

**CHAPTER 4****LIQUOR**

**SEC. 4.1 PURPOSE.** The purpose of this ordinance is to provide administration for licenses and permits and for local regulations and procedures for the conduct of sale and consumption of alcoholic liquor for the general welfare of this community.

**SEC. 4.2 DEFINITIONS.** The following terms in this Article shall be construed according to the definitions given below:

- A. **Alcoholic Liquor.** Any spirits, wine, beer, ale or other liquor containing more than one-half of 1% of alcohol by volume which is fit for beverage purposes.
- B. **Applicant.** Any person seeking to obtain a license pursuant to this Chapter 4 of the Municipal Code of the Town of Normal.
- C. **Beer.** Beer means the beverage obtained by the alcoholic fermentation of any 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.
- D. **Brewpub.** Brewpub means a person who manufactures beer only at a designated premises to make sales to importing distributors, distributors and to non-licensees for use and consumption only, who stores beer at the designated premises, and who is allowed to sell at retail from the licensed premises, provided that a brewpub licensee shall not sell for off-premise consumption more than 50,000 gallons per year. (Added by Ord. No. 5065 on April 3, 2006)
- E. **Cash Bar.** A cash bar is any place in which alcohol is sold either on a per drink basis or any other means by which the consumer of alcohol is charged for the consumption or the privilege of consuming alcohol.
- F. **Catering Service.** Catering service is the serving, mixing, pouring or supplying of alcoholic beverages for compensation as an incidental part of a food service that serves prepared meals (excluding snacks as a primary meal) other than at a licensed liquor establishment, and excluding a Cash Bar.
- G. **Church.** Any building where regular public worship is held or those functions and facilities normally associated with a church are conducted or available.
- H. **Club.** An association recognized by the laws of this State as a not for pecuniary profit institution, solely for the promotion of some common object other than the sale or consumption of alcoholic liquors 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 seating space to accommodate a minimum of 75 persons.
- I. **Drive-Up Window.** A drive-up window shall mean any window, door, or other structure or device which allows for the sale delivery of alcoholic liquor to a vehicle without the driver being required to exit the vehicle. (Added 9/7/04 - Ord. No. 4965)

- J. Hotel. Every building or other structure kept, used, maintained, advertised, and held out to the public to be a place where sleeping accommodations are offered for adequate pay to travelers and guests, in which 35 or more rooms are used for sleeping accommodations of such guests. This definition of “hotel” includes motels and motor hotels.
- K. Keg. A cask, barrel, or container having a capacity of more than four gallons.
- L. Minors. Minors are any persons under 21 years of age.
- M. Occupancy Capacity. The number of persons permitted to be in an area as determined by the Fire and Building Codes of the Town of Normal.
- N. Original Package. A bottle, flask, jug, can, cask, barrel, keg, or other receptacle or container whatsoever used, corked, or capped, sealed, and labeled by the manufacturer of alcoholic liquor to contain and to convey any alcoholic liquor.
- O. Person. Person is any natural person, partnership, corporation, association, organization, trust or other entity.
- P. Private Employee Party. An assembly of persons at a licensed retail establishment composed solely of employees of said establishment and spouses of employees or in lieu of a spouse, one guest, at which alcoholic liquor permitted to be sold during regular hours, may be consumed, possessed or made available, but not sold.
- Q. Private Rental Party. An assembly of persons at a licensed retail establishment at a time when that area of the establishment is not open to the public, and is limited to invited guests of the individual or entity sponsoring the party.
- R. Retail Sale. The sale for the use or consumption not for resale.
- S. Restaurant. Any public place which is kept, used, maintained, advertised, and held out to the public as a place where meals are sold and served, and where meals are actually and regularly served to the public and where the sale of liquor is incidental to the principal purpose of the sale of food. (Amended 4/19/04 by Ord. No. 4942)(Amended 2/6/2017 by Ord. No. 5679)

- T. Sale. Sale means a transfer, exchange or barter in any manner by any means whatsoever for a consideration and includes and means all sales made by any person, whether principal proprietor, agent, servant, or employee. Sale includes to keep or expose for sale and to keep with intent to sell.
- U. Set-Up Establishment. A set-up establishment means any public or private place or person
1. not holding a liquor license pursuant to this ordinance, in a place open to the public, which sells, gives away, pours, stores, or otherwise dispenses liquor or provides mix, ice, water, or soft drinks for the purpose of consumption of alcoholic beverages on the premises, or
  2. which holds a liquor license and, after the hours which it is permitted to be in operation, engages in any of the activities in the immediately preceding subsection.
- V. Wine. “Wine” means 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 as defined in “An Act Relating to Alcoholic Liquors” approved January 31, 1934, as heretofore or hereafter amended.
- W. Wine Tasting. An event in which wine, beer or other alcoholic liquor is served in small quantities for consumption on the premises as a sample of product being sold by a license holder. Wine tastings may be for free, for a fixed price for any quantity consumed, or sold by the drink.

