

ORDINANCE NO. 293

AN ORDINANCE RELATING TO THE POSSESSION, PURCHASE,
DISPENSING OR CONSUMPTION OF ALCOHOLIC LIQUOR IN
THE VILLAGE OF BELLEVUE, PEORIA COUNTY, ILLINOIS

BE IT ORDAINED BY THE PRESIDENT AND THE BOARD OF TRUSTEES
OF THE VILLAGE OF BELLEVUE:

ARTICLE I.

In General

Sec. 1.1: Definitions.

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

"Alcoholic liquors": Any spirits, wine, beer, ale or other liquor containing more than one-half of one percent alcohol by volume which is capable of being consumed as a beverage by a human being.

"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 beer, porter and the like.

"Clubs": Any corporation, organized under the laws of this state, not for pecuniary profit, 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 equipment; and maintaining a sufficient number of servants and employees for cooking, preparing and serving food and meals for its members and their guests; provided, that such club files with the local liquor control commissioner at the time of its application for a license under this chapter, two (2) copies of a list of names and residences of its members, and similarly files within ten (10) days of the election of any additional member, his name and address; and, provided further, that its affairs and management re conducted by a board of directors, executive committee or similar body chosen by the members in the annual meeting and that 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 distribution or sale of alcoholic liquor to the club or to 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.

"Dwelling or apartments used for home or residence purposes": Any building designed and used for, and occupied by one or more persons, as a

permanent living and sleeping quarters; provided, however, that the term "dwellings" or "apartments" shall not include any hotel or building occupied as a more or less temporary living and sleeping quarters for individuals, who are lodged with or without meals, and in which there are more than fifteen (15) sleeping rooms, usually occupied singly, and not provisions made for cooking in any individual room or apartment.

"Hotels": Every building or other 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, permanent or residential, in which twenty-five (25) or more rooms are used for 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 contained in the same building, or buildings in connection therewith, and such building or buildings, or structure or structures being provided with adequate and sanitary kitchen and dining room equipment and capacity.

"Liquor Commissioner": The President of the Board of Trustees of the Village of Bellevue.

"Minor": Any person who has not attained the age of twenty-one (21) years.

"Premises": The area within a building for which a license to sell alcoholic liquor is issued and which is actually used in connection with the storage, preparation and sale of alcoholic liquor, but specifically excluding any outside areas such as patios, open porches, roof tops, balconies, stoops, sidewalks, yards, driveways, parking lots and similar outside areas; except as otherwise provided in the case of a subclass (2) supplemental license.

"Restaurant": Any public place kept, used, maintained, advertised and held out to the public primarily as a place where meals are served, and where meals are actually and regularly served, without sleeping accommodations, such space being provided with adequate and sanitary kitchen and dining equipment and capacity and having employed therein a sufficient number and kind of employees to prepare, cook and serve suitable food for its guests and where the sale or consumption of alcoholic liquors is only incidental to the serving of meals. The fact that fifty (50) percent or more of the gross revenue in any month from the operation of the licensed premises is derived from activities other than the sale of meals shall be prima facie evidence that such business is not a restaurant within the meaning of this Ordinance.

"Retail Sales": The sale for use or consumption and not for resale.

"Retailer": Any person who sells or offers for sale alcoholic liquors, beer or wine beverages for use or consumption and not for resale in any form.

"Sale": Any transfer, exchange or barter in any manner, or by any means whatsoever, including all sales made by any person, whether principal, proprietor, agent, servant or employee.

"To Sell": Includes to keep or expose for sale and to keep with intent to sell.

"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 obtained by distillation.

Section 1.2. Employment of persons under age of twenty-one.

No licensee under this Ordinance shall employ or permit any person under the age of twenty-one (21) to handle, sell or serve alcoholic beverages or malt or vinaceous beverages for sale.

Section 1.3. Sales to persons of nonage, intoxicated persons, etc.

No licensee or any officer, associate, member, representative, agent or employee of such 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 to be a habitual drunkard, spend-thrift, insane, mentally ill, mentally deficient or in need of mental treatment. For the purpose of this section, the words "intoxicated person" shall mean a person whose mental or physical functioning is substantially impaired as a result of the use of alcohol.

Should the Liquor Commissioner find, following a hearing held pursuant to Section 2.18, that any licensee or his officer, associate, member, representative, agent or employee has sold, given or delivered any alcoholic liquor to an intoxicated person, the Liquor Commissioner shall suspend the license for the establishment for not more than thirty (30) days for the first such violation, and may revoke said license for any subsequent violations.

No person after purchasing or other obtaining alcoholic liquor shall sell, give or deliver such alcoholic liquor to another person under the age of twenty-one (21) years except in performance of a religious ceremony or service.

Section 1.4. Possession, purchase, dispensing or consumption of liquor by person of non-age; proof, misrepresentation of age.

