

ORDINANCE NO. 570

VILLAGE OF BELLEVUE, ILLINOIS

AN ORDINANCE TO REGULATE THE CONSUMPTION OF ALCOHOL
AT UNLICENSED BUSINESS ESTABLISHMENTS

WHEREAS, the Board has determined that the health and welfare of the citizens of the Village will be served by adopting regulations requiring the registration and issuance of permits to those businesses located within the Village that are not licensed to sell alcohol, but nevertheless allow patrons to consume alcohol on the business premises.

NOW THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND THE BOARD OF TRUSTEES OF THE VILLAGE OF BELLEVUE, PEORIA COUNTY, ILLINOIS, AS FOLLOWS:

I. **BACKGROUND AND DEFINITIONS**

1.01 Purpose of Ordinance. The purpose of this Ordinance is to define and regulate the operation of bottle clubs and BYOB clubs in order to preserve and protect the health, safety and general welfare of the citizens of the Village and to protect the rights of citizens to the quiet enjoyment of their property.

1.02 Definitions. Unless the context otherwise requires, the following terms as used in this Ordinance shall be construed according to the definitions given below.

- 1.02.1. Alcoholic liquor: any spirits, wine, beer, ale or other liquid containing more than one-half of one percent of alcohol by volume, which is fit for beverage purposes.
- 1.02.2. Beer: A beverage obtained by the alcoholic fermentation of an infusion or concoction of barley, or other grain, malt and hops, in water, and includes, among other things, beer, ale, stout, lager, porter and the like.
- 1.02.3. Premises: The area within a building that is actually used in connection with the operation of any establishment for which a permit is required under section II-2 of this Ordinance
- 1.02.4. Restaurant: 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, such place having adequate and sanitary kitchen and dining room equipment and capacity and having employed therein a sufficient number and kind of employees to prepare, cook and serve suitable food for its guests.

- 1.02.5 Wine: Any alcoholic beverage obtained by the fermentation of the natural contents of fruits or vegetables, containing sugar, including such beverages when fortified by the addition of alcohol or spirits.
- 1.02.6 Bottle Club: an establishment operated for profit or pecuniary gain which is not licensed for the retail sale of alcohol by the Village or the Illinois Liquor Control Commission and admits patrons upon payment of a fee, cover charge or membership fee and in which alcoholic liquors, alcohol or malt or brewed beverages are not legally sold but where alcoholic liquors, alcohol or malt or brewed beverages are either provided by the operator or agents or employees of the operator for consumption on the premises or are brought into or kept at the establishment by the patrons or persons assembling there for use and consumption. The term shall not include a licensee under the Village of Bellevue Liquor Control Ordinance No. 446.
- 1.02.7 BYOB Club: any facility operated for profit or pecuniary gain which is not licensed for the retail sale of alcohol by the Village or the Illinois Liquor Control Commission wherein patrons may consume alcoholic liquors, alcohol or malt or brewed beverages that said patrons have carried or brought into the premises. The term shall not include a licensee under the Village of Bellevue Liquor Control Ordinance No. 446 or any facility that is rented for a limited period of time, not to exceed ten (10) hours, by an individual or organization for the purpose of a private party.

II. REGISTRATION OF BUSINESSES ALLOWING THE CONSUMPTION OF ALCOHOL

1. Certificate of Occupancy Required. It shall be unlawful and a violation of this Ordinance for any person(s), corporation, partnership, firm or other entity to own, operate, lease, manage or control a Bottle Club or a BYOB Club, Restaurant or other establishment that is open to the public or members wherein patrons or members may consume alcoholic liquor, beer, malt or vinaceous beverages that said patrons or members have carried or brought into the Premises without having first obtained a valid certificate of occupancy.

2. Permit Required. Except as otherwise provided in this Ordinance, no person shall operate any Bottle Club, BYOB Club, Restaurant or other establishment that is open to the public or members wherein patrons or members may consume alcoholic liquor, beer, malt or vinaceous beverages that said patrons or members have carried or brought into the Premises.

3. Applications. Application for a permit required by section II-2 hereof shall be made to the Village President in writing, together with a \$750 filing fee, on forms proscribed by

the Village, and shall be signed by the applicant and verified by oath or affidavit. In the event the Commissioner denies any permit application, notice of the denial will be promptly transmitted by US Mail to the applicant and the licensed establishment employing the applicant.

4. **Restriction on Permits.** No permit pursuant to section II-2 of this Ordinance shall be issued or renewed to:

- a. A person who is not of good character and reputation in the community in which he resides;
- b. A person who is not a citizen of the United States;
- c. A person who has been convicted of a felony under the laws of the State of Illinois, unless the Commissioner determines that such person has been sufficiently rehabilitated to warrant the public trust after considering such matters set forth in such person's application and the Commissioner's investigation. The burden of proof of sufficient rehabilitation shall be on the applicant;
- d. A person who has been convicted of pandering or other crime or misdemeanor opposed to decency and morality;
- e. A person whose permit issued under this Ordinance has been revoked for cause;
- f. A person who at the time of application for renewal of a license issued hereunder would not be eligible for such license upon a first application; or
- g. A person who has been convicted of a violation of any Federal or State law concerning the manufacture, possession or sale of alcoholic liquor or who has forfeited his bond to appear in Court to answer charges for any such violation.

5. **Violation.** Any person(s), corporation, partnership, firm or other entity that owns, operates, leases, manages or controls a Bottle Club, BYOB Club, Restaurant or other establishment for which a permit is required by section II-2 of this Ordinance without first having secured such a permit shall be fined not less than Two Hundred Dollars (\$200) nor more than Seven Hundred Fifty Dollars (\$750) for each offense; and a separate offense shall be deemed committed on each day during or on which a violation occurs or continues.

6. **Limitation on Number of Licenses.** No more than one (1) license shall be issued by the Village pursuant to this Ordinance.

III. HOURS OF OPERATION

Hours of Operation. It shall be unlawful for any party holding a permit under section II-2 of this Ordinance to permit any patrons or members to consume alcoholic liquor, beer, malt or vinaceous beverages on the Premises during the following specified hours:

Monday:	12:00 a.m. to 8:00 a.m.
Tuesday:	12:00 a.m. to 8:00 a.m.
Wednesday:	12:00 a.m. to 8:00 a.m.
Thursday:	12:00 a.m. to 8:00 a.m.
Friday:	12:00 a.m. to 8:00 a.m.
Saturday:	12:00 a.m. to 8:00 a.m.
Sunday:	12:00 a.m. to 8:00 a.m.

IV. GENERAL PROVISIONS

1. All ordinances and parts of ordinances in conflict with or inconsistent with the provisions of his ordinance are hereby repealed to the extent of any such conflict or inconsistency.
2. If any part or portion of this ordinance shall be declared invalid by a court of competent jurisdiction, such partial invalidity shall not affect the remainder of this ordinance.
3. This ordinance shall be in full force and effect immediately upon its passage, due to the urgency of implementing a ban on unlicensed bottle clubs.

PASSED AND APPROVED THIS 30th DAY OF DECEMBER, 2005.

<u>4</u>	AYES
<u>0</u>	NAYS
<u>2</u>	ABSENT

VILLAGE OF BELLEVUE, ILLINOIS

By: Ralph E. Wilson
Ralph E. Wilson, President

Attest: Carol A. Howard
Carol A. Howard, Village Clerk