SEC. 4.3 PROHIBITIONS.

- A. It shall be unlawful to sell, offer or keep for sale, or possess for sale, alcoholic liquor or beer, except under the terms, conditions, limitations, and restrictions enumerated within this Chapter and the laws of the State of Illinois. A license issued by the Normal Local Liquor Commissioner shall be required prior to the sale of alcoholic liquor within the corporate limits of the Town of Normal in accordance with the terms of this Chapter.
- B. It shall be unlawful for any person to conduct a catering service in the Town of Normal without first obtaining a license pursuant to the Municipal Code of the Town of Normal.
- C. It shall be unlawful to operate a set-up establishment in the Town of Normal, and it shall be unlawful for any person to act as an agent, barkeeper, clerk, or servant of another for a set-up establishment.
- D. No person may operate any establishment in a manner other than consistent with documents submitted in application for the liquor license and the license issued by the Commissioner. The sale of alcoholic liquor at locations in licensed establishments except as approved by the Liquor Commissioner is prohibited.

- E. No licensee nor 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.
- F. Except during approved private employee parties, it shall be unlawful for any licensee to permit or allow any bottle, glass, cup, pitcher, tumbler, or other container of or containing alcoholic liquor to remain in the possession of any customer or at any location accessible to customers before or after the hours during which the sale of such alcoholic liquor is permitted.
- G. It shall be unlawful for any person to whom the sale, gift or delivery of any alcoholic liquor is prohibited because of age to represent that he or she is of lawful age for the purposes of buying, accepting, or receiving alcoholic liquor from a licensee.
- H. No individual, partnership or corporation shall give away any alcoholic liquor for commercial purposes or in connection with the sale of non-alcoholic products or to promote the sale of non-alcoholic products.
- I. No licensee shall give or offer to give away, alcoholic liquor in connection with the sale of non-alcoholic products or to promote the sale of non-alcoholic products. However, nothing in this section shall prevent a licensee from giving away alcoholic liquor in connection with the sale of a hotel room.
- J. No licensee shall give or offer to give away any alcoholic liquor in connection with any drawing or game of chance, nor shall any licensee in connection with any drawing or game of chance sell or offer to sell alcoholic liquor at less than the customary retail value of such alcoholic liquor.
- K. Except as provided in SEC. 4.10 (L), it shall be unlawful for any licensee hereunder to permit or allow anyone to commit gambling in a licensed establishment. Gambling as used herein is defined in the same manner the term is used and defined in the Illinois Criminal Code, as amended (720 ILCS 5/28). Notwithstanding the foregoing, it shall remain unlawful in a licensed establishment to possess an antique slot machine, to engage in charitable games, to engage in the game commonly known as "bingo," and to engage in pull tabs or jar games, even though such activities may be exempted from the definition of gambling in the state statute. (Amended 3/20/06 by Ord. No. 5063)
- L. No person holding a distributor's license from the State of Illinois shall use his equipment to deliver alcoholic liquor, except to persons holding a license pursuant to this Chapter for the retail sale of alcoholic liquor.
- M. No person shall possess or consume alcohol in a licensed establishment unless that person has in his or her possession an authentic photo identification such as an Illinois Driver's License or Identification Card showing the person to be at least 21 years of age or older.