(a) Any person to whom the sale, gift or delivery of any alcoholic liquor is prohibited because of age shall not purchase or accept a gift of such alcoholic liquor or have such alcoholic liquor in his possession; except as provided in this chapter. The possession and dispensing or consumption by a person of non-age of alcoholic liquor in the performance of a religious ceremony or service, or the consumption by person of non-age under the direct supervision and approval of the parents or parent or legal guardian of such person of non-age in the privacy of a home, is not prohibited in this section.

(b) If a licensee or his agent or employees believes or has reason to believe that a sale or delivery of any alcoholic liquor is prohibited because of the non-age of the prospective recipient, he shall, before making such sale or delivery, demand presentation of some form of positive identification,

obtaining proof of age, issued by a public official in the performance of his official duties.

For the purpose of preventing the violation of this section, any licensee, or his agent or employee, may refuse to sell or serve alcoholic beverages to any person who is unable to produce adequate positive identification of identity and of the fact that he is the age of twenty-one (21) years or older.

Proof that the licensee, or his employee or agent, demanded, was shown and reasonably relied upon such positive identification in any transaction forbidden by this section is competent evidence and may be considered in any prosecution or hearing therefor in any proceedings for the suspension or revocation of any license based thereon.

(c) No person shall transfer, alter or deface such identification card, use the identification card of another; carry or use a false or forged identification card; or obtain any identification card by means of false information. No person shall purchase, accept delivery or have possession of alcoholic liquor in violation of this section.

Section 1.5. Presence of persons of nonage upon licensed premises.

(a) Any person to whom the sale, gift or delivery of any alcoholic liquor is prohibited because of age shall not enter or remain upon any premises licensed for the sale of alcoholic liquor except in the company of his parent or legal guardian; provided, however, that this section shall not apply to restaurants, clubs, package liquor stores, or to that portion of bowling alleys or assembly halls other than those used exclusively or primarily for the sale and consumption of alcoholic liquors.

(b) The licensee and any officer, associate, member, representative, agent or employee of such licensee shall monitor at all times the presence of any person on the licensed premises to whom the sale, gift or delivery of any alcoholic liquor is prohibited. It shall be unlawful for any licensee or any officer, member, representative, agent or employee of such licensee to permit or allow any person to whom the sale, gift delivery of any liquor is prohibited to remain on the premises except in the company of his parent or legal guardian.

Section 1.6. Carrying alcoholic liquor in unsealed or unopened container from premises.

(a) It shall be unlawful for any person to carry any alcoholic liquors in an unsealed or opened container from the licensed premises where such alcoholic liquor was purchased.

(b) No licensee or person as proprietor, agent, servant or employee of such licensee shall knowingly permit any patron to violate this section nor continue to sell alcoholic liquors to such person knowing that such person intends to carry the alcoholic liquor from the premises in an open or unsealed container.

Section 1.7. Penalty.

A violation of this Ordinance shall be punishable by a fine of not less than twenty-five dollars (\$25.00) and not more than five hundred dollars (\$500.00) for each offense. Each day of a violation of any provision of this Ordinance shall constitute a separate offense.

ARTICLE II

Licenses, Permits, Etc.

Section 2.1. Required and conditions for license.

Licenses shall be granted for the sale of alcoholic liquors in all its forms as defined in the statutes of this state, subject to the conditions hereinafter set forth. No person, either by himself or his agent or any person acting as an agent, barkeeper, clerk, or servant of another shall sell or offer for sale at retail in the Village of Bellevue any alcoholic liquor without first having obtained a license to do so as hereinafter provided, and its shall likewise be unlawful for any person to sell or offer for sale any intoxicating liquors, either alcoholic, malt or vinaceous, in violation of the terms and conditions of such license.

Section 2.2. License required for each place owned by licensee; license not transferable.

A separate license shall be required for each individual place of business operated by a licensee, and such license shall not be transferable from one licensee to another licensee, except in conformance with the laws of this State, then existing, with reference to the transfer of state licenses.

Section 2.3. Application forms.

(a) All applicants for a license for the sale of alcoholic liquors at retail in the county shall make their application on forms provided by the Village Clerk. The Village Clerk shall prepare a sufficient quantity of the forms and shall provide the same to the applicant at no additional charge. Each applicant shall answer all questions on the application form which the Liquor Commissioner in his discretion, believes necessary in order to reach a determination. Each application shall be accompanied by the appropriate fee in the amounts as set forth in Section 2.9 of this Article. The application for an initial annual license shall be accompanied by the fee as provided in Section 2-3(a) of this Ordinance; and the applicant upon notification by the Village Clerk, that such application has been approved shall remit the appropriate fee.

No liquor license shall be issued or renewed until all license fees as required by this Ordinance have been paid by the applicant and the requisite food and beverage licenses/permits have been issued by the Peoria County Health Department.

