

ORDINANCE NO. 569

VILLAGE OF BELLEVUE, ILLINOIS

**AN ORDINANCE TO AMEND ORDINANCE NO. 446,
LIQUOR CONTROL ORDINANCE
(BARTENDER PERMITS, CLOSING HOURS AND FINES)**

WHEREAS, the Village of Bellevue ("Village") Board of Trustees passed An Ordinance to Regulate the Sale of Alcoholic Liquor, Ordinance No. 446, on April 14, 1997 (hereinafter referred to as the "Liquor Control Ordinance"), such Ordinance regulating all aspects of the sale of alcoholic liquor within the Village; and

WHEREAS, Section 4-1 of the Liquor Control Act of 1934 (235 ILCS 5/4-1) authorizes municipalities to establish regulations and restrictions upon the issuance of and operation under local liquor licenses not inconsistent with law as the public good and convenience may require; and

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 individuals who will pour or serve liquor in licensed establishments and by amending and revising the terms and conditions related to the hours of operation.

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

**I. REGISTRATION OF PERSONS ENGAGED IN DRAWING, POURING
AND SERVING ALCOHOL**

1. **Permit Required.** Except as otherwise provided in this ordinance, no person shall draw, sell, serve or deliver alcoholic liquor, beer, malt or vinaceous beverages in any establishment holding a Class A or Class A-1 license under the Liquor Control Ordinance without having first obtained a permit from the Village.

2. **Applications.** Application for a permit required by section I-1 hereof shall be made to the Commissioner in writing, on forms proscribed by the Commissions, and shall be signed by the applicant and verified by oath or affidavit. Upon submission of a properly complete permit application, the applicant will be allowed to draw, sell serve or deliver alcoholic liquor, beer, malt or vinaceous beverages in licensed establishments within the Village on a temporary, interim basis until such time as the Commission has completed his review of the application and issued or denied the permit. 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.

3. **Restriction on Permits.** No permit to draw, sell serve or deliver alcoholic liquor, beer, malt or vinaceous beverages 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.

4. **Responsibility of Permit Holder.** Every person who holds a permit under this Ordinance shall be individually responsible for compliance with all of the terms and conditions set forth in the Liquor Control Ordinance governing the operation of the licensed establishment by which he or she is employed, including, but not limited to, (1) the requirement that limitations on the hours of operation of the licensed establishment, as amended by this ordinance, (2) restrictions on the sale of alcohol to minors, and (3) the prohibition against allowing unsealed or open containers to be carried outside of the building of any licensed premises. The Commissioner may impose a fine of not less than \$500 nor more than \$1,000, and may suspend or revoke the permit held by any permit holder who is present at a licensed establishment upon the occurrence of any violation of this ordinance or upon the violation of the terms and conditions set forth in the Liquor Control Ordinance governing the operation of the licensed establishment by which the permit holder is employed.

5. **Violation.** The Commissioner may impose a fine of not less than \$500 nor more than \$1,000, and may suspend or revoke the liquor license held by any licensee that permits any person to draw, sell serve or deliver alcoholic liquor, beer, malt or vinaceous beverages without a permit as required herein. Any person holding a permit under this ordinance who , firm or corporation violating the provisions of this Ordinance 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.

II. HOURS OF OPERATION

1. **Hours of Operation.** It shall be unlawful to sell or to offer for sale at retail any alcoholic liquor in the Village during the following specified hours:

Monday:	2:00 a.m. to 7:00 a.m.
Tuesday:	2:00 a.m. to 7:00 a.m.
Wednesday:	2:00 a.m. to 7:00 a.m.
Thursday:	2:00 a.m. to 7:00 a.m.

Friday:	2:00 a.m. to 7:00 a.m.
Saturday:	2:00 a.m. to 7:00 a.m.
Sunday:	2:00 a.m. to 7:00 a.m.

Notwithstanding the above restrictions, holders of Class A-1 licenses (extended hours) may remain open and sell alcoholic liquor between the hours of 2:00 a.m. and 4:00 a.m. on Saturday and Sunday, and the closing hours on New Year's day shall commence at 4:00 a.m. for all licensees.

2. **Closing Restrictions.** It shall be unlawful for any Class A or Class A-1 licensee under the Liquor Control Act or any permit holder employed thereby to allow any person who does not hold a permit under this Ordinance to enter or remain on any licensed premises between the hours of 2:15 a.m. and 7:00 a.m. Notwithstanding the foregoing, holders of a Class A-1 license under the Liquor Control Act may permit patrons to remain on the licensed premises between the hours of 2:15 a.m. and 4:15 a.m. on Saturday and Sunday, and holders of Class A or Class A-1 licenses under the Liquor Control Act may permit patrons to remain on the licensed premises between the hours of 2:15 a.m. and 4:15 a.m. on New Year's Day.

III. VIOLATIONS AND DISCIPLINARY ACTIONS

The fine imposed by the Commissioner pursuant to Section 1.5 of the Liquor Control Ordinance or Section 2.12 of the Liquor Control Ordinance shall be not less than \$500 nor more than \$1,000.

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 from and after its passage, approval and publication in pamphlet form as is hereby authorized to be done by the President and Board of Trustees. Notwithstanding the foregoing, the permit requirement imposed in Section I hereof shall not take effect until January 1, 2006.

PASSED AND APPROVED THIS ²⁸14th DAY OF NOVEMBER 2005.

5 AYES

1 NAYS

0 ABSENT

VILLAGE OF BELLEVUE, ILLINOIS

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

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