- N. No licensee or employee of a licensee shall consume alcoholic liquor while on duty at a licensed establishment, nor shall any licensee or employee of a licensee perform work at a licensed establishment while under the influence of alcohol. The foregoing shall not prohibit, however, a licensee or an employee of a licensee at a brewpub from customary sampling of beer during the brewing, fermentation and conditioning procedures and for other quality control tests provided such licensee or employee is not under the influence of alcohol. (Added 4/19/04 by Ord. No. 4942)(Amended 4/3/06 by Ord. No. 5065)
- O. It shall be unlawful for any licensee, or any employee or agent of a licensee, to sell or serve alcoholic liquor at a drive-up window. This prohibition shall not apply to licensees assisting customers in placing alcoholic liquor in their vehicles after the alcoholic liquor has been purchased inside a licensed establishment. (Added 9/7/04 by Ord. No. 4965)
- (SEC. 4.3 Amended 3/16/09 by Ord. No. 5250, Effective August 1, 2009)

#### SEC. 4.3.5 RESTAURANT REQUIREMENTS.

- A. The availability of food in licensed establishments promotes moderation by encouraging people to eat while they drink — or better yet, to view alcohol consumption as a complement to a meal. The distinction is not an insignificant one. Consumption of food lessens the intoxicating effects of liquor. Just as important, though, is encouraging a public attitude in which liquor is seen as an accompaniment to food, rather than an activity that is indulged in for its own sake. The requirements of this Section apply to all holders of Restaurant licenses.
- B. A restaurant must keep its kitchen open and be serving meals from 5:00 p.m. to 9:00 p.m. on any day the restaurant is open for business and at all times between 11:00 a.m. and 5:00 p.m. when alcohol is being served.
- C. A Restaurant must make available to its patrons in all areas where alcohol service is available an offering of at least five different meals during a regular meal period, which must last at least three hours. At least three out of the five different meals used to meet the minimum meal requirement must include a main course or entrée (substantial food item) that has been prepared or cooked on the premises in some manner beyond the simple re-heating of a pre-cooked frozen food or carry-out item obtained from a business other than the licensed premises. A business may have fewer than five different meals in the premises or in an area if the Commissioner determines that the clearly dominant emphasis in the premises or in the area is food service after 5:00 pm.
- D. At all times other than required meal periods and in all areas where alcohol service is available, businesses must make available to their patrons an offering of at least five different substantial food items.
- E. Dining Seats during Required Meal Periods: The licensed premises must have at least 30 dining seats during required meal periods. Seats at counters in entertainment areas and at bars do not qualify as dining seating. A premises may have less than 30 dining seats if the Commissioner determines that the clearly dominant emphasis of the premises is food service at all times and in all areas where alcohol service is available when open to the public.
- F. A restaurant must contain a kitchen that has adequate operating equipment and staff to meet the food service requirements under subsection C. A kitchen is deemed to have adequate equipment if it contains all of the following fully operational equipment:

- (1) A commercial-grade grill or range.
  - (2) A commercial-grade oven.
  - (3) A range hood.
  - (4) A commercial-grade deep fryer.
- G. The Commissioner may grant an exception from any of the requirements under subsections C, D, E, and F if the Commissioner determines that the clearly dominant emphasis in the premises is food service. If the Commissioner grants an exemption under this subsection and it is later determined that the clearly dominant emphasis in the premises is not food service, then the licensee is in violation of this Section and is subject to revocation, suspension, or other penalty for violations under this Chapter.
- H. Each Restaurant licensee must keep a record of all food items sold such that a determination that the restaurant is serving meals regularly can be made.
- I. Definitions. As used in this SEC. 4.3.5:
- “Substantial food items” means food items prepared or cooked on the licensed premises and that are typically served as a main course or entrée. Some examples could include but are not limited to items such as fish, steak, chicken, pasta, pizza, sandwiches, dinner salads, hot dogs, soup, and sausages. Side dishes, appetizer items, dessert items, and snack items such as popcorn, peanuts, chips and crackers do not qualify as substantial food items.
- “Meal” means a substantial food item offered together with at least one side dish or a substantial food item with two or more side dishes available to order separately. Side dishes include but are not limited to vegetables, fruit, salad, rice, french fries and bread.
- “Different” means substantial food items that the Commissioner determines differ in their primary ingredients or method of preparation. For example, a turkey sandwich differs from a salami sandwich, a beef burger differs from a turkey burger, a pepperoni pizza differs from a cheese pizza, and fried chicken differs from baked chicken. Different sizes of the same item are not considered different under this rule. For example, a large cheese pizza is not different from a small cheese pizza and a large hot dog is not different from a small hot dog.
- “Dining seats” means seating at indoor tables or food counters located in areas of the licensed premises regularly open to the public where the Commissioner determines that each table top or seating area provides a minimum space that will accommodate a place setting consisting of a plate or dish, glassware, napkin and utensils for each seat.