(b) Each application for a Class A,B,C,D,E or F license from an applicant who at the time of application is not holding a then valid Village liquor license shall be accompanied by a nonrefundable payment of one

hundred fifty dollars (\$150.00). This application fee shall be in addition to all other fees set forth in this section and such application fee shall not be apportioned even though less than twelve months remain in the license year, nor shall it be refunded in the event the application is denied.

Section 2.4. Contents of Application for Retail License.

An applicant for license to sell alcoholic liquor at retail shall submit to the Liquor Commissioner an application in writing under oath stating:

(1) The name, age and address of the applicant in the case of an individual; in the case of a partnership and in the case of a corporation for profit, or a club, the date of incorporation, and the names, addresses and ages of the officers, directors, managers, and any stockholder owning or controlling the voting rights to more than five per cent (5%) of the stock of such corporation;

(2) The citizenship of the applicant, his place of birth, and if a naturalized citizen, the time and place of his naturalization;

(3) The character of business of the applicant; and in case of a corporation, the objects for which it was formed;

(4) The length of time that said applicant has been in business of the character referred to in paragraph (3) above, including a complete list of locations and inclusive dates during which applicant has been in said business, and in addition in the case of a corporation, the date on which its charter was issued;

(5) An itemized listing of the goods, wares and merchandise on hand at the time application is made;

(6) The location and description of the premises or place of business which is to be operated under the license, including a scale drawing of said premises clearly indicating all areas within or adjoining the building or structure which are to be used in connection with the retail sale of alcoholic liquor or are accessible from it;

(7) A statement whether applicant has made application for a license to sell at retail alcoholic liquor on premises other than described in this application to this or any other state or political subdivision thereof, including the date, location and disposition of such application;

(8) A statement whether applicant has ever been charged with or convicted of a felony or of being a keeper of a house of ill fame, prostitution, pandering, or other crime opposed to decency and morality or of a gambling offense, or is otherwise disqualified to receive a license by reason of any matter or thing contained in this act, detailing the dates and locations and results of any such charges or convictions;

(9) A statement whether applicant is an alcoholic or has received treatment for alcoholism or any drinking problem, or has been involved in any incident involving the police, including traffic, in which he was intoxicated, detailing the dates, locations and results of any such treatment or incident;

(10) A statement whether applicant has been involved in any battery, assault, fight or public disorder detailing dates, locations and disposition of any such incidents;

(11) Whether a previous license by any state or subdivision thereof or by the federal government has been revoked or suspended, and the reasons therefor, and in the case of a suspension, the length thereof;

(12) The length of time the applicant has resided in the Village prior to the submission of the application, and all addresses at which the applicant has resided in the past ten (10) years;

(13) That the applicant, a co-partner in the case of a partnership, or any officer, manager, director or any stockholder of a corporation owning or controlling the voting right to in the aggregate more than twenty per cent (20%) of the stock of the corporation, has not been issued a federal gaming device stamp or federal wagering stamp by the federal government for the current tax period, and that no federal gaming device stamp or federal wagering stamp has been issued by the federal government for the premises for the current tax period;

(14) That the applicant will not violate any ordinances of the Village of Bellevue or laws of the State of Illinois or of the United States in the conduct of his place of business.

In addition to the foregoing information, such application shall contain such other and further information as the Liquor Commissioner may, by rule or regulation not inconsistent with the law, prescribe.

If said application is made in behalf of a partnership, firm, association, club or corporation, then the same shall be signed and sworn to by at least two (2) members of such partnership or the president and secretary of such corporation or club. The applicant shall submit with the application, documentary proof of his interest in the premises, whether by lease, deed, or otherwise; and in case the applicant is the owner of the premises, all outstanding mortgages against the premises.

All such applications shall be filed in duplicate in the office of the Village Clerk. The original of said application shall remain in the office of the Village Clerk as a permanent record. The duplicate copy of said application shall be delivered forthwith to the Liquor Commissioner where the receipt thereof shall be noted and a record kept thereof. The Village Clerk shall forthwith deliver a copy of said application, together with all attachments to the County Sheriff who shall then cause a thorough investigation to be made into the fitness and eligibility of the applicant for a license.

Within thirty (30) days of the receipt of the application by the County Sheriff, he shall report to the Liquor Commissioner the results of his investigation along with his recommendation whether the application should be granted or denied or held for further investigation including the reasons for such recommendation.

Within ten (10) days of the receipt of the investigation report and recommendation of the County Sheriff, the Liquor Commissioner shall notify

the applicant that his application is granted, denied or held for further investigation. The period of such additional investigation shall not exceed an additional thirty (30) days unless otherwise agreed to by the applicant. Upon the conclusion of such additional investigation, the Liquor Commissioner shall advise the applicant in writing whether the application is granted or denied.

Whenever an application is denied or held for further investigation, the Liquor Commissioner shall advise the applicant of the reasons for such action.

