com

Quality Discount Wristbands
P.O. Box 112214
Tacoma, WA 98411
253-671-9912
www.OualityDiscountWristbands.com

Wristband Resources
P.O. Box 828
Brookfield, WI 53008
262-373-1900
www.wristband.com

For those of you who may be interested in black lights. Hand held black lights may purchased at Dallas and Co. and some pet stores. I have also found a source for a small table top system that is relatively inexpensive.

That company is:

ComTix Tickets
1051 Clinton St.
Buffalo NY 14206
800-881-8845
www.comtix.com