(Entire SEC. 4.3.5 Added 2/6/2017 by Ord. No. 5679)

SEC. 4.4 NORMAL LOCAL LIQUOR COMMISSION and COMMISSIONER.

- A. Commissioner. The President is the Normal Local Liquor Commissioner (referred throughout this Chapter as Commissioner), and his duties, powers, and functions are set forth in this Chapter.
- B. The Commissioner may appoint other persons to assist him in the exercise of the powers and performance of the duties herein provided for such Local Liquor Commissioner. In the event that the President makes such an appointment, the parties so named shall be considered to be the Normal Local Liquor Commission and shall act by majority vote, which act shall be an aide to the Commissioner and used by him as such in performing his administrative powers, functions, and duties. In all other respects, where action of the Commission is not contrary to state statute, the President and members of the Commission shall constitute one body acting by majority vote.
- C. The Chairman of the Commission shall be the Commissioner, and in his absence the Chairman of the Commission shall be determined as set forth in SEC. 3.1-5 of this Code. Members of the Commission shall not be paid. Any expense incurred by the Commission may be paid from the Town general fund from monies budgeted to Boards and Commissions in the manner prescribed by administrative regulation upon presentation of the bill to the Town Clerk.

All meetings of the Commission shall be held at the call of the Commissioner or at such times as the Chairman of the Commission may determine. Anything to the contrary, notwithstanding, the Commission shall meet at a time determined by the Commissioner on the third Monday of January, March, July, and October of each calendar year for the regularly scheduled meetings.

- D. Powers Of The Local Liquor Commissioner. The Local Liquor Commissioner shall have the following powers, functions and duties:
1. To receive applications, investigate applicants and grant or renew Liquor Licenses.
  2. To receive complaints from any citizen within its jurisdiction that any of the provisions of this Code have been or are being violated and to act upon such complaints in a manner hereinafter provided.
  3. To authorize any law enforcement officer to enter at any time upon any premises licensed hereunder to determine whether any of the provisions of this Chapter have been or are being violated and at such time to examine such premises of said licensee, including books and records in connection therewith.
  4. In response to complaints or upon reports from an investigating agent of the Commissioner to conduct hearings on alleged violations of this Chapter and to examine or cause to be examined under oath complaints, license holders,

and other interested parties. Furthermore, the Commissioner may examine or cause to be examined the books and records of any licensee under this Chapter and may hear testimony and take proof as to the performance of the licensee's duties and for such purposes may issue subpoenas. For the purpose of obtaining any of the information desired by the Commissioner under this Chapter, he may authorize the Commission to act on his behalf.

For the purpose of administering or enforcing the provisions of this Chapter, the Commissioner may, at his discretion or at the request of one or more members of the Commission, hold public hearings at any time within the Town concerning any matter embraced within this Chapter.

5. To issue written reprimands to license holders, to fine license holders, and/or to suspend or revoke any liquor license(s) in the manner provided herein for any of the following reasons:
  - a. That the licensee has violated any of the laws of the United States relating to the sale of alcoholic liquor or any of the provisions of the Illinois Liquor Control Act, or of this Chapter, or any applicable rules and regulations adopted by the Local Liquor Control Commissioner or by the State Commission, or has violated any Town ordinance, State or Federal law.
  - b. The willful making of any false statement as to a material fact in the application for such license or in any change of ownership application or request or affidavit for the renewal of any license. Making a false statement shall include not making a complete statement of all relevant facts which relate to the situation.
  - c. The permitting of any violation of state law or Normal Municipal Code by any person upon the licensed premises.
  - d. Failure to use and maintain the licensed premises in compliance with all codes and regulations pertaining to health and safety applicable within the Town of Normal, including but not limited to Building, Plumbing, Electrical, and Fire Codes, Zoning Ordinances, McLean County Health Ordinances, and all regulations and orders of the McLean County Health Department.
  - e. The refusal of any licensee to testify under oath to all relevant and material questions propounded to him at any hearing conducted by the Local Liquor Control Commissioner.
  - f. Suspension or revocation of the license of the licensee by the State Commission.
  - g. Permitting any illegal gambling device or equipment to be located on the licensed premises. (Amended 11/19/2012 by Ord. No. 5462)