The failure or refusal of the applicant to timely deliver any books, records or other documents, or to give any information relevant to the investigation of the application, or his refusal or failure to appear at any reasonable time and place for examination under oath regarding said application, shall constitute an admission by the applicant that he is ineligible for such license and shall be grounds for denial thereof by the Liquor Commissioner

Section 2.5. Financial disclosure of applicant for license.

Each applicant, upon filing of an original application, and each licensee, upon application for renewal of an existing license, shall file with the Village Clerk, in duplicate, a financial statement on forms prescribed by the Liquor Commissioner, which shall include:

(a) On an original application, a detailed statement of assets and liabilities of the business, and upon a renewal application if the Liquor Commissioner, at his option, so desires;

(b) The names and addresses of all secured creditors and a description of the security interest of each;

(c) The names and addresses of all creditors who have any right to control the use or disposition of the business or any asset thereof;

(d) The name and address of each creditor who holds indebtedness of the business totaling in the aggregate twenty per cent (20%) or more of the net worth of the business;

(e) A detailed profit and loss statement for the last preceding business year, if the Liquor Commissioner, at his option, so desires;

(f) In the case of a corporation, a copy of the latest annual report required to be filed pursuant to Section 157.95 of the Business Corporation Act of Illinois, as now or hereafter amended;

(g) A detailed description of all agreements or obligations which purport to bind any successor to the present applicant or licensee to continue to purchase, rent or accept any goods, wares, or services from a specified supplier thereof.

The financial statements required to be filed by this section shall be confidential except for official purposes, and it shall be unlawful for any

person to divulge such information except for official purposes or under order of a court of competent jurisdiction.

Section 2.6. Change of location described in license and application.

The location described in the license and application required by this Ordinance may be changed only upon a written permit to make such change issued by the Village Clerk, and only if the proposed new location is a proper one for the retail sale of alcoholic liquor under the laws of the State, the provisions of this Ordinance and all other Ordinances of the Village.

Section 2.7. Classes of licenses generally.

Licenses to sell alcoholic liquors at retail are hereby divided into seven (7) classes, as follows:

(a) Class A. Shall authorize the sale of alcoholic liquors on the premises of any tavern for consumption on the premises, as well as other retail sales of such liquor.

Class A-1: Shall authorize the sale of alcoholic liquors on the premises of any tavern for consumption on the premises, as well as other retail sales of such liquor, with extended operating hours as defined in Article III, Section 3.1, hereof.

(b) Class B. Shall authorize the retail sale of alcoholic liquors on the premises in any restaurant for consumption on the premises, as well as other retail sales of such liquor.

(c) Class C. Shall authorize the retail sale of alcoholic liquors in packages; and not for consumption on the premises where sold.

(d) Class D. Shall authorize the retail sale of alcoholic liquors on the premises in hotels for consumption on the premises, when such retail sale is made by the same person who operates the hotel.

A separate license shall be obtained in each permanent location or place under the same roof in which the hotel shall be located; provided, that nothing contained in this Ordinance shall be so construed as to prevent any hotel operator, licensed under the provisions of this Ordinance, from serving alcoholic liquors to registered guests in any room designed for temporary and permanent habitation with sleeping accommodations and bathing amenities, if such liquor so served shall be kept in and served from a licensed location, place or premises in the hotel.

(e) Class E. Shall authorize the retail sale on the premises of alcoholic liquors in any club, as defined in this Ordinance, for consumption on the premises. For the purposes of this Section, the term "membership" shall include any and all persons who are entitled to the use of the club facilities.

(f) Class F. Shall authorize the retail sale of beer and wine only on the premises of any tavern or restaurant to consumption on the premises, as well as other retail sales of such beer and wine.

(g) Class G. Shall authorize the retail sale of alcoholic liquors on the premises of a nationally organized veteran's organization; provided, the following conditions shall be met; said nationally organized veteran's organization shall be an entity organized under the laws of Illinois, not for pecuniary profit. Such entity shall be organized 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.

The entity shall own, hire or lease a building or space in a building adequate for the reasonable and comfortable use and accommodation of its members and their guests, and shall contain suitable and adequate kitchen and dining room space and equipment for the membership.

The entity shall, at the time of its application, file two (2) copies of a current list of the names and residences of its members.

In addition to the foregoing requirements of this section, an entity seeking to qualify for a Class "G" license shall conduct its affairs by a board of directors, executive committee, or similar body chosen by the members at their annual meeting; and no member or officer, agent or employee of the entity, is paid directly or indirectly in the form of a salary or other compensation or income, any profits from the distribution or sale of alcoholic liquors; and provided that no such entity shall sell any alcoholic liquor to anyone not a member of such club unless accompanied by a member of such club.

Section 2.8. Supplemental licenses generally.

(a) Upon application to the Liquor Commissioner of the Village of Bellevue by a license holder, the following supplemental licenses may be issued. The granting of a supplemental license in no way abrogates the responsibility of obtaining any other license required by this Ordinance.

Additional written conditions may be imposed by the Liquor Commissioner upon a supplemental license if the Liquor Commissioner reasonably believes such conditions are necessary to protect the health, safety and welfare of the general public. Such conditions and additional conditions shall be deemed to exist with the agreement of the licensee and shall be a condition and part of the supplemental license.

(b) It shall be unlawful for any licensee to operate as provided in the hereinafter enumerated three (3) subclasses of licenses without holding a current valid subclass license for such operation.

(c) The term of subclasses licenses shall be one license year; unless otherwise provided in this Ordinance; however, any subclass license shall be subject to review, suspension or termination at any time on the basis of changed conditions.

(d) Before the issuance, denial, renewal, continuation or termination by the Liquor Commissioner of any subclass (1), (2), or (3) license, any licensee or person owning property or residing within a three hundred-foot radius of the proposed site may request the Liquor Commissioner hold a

hearing open to the public on the question of such subclass license. The Liquor Commissioner shall make an official record and shall consider and make findings on the following issues:

1. The zoning classification of the licensed premises;
2. The character of the surrounding area;
3. The traffic and parking situation, including any off-street parking requirements of the licensed business, within a three hundred-foot radius;
4. Any statements of interested persons, either oral or written;
5. The impact of such proposed or existing subclass license on the character of and the traffic and parking situation in the immediate neighborhood;
6. Any past operating history of the licensee and the proposed site.

(e) No subclass license shall be issued or continued if there is a finding that it would alter adversely or has altered adversely the essential character of the neighborhood, or would cause or has caused undue traffic or parking problems in the neighborhood.

Section 2.9. Restrictions on supplemental licenses.

(a) A subclass (1) license shall authorize the performance of live entertainment on the premises licensed pursuant to this Ordinance.

It shall be unlawful for any subclass (1) licensed establishment located within five hundred (500) feet of any residence or within five hundred (500) feet of any zoning district as defined by the zoning ordinance, as it now exists or is hereafter amended, to offer any live entertainment of the following types:

- (1) Acts or simulated acts of intercourse, masturbation, sodomy, bestiality, oral copulation, flagellation or any sex act prohibited by law;
- (2) Actual or simulated touching, caressing, or fondling on the breasts, buttocks, anus, or genitals;
- (3) Actual or simulated displaying of pubic hair, anus, vulva, genitals, or the female breast below a point immediately above the top of the areola.

(b) A subclass (2) license shall authorize the retail sale of alcoholic liquor in an outdoor beer garden or cafe adjacent to a licensed premises.

(c) A subclass (3) license shall authorize a licensed establishment holding a subclass (1) license to hold a teen night or youth night no more than once per week during the months of September through May, inclusive, and no more than twice per week during the months of June through August, inclusive, subject to the following restrictions:

(1) Other than parents, legal guardians, or supervisors, the licensee, his agents and employees, no one other than youths between the ages of thirteen (13) and twenty (20) years inclusive, shall be allowed in the establishment on such nights. The licensee must state on the license application the method by which the licensee proposes such age identification shall be established.

(2) No alcoholic liquor shall be sold, served, or displayed at such times, and bottles or containers of alcoholic liquor shall be removed from the shelves and automatic devices dispensing alcoholic liquor shall be disconnected to the extent possible.

(3) The provisions requiring the attendance of parents or legal guardians for youths to be on a licensed premises shall be waived for such occasions.

(4) All other provisions and requirements of this Ordinance and State law relating to curfew and to the operation of a licensed liquor establishment shall remain in effect.

(5) Nor more than four (4) times per year a licensee may obtain this subclass (3) license for holding a benefit for any recognized charitable institution or organization, for which events the fee required in Section 2.9 is waived.

(6) A licensee may apply for this supplemental license on either a nightly or an annual basis. The nightly license shall be issued for only one specific date, and a separate supplemental license shall be required for each such event.

(7) An annual subclass (3) license may be applied for at any time during the year by a licensee. Once an annual license is issued, the licensee shall notify the county sheriff's department of any date for a teen night at least fourteen (14) days prior to the date of the event.

(d) A subclass (4) license shall authorize a licensed establishment holding a Class "C" license as described in Section 2.4 of this Article to hold no more than twelve (12) wine tasting events during a license year subject to the following restrictions:

(1) The licensee or his agents shall dispense such wine at no charge to the consumer;

(2) The licensee shall not charge a "cover charge", "door charge"; solicit donations; or condition the dispensing of wine upon the purchase of any item offered for retail sale by the licensee;

(3) For purposes of this section, the term "event" shall mean any twenty-four hour period;

(4) A licensee may apply for this supplemental license on either a daily or an annual basis. The daily license shall be issued for only one specific date and a separate supplemental license shall be required for each event;

(5) An annual subclass (4) license may be applied for at anytime during the license year by the licensee. Once an annual license is issued, the licensee shall notify the county sheriff's department of any date for a wine tasting event at least fourteen (14) days prior to the event.