- h. Failure to adhere to any changes or requirements imposed as a condition of being issued a license by the Liquor Commissioner.
  6. To cause the initiation of legal proceedings under the penalty provisions hereof.
  7. To notify the Illinois Secretary of State where a club incorporated under the General Not For Profit Corporation Act (805 ILCS 105/101.01 et seq.) or a foreign corporation functioning as a club in Illinois under a certificate of authority issued under that Act has violated the Illinois Liquor Control Act or Chapter 4 of this Code by selling or offering for sale at retail alcoholic liquors without a retailer's license.
  8. Following submission to and review by the Liquor Commission, the Liquor Commissioner may adopt such rules and regulations consistent with the provisions of this Chapter, which shall be necessary to carry on his functions and duties to the end that the health, safety, and welfare of the people of the Town of Normal shall be protected and temperance in the consumption of alcoholic liquor shall be fostered and promoted, and to distribute copies of such rules and regulations to all licenses affected thereby.
  9. To take any and all action necessary and incidental to the furtherance of his duties and functions, as set forth in this Chapter.
  10. To issue temporary emergency orders regulating, restricting, or prohibiting the sale of alcoholic liquor in all or a part of the Town of Normal whenever an emergency exists or is reasonably anticipated. Prior to issuing an emergency order, the Liquor Commissioner shall execute a finding describing the nature and extent of the emergency or the reasonably anticipated emergency. Any emergency order issued pursuant to such finding shall be reasonably related to the protection of property from damage or destruction, the protection of persons from injury, the promotion of temperance in the consumption of alcoholic liquor, or otherwise rationally related to the promotion of the health, safety, and welfare of the citizens of Normal. Emergency orders shall be effective from the time of issuance for a period not to exceed 48 hours. The order shall be publicly disseminated, delivered to affected licensees, and filed with the Town Clerk. No person shall disobey an emergency order. (Subsection 10 Added 3/21/2011 by Ord. No. 5376)
- E. Liquor Commission Secretary. The Town Clerk shall be the secretary to and shall keep for the Commissioner a complete record of all licenses issued by the Commissioner under this Chapter, minutes of meetings and hearings held by or under the direction of the Commissioner, and shall cause to be deposited all receipts and shall perform such other duties as Secretary to the Commission as determined by the Commissioner.

SEC. 4.5 APPLICATIONS.

- A. Applications for license shall be made in writing to the Commissioner, signed by the applicant, if an individual, by all participating parties of a partnership, or by a duly authorized officer thereof, if a club or corporation, verified by affidavit, and shall be submitted to and filed with the Town Clerk at least thirty (30) days prior to the issuance of any license. The applicant shall, at the time of application, file with the Town Treasurer, a non-refundable filing fee in the amount of \$100.00 by certified check, cashier's check, bank money order, personal money order, or postal money order. Applicants for license shall contain the following information, documents and statements:
1. The name, birth date (if a natural person) and mailing address of the applicant. Articles of Incorporation, Partnership Agreement, Charter or similar document reflecting the legal existence of the entity seeking the License. The mailing address of the principal office of the applicant. The name under which the applicant intends to do business in the Town.
  2. The name, birth date and address of the resident agent, any participating partner of a partnership applicant, any board member or officer of a corporation or other association applicant, any person who owns an interest of 5% or more in the applicant entity including any person who owns a 5% or more interest in an entity which owns a 5% or more interest in an applicant entity.
  3. The location and description of the premises or place of business which is to be operated under such license, and evidence that the licensee owns said premises or has a lease thereon for the full term for which the license is requested. In the event the applicant has a lease for the premises, a photostatic copy of the lease shall be attached to the application. The application shall include three (3) copies of plans showing the lay-out of the interior of the premises to be licensed. The plans are to include the location of all tables, chairs, fixtures and other items. (Amended 4/19/04 by Ord. No. 4942)
  4. A statement whether applicant, any participating partner of a partnership applicant, any board member or officer of a corporation or other association applicant, any person who owns an interest of 5% or more in the applicant entity including any person who owns a 5% or more interest in an entity which owns a 5% or more interest in an applicant entity has made similar application for a similar other license on premises other than described in this application, and the disposition of such application.
  5. A statement as to whether or not the applicant , any participating partner of a partnership applicant, any board member or officer of a corporation or other association applicant, any person who owns an interest of 5% or more in the applicant entity including any person who owns a 5% or more interest in an entity which owns a 5% or more interest in an applicant entity has ever been convicted of any state or Federal felony.