Section 2.10. Temporary Licenses.

Under the provisions as set forth herein, the Liquor Commissioner may, in his discretion, upon proper application being made, grant and issue a license for a temporary sale of alcoholic, malt, and vinaceous beverages at retail within the Village of Bellevue to any person for a specific use, purpose, or event, not for use as a regularly established business, for use on privately owned premises, for a certain designated period of time not to exceed seven (7) days. The granting and issuance of a temporary license shall in no way relieve the licensee from any requirements imposed by state law including any requirement that a state liquor license be obtained.

Section 2.11 Numbering of licenses.

All licenses shall bear the last two (2) digits of the license year in which they were issued and be numbered consecutively beginning with the number, in the order in which they are issued -- 81-1, 81-2, 81-3, etc. An accurate record by numbers of licenses shall be kept by the Village Clerk.

Section 2.12. Fees.

(a) The annual license fee for each license shall be as follows:

<u>License</u>	<u>Description</u>	<u>Fee</u>
Class A-1:	Tavern - Extended hours	\$1,000 per annum
Class A, B, D, and E:	Tavern, Restaurant Hotels, Clubs	\$600 per annum
Class C, F, G:	Package Liquors, Beer and Wine, Veteran's Organizations	\$300 per annum
Subclass (1)	Live Entertainment	No fee
Subclass (2)	Beer Garden	No fee
Subclass (3)	Teen Night	\$20.00 per night; or \$200.00 per license year. Anyone holding ten (10) teen nights in one license year (benefits excluded) shall be deemed to have paid for an annual license
Subclass (4)	Wine Tasting	\$20.00 per day; or \$200.00 per license year. Anyone holding ten (10) wine tasting events in one license year shall be deemed to have paid

Temporary

for an annual license
One day, \$15.00; two days
\$30.00; three days \$37.50;
four days \$50.00; more than
four days, \$75.00

(b) In the event the initial application is for a period of less than the full license year, the annual fee as set forth in subsection (b) shall be reduced in proportion to the full calendar months which have elapsed in the license period prior to the issuance of the license.

(c) A refund of license fees shall be available only in the case of death of the licensee prior to the expiration of the license period, where the place of business does not continue to operate under a new license and such refund shall be proportionate to the full calendar months remaining in the license period.

Section 2.13. General restrictions upon issuance.

No license authorized by this chapter shall be issued to:

(1) A person under the age of twenty-one (21) years; or under any legal disability;

(2) A person not an actual resident of the Village;

(3) A person who is not of good moral character and reputation in the community in which he resides;

(4) A person who is not a citizen of the United States;

(5) A person who has been convicted of a felony under any federal or state law, if the Liquor Commissioner determines after investigation that such person has not been sufficiently rehabilitated to warrant the public trust;

(6) A person who has been convicted of being a keeper or is keeping a house of ill fame;

(7) A person who has been convicted of pandering or any other crime or misdemeanor opposed to decency and morality;

(8) A person who is an alcoholic or who has a history of drinking problems or incidents in which he was intoxicated;

(9) A person who within the past two (2) years has been involved in any battery, assault or fight in which he was the aggressor, or who has history of such conduct;

(10) A person whose license issued under this Ordinance or whose license issued by the Illinois Liquor Control Commission has been revoked for cause;

(11) A person who, at the time of application for renewal of any license issued under this chapter, would not be eligible for such license upon a first application;

(12) A co-partnership, unless all the members of the co-partnership shall be qualified to obtain a license;

(13) A corporation, unless it is incorporated in Illinois; or unless it is a foreign corporation which is qualified under the Illinois Business Corporation Act to transact business in Illinois;

(14) A corporation, if any officer, manager or director thereof, or any stockholder or stockholders owning in the aggregate more than five (5) percent of the stock of such corporation, would not be eligible to receive a license hereunder for any reason other than citizenship and residence within the Village;

(15) A person whose place of business is conducted by a manager or agent, unless such manager or agent possesses the same qualifications required of the licensee;

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

(17) A person who does not own the premises for which a license is sought, or does not have a written lease thereon for the full period for which the license is to be issued;

(18) Any law enforcing public official, member of the Village board, and no such official shall be interested in any way, either directly or indirectly, in the manufacture, sale or distribution of alcoholic liquors;

(19) A person who is not a beneficial owner of the business to be operated by the licensee;

(20) A person who has been convicted of a gambling offense as prescribed by any of subsections (a)(3) through (a)(10) of Section 28-1 of the Peoria County Code, 1969, or as prescribed by Section 28-3 of the "Criminal Code of 1961" of the State of Illinois, approved July 28, 1961, as heretofore or hereafter amended, or as prescribed by a statute replaced by any of the aforesaid statutory provisions;

(21) A person to whom a federal gaming device stamp or a federal wagering stamp has been issued by the federal government for the current tax period;

(22) A co-partnership to which a federal gaming device stamp or federal wagering stamp has been issued by the federal government for the current tax period, or if any of the partners have been issued a federal gaming device stamp or federal wagering stamp by the federal government for the current tax period;

(23) A corporation, if any officer, manager or director thereof, or any stockholder owning in the aggregate more than twenty (20) percent of the stock of such corporation has been issued a federal gaming device stamp or federal wagering stamp for the current tax period;

(24) Any premises for which a federal gaming device or a federal wagering stamp has been issued by the federal government for the current tax period;

(25) A person who has not submitted to photographing and fingerprinting by the sheriff's department, or by another law enforcing agency with the approval of the sheriff;

(26) Any person not eligible for a state retail liquor dealer's license.

Section 2.14. Retail sales near churches, schools, hospitals, etc.

(a) No license shall be issued for the sale at retail of any alcoholic liquor or beer or wine beverages within one hundred (100) feet of any church, school, other than an institute of higher learning, hospital, home for the aged or indigent persons, nursing homes or homes for veterans, spouses or children in any military or naval station; provided, that this prohibition does not apply to hotels offering restaurant service, regularly organized clubs, or to restaurants, food shops or other places where the sale of alcoholic liquors is not the principal business carried on, if such place of business so exempted shall have been established for such purposes prior to the taking effect of this Ordinance; nor to the renewal of a license for the sale at retail of alcoholic liquor on premises within one hundred (100) feet of any church or school where such church or school has been established within such one hundred (100) feet since the issuance of the original license.

(b) In the case of a church or school, the distance of one hundred (100) feet shall be measured to the nearest part of any building used for worship services or educational programs and not to property boundaries. In all other instances the distance of one hundred (100) feet shall be measured to the nearest part of the property boundaries.

(c) Nothing in this section shall prohibit the issuance of a license to a church or private school to sell at retail alcoholic liquor if such sales are limited to periods when groups are assembled on the premises solely for the promotion of some common object other than the sale or consumption of alcoholic liquors.

(d) No person shall furnish or suffer to be furnished any alcoholic liquors to any prisoner confined in any jail, reformatory, prison or house of correction except upon a physician's prescription for medicinal purposes.

(e) No license shall be issued to any person for the sale at retail of any alcoholic liquor at any store or other place of business where the majority of customers are minors of school age, or where the principal business consists of school supplies, food, lunches or drinks for such minors.

(f) The prohibitions in this section do not pertain to temporary licenses under Section 2.7.

Section 2.15. Zoning requirements.

No license shall be issued or renewed for the sale at retail of any alcoholic liquor or beer or wine unless the use of the premises for the retail sale or distribution of alcoholic liquors or beer or wine is a "permitted use" as defined in the Zoning Ordinance of the Village of Bellevue.

Section 2.16. Food and Drink License.

No licenses shall be issued or renewed without the license holder/applicant first obtaining a food or drink license as provided by ordinance. The failure to obtain a license or the loss of such license through revocation, suspension, lapse or otherwise shall require the local liquor control commissioner to revoke, suspend, or refuse to grant the liquor license.

Section 2.17. Display

Every licensee shall cause his license to be framed and hung in plain view in a conspicuous place on the licensed premises.

Section 2.18. Revocation or suspension.

(a) The Liquor Commissioner may, after proper hearing revoke or suspend for not more than thirty (30) days any license issued by him under the terms of this chapter, for any of the following reasons:

(1) Violation of any of the provisions of this chapter or any violation of any provision of the laws of the state relating to the sale of alcoholic liquors.

(2) The willful making of any false statements as to a material fact in an application for a license or the renewal thereof; however, no such license shall be revoked or suspended except after a public hearing by the Liquor Commissioner with a three (3) day written notice to the licensee affording said licensee an opportunity to appear and defend.

(3) If the Liquor Commissioner has reason to believe that any continued operation of a particular licensed premises will immediately threaten the welfare of the community, he may, upon the issuance of a written order stating the reason for such conclusion and without notice or hearing order the licensed premises closed for not more than seven (7) days, giving the licensee any opportunity to be heard during that period, except that if such licensee shall also be engaged in the conduct of another business or businesses on the licensed premises such order shall not be applicable to such other business or businesses.

(b) The Liquor Commissioner, upon probable cause that a violation of this Ordinance or any violation of any provision of the laws of this state relating to the sale of alcoholic liquors has occurred shall cause a written citation and notice to appear to be issued to the licensee. Such citation and notice to appear shall inform the licensee of nature of the charges and set a time and place for hearing not less than three (3) days from the date of the notice.

(c) Such hearing shall be public and a verbatim transcript shall be made. The licensee may be represented by legal counsel licensed to practice law in the state. All witnesses shall testify under oath administered by the commissioner or other person authorized to administer such oath in Illinois. Such hearing need not be conducted according to the strict rules of evidence and procedure followed in a court of law; however, such hearings shall be conducted in a fair and impartial manner to all concerned. On motion of the licensee, the three-day written notice of hearing may be waived in whole or in part. Any licensee may, at his option, waive his right to a public hearing on the suspension or revocation of his license. In such an event, the Liquor Commissioner may order any suspension, revocation or make any other order which would be appropriate upon a finding of a violation at the conclusion of a public hearing. The licensee shall indicate such waiver in writing to the Liquor Commissioner at any time prior to the commencement of the actual public hearing.

(d) The Liquor Commissioner shall, within ten (10) days after such hearing, if it determines after such hearing that the license should be revoked, or suspended, state the reason or reasons for such determination in a written order of revocation or suspension and shall serve a copy of such order within the said ten (10) days upon said licensee.

(e) The Liquor Commissioner shall report in writing to the Illinois Liquor Control Commissioner within the same ten (10) days after any order has been entered for a violation by any retail alcoholic liquor licensee of any state law, village or county ordinance. The report shall specify the date and place where the hearing was had, or whether the licensee waived a hearing; whether a suspension or revocation order was entered therein, or what other disposition was made or entered in the records.

ARTICLE III

Operational Rules and Regulations

3.1 Hours of sale - general.

(a) No persons or licensee holding a Class A-1 license shall sell or offer for sale at retail, any alcoholic liquors or furnish or give away, or allow or permit the same to be consumed on the licensed premises, or any other premises, under the control, directly or indirectly, of the licensee, Sunday through Thursday, inclusive, of each week between the hours of 2:00 a.m. and 6:00 a.m. the following morning; Friday between the hours of 4:00 a.m. and 6:00 a.m. the following morning; and Saturday between the hours of 4:00 a.m. and 6:00 a.m. the following morning.

No person or licensee holding a Class A-1 license shall sell or offer for sale at retail, any alcoholic liquors or furnish or give away, or allow or permit the same to be consumed on the licensed premises, or any other premises, under the control, directly or indirectly, of the licensee between the hours of 4:00 a.m. and 6:00 a.m., on Sunday of each week.

No person or licensee, except persons or licensees holding Class A-1 licenses, shall sell or offer for sale at retail, any alcoholic liquors or furnish or give away, or allow or permit the same to be consumed on the licensed premises, or any other premises, under the control, directly or

indirectly, of the licensee between the hours of 2:00 a.m. and 6:00 a.m. on Sunday of each week, and 2:00 a.m. and 6:00 a.m. on all other days of each week.

(b) No person other than the licensee of a licensed premises or any of the licensee's employees while actually in the performance of their duties shall be permitted to enter or remain upon the premises, nor shall any person consume any alcoholic liquor on such premises, nor shall any alcoholic liquor be exposed upon such premises in any open individual serving container (including but not limited to glasses or beer bottles) beyond fifteen (15) minutes after the prescribed closing time to such licensed premises.

(c) It shall be unlawful to keep open for business or to permit the public to patronize any premises where alcoholic liquors are sold at retail during the hours within which the sale of such liquor is prohibited; provided however, in the case of restaurants, clubs, hotels, grocery stores, package stores and drug stores, such establishments may be kept open during such hours, but no alcoholic liquor may be sold during such hours, except as provided by this section.

(d) The closing hours provided for in this section, except hours set forth for Class A-1 licenses on Friday and Saturday, are hereby extended for a period of two (2) hours on New Year's Eve, provided that the licensed establishment not permit any additional patrons on its premises after normal closing hours provided for in this Article, and does not advertise or indicate in any manner that it is still open for business after the normal closing hours provided for herein; and further provided that the licensed establishment complies with all other provisions of this Ordinance.

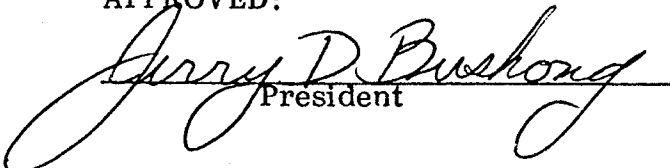
ARTICLE IV

Section 4.1 A certain Ordinance, entitled "An Ordinance Regulating and Licensing Taverns in the Village of Bellevue, Peoria County, Illinois" passed and approved March 26, 1946, is hereby amended, in accordance with the terms and provisions of this Ordinance, and all other Ordinances pertaining to the regulation or licensing of Taverns within the Village of Bellevue, now in force and effect, are repealed and superceded by this Ordinance.

Section 4.2. This Ordinance shall be effective upon its passage and publication or posting as required by law.

PASSED AND APPROVED by the President of the Board of Trustees of the Village of Bellevue, this 26th day of March, 1985.

APPROVED:


President

ATTEST:


Village Clerk