6. A statement as to whether a previous license by any state or subdivision thereof or by the Federal Government held by the applicant, any participating partner of a partnership applicant, any board member or officer of a corporation or other association applicant, any person who owns an interest of 5% or more in the applicant entity including any person who owns a 5% or more interest in an entity which owns a 5% or more interest in an applicant entity has been revoked, and the reasons therefore.
7. A statement of the business and employment history for the past ten (10) years of the applicant, any participating partner of a partnership applicant, any board member or officer of a corporation or other association applicant, any person who owns an interest of 5% or more in the applicant entity including any person who owns a 5% or more interest in an entity which owns a 5% or more interest in an applicant entity.
8. The applicant, any participating partner of a partnership applicant, any board member or officer of a corporation or other association applicant, and any person who owns an interest of 5% or more in the applicant entity including any person who owns a 5% or more interest in an entity which owns a 5% or more interest in an applicant entity must file a release for an Illinois State Police Conviction Information Name Check Request.
9. Three complete sets of building or remodeling plans showing compliance with all Town Codes and which indicate where liquor will be stored, sold and served in the building, outdoor garden or other area for which applicant is seeking a license. For premises licensed for consumption on the premises, the plans shall include a "floor plan" indicating the nature and location of all seating. (Amended 4/19/04 by Ord. No. 4942)
10. Bond. Each and every applicant for a license, or renewal thereof, shall, simultaneously with the application therefore and prior to the issuance thereof, execute and deliver a bond in the penal sum of \$10,000.00 to the Town as the obligee. Said bond shall be conditional for the faithful performance of all provisions of this Chapter and all amendments thereto and the payment of all fines and penalties by reason of the violation thereof with security to be approved by the Commissioner. The maximum liability of any and all sureties on said bonds shall be limited to the penalty thereof, to-wit, the sum of \$10,000.00.
11. Dram Shop Insurance. Each applicant for a license shall furnish, contemporaneously with the application and bond, evidence of insurance coverage against Dram Shop liability under 235 ILCS 5/6-21, covering the proposed licensee and the owner of the premises for a full twelve (12) month period from the date of the application. Evidence of similar coverage shall be furnished as a condition for each and every annual renewal of any license hereunder.

12. Resident Agent. Each licensee shall appoint a natural person as his agent, who is a resident of McLean County, and at all times advise the Town Clerk of the name and correct address of such person. Notices, demands and summons served on said agent shall constitute proper service on the licensee.
13. A statement as to the type of license the applicant wishes to obtain.
14. A detailed statement as to the general nature of the applicant's anticipated business, including a financial statement and a business plan. The financial statement shall include a list of the entity's assets, debts and anticipated assets and debts such that a fair assessment can be made of the applicant's financial condition. The business plan shall include the applicant's projected income by source and expected expenses, including operating costs, capital costs and other expenses such that a fair assessment of the likelihood of success can be made. (Amended 4/19/04 by Ord. No. 4942)
15. For restaurant license applications, a copy of the proposed menu of food items that the establishment will offer for sale. (Added 4/19/04 by Ord. No. 4942)

SEC. 4.6 RESTRICTION OF LICENSE. No license shall be issued or reissued to any applicant or to any applicant employing a resident agent, which applicant, including any participating partner of a partnership applicant, any board member or officer of a corporation or other association applicant, any person who owns an interest of 5% or more in the applicant entity including any person who owns a 5% or more interest in an entity which owns a 5% or more interest in an applicant entity or resident agent, who is:

- A. A person not 21 years old or who is under any legal disability.
- B. A person who is not of good character and reputation in the community in which he resides.
- C. A person who has been convicted of a felony under any federal or state law unless the Commissioner determines, after investigation, that such person has been sufficiently rehabilitated to warrant the public trust.
- D. A person who has been convicted of being the keeper or is keeping a house of ill fame.
- E. A person who has been convicted or pandering or other crime or misdemeanor opposed to decency and morality within the last three (3) years.
- F. A person whose license issued under this Chapter has been revoked for cause.
- G. A person who at the time of application for renewal of any license issued hereunder would not be eligible for such license upon a first application.
- H. A co-partnership, unless all of the members of such co-partnership shall be qualified to obtain a license.
- I. A corporation, if any stockholder owning in the aggregate more than five percent (5%) of the stock of such corporation would not be eligible to receive a license hereunder for any reason.
- J. A person who has been convicted of a violation of any federal or state law concerning the manufacture or sale of alcoholic liquor, after the passage of this Chapter, or shall have forfeited his bond by failure to appear in court to answer charges for any such violation.
- K. A person who does not own the premises for which a license is sought or does not have a lease thereon for the full period for which the license is to be issued.
- L. Any law enforcing public official, the mayor or member of the Town Council. No Town regular employee and no member of the Board of Fire and Police Commissioners shall be interested in any way, either directly or indirectly, in the manufacture, sale or distribution of alcoholic liquor within the Town's boundaries.
- M. Any person, association or corporation not eligible for a state retail liquor dealer's license.

- N. Any person who fails to furnish or falsely furnishes information or who fails to make or falsely makes statements required in the application for license as set forth in this Chapter.
- O. Any person convicted of a violation of selling or furnishing alcohol to a minor within the preceding five (5) years.

SEC. 4.7 RESTRICTED AREAS.

- A. Within the Town of Normal, alcoholic liquors shall be sold at retail only within the areas zoned as S-1, S-2, C-2, C-3, B-1 and B-2.
- B. No license shall be issued for the sale at retail of any alcoholic liquor within one hundred (100) feet from any church, school, day care center, hospital, home for the aged or indigent persons or for veterans, their wives or children, or any military or naval station. The one hundred (100) foot measurement provided in this Section is measured from the outside perimeter of the establishment in which alcoholic liquor is permitted to be sold (although not necessarily the outside perimeter of the building in which the establishment is located or the lot on which the building is placed) and the perimeter of the lot on which a church, school, day care center, hospital, home for the aged or indigent persons or for veterans, their wives or children, or any military or naval station is located. Notwithstanding the foregoing restriction, a license may be issued within one hundred feet from a church, school, day care center, hospital, home for the aged or indigent persons or for veterans, their wives or children, or any military or naval station with the written consent of the church, school, day care center, hospital, home for the aged or indigent persons or for veterans, their wives or children, or military or naval station.
- C. No liquor shall be sold, served, or allowed to be consumed on any licensed premises except in the area approved for such sale and service in the Liquor License granted by the Town of Normal.
- D. No liquor shall be sold, served, or allowed to be consumed on property belonging to the Town of Normal except at the following locations and under the following conditions:
  - 1. At the Town of Normal Activity Center One Normal Plaza when an event permit has been obtained by a Class F (Catering) license holder or when a Class G (Secondary Premises) license has been obtained, or
  - 2. At the Children's Discovery Museum after the Museum is closed to the general public when an event permit has been obtained by a Class F (Catering) license holder or a Class G (Secondary Premises) license has been obtained, and provided such event is a private rental hosted by a person other than a natural person or a Town sponsored event or such event directly benefits a Town of Normal program or activity. The Liquor Commissioner shall have sole discretion in determining whether or not a proposed event meets the foregoing qualifications.  
(Entire Subsection D Added 11/1/04 by Ord. No. 4977)(Subsection D Amended 2/18/08 by Ord. No. 5177)

3. At Ironwood Golf Course, pursuant to a lawfully issued Liquor License. (Subsection 3 added 4/7/08 by Ord. No. 5182)
4. On other Town property which is designated as part of the premises of any other liquor license issued by the Town, provided that the license holder agrees in writing to indemnify and hold the Town harmless from any and all losses, and the licensee names the Town as an additional insured under a general liability insurance policy in an amount no less than \$1,000,000.00. (Subsection 4 added 7/6/09 by Ord. No. 5274)
5. At Uptown Station fourth floor when an event permit has been obtained by a Class F (Catering) license holder or a Class G (Secondary Premises) license has been obtained, and provided such event is one of the following: (a) a private rental hosted by a person other than a natural person; (b) a Town sponsored event; or (c) an event that directly benefits a Town of Normal program or activity. The Liquor Commissioner shall have sole discretion in determining whether or not a proposed event meets the foregoing qualifications and to grant or deny an event permit for Uptown Station. (Subsection 5 added 7/2/12 by Ord. No. 5447)
6. At the Gateway Plaza when an event permit has been obtained by a Class F (Catering) license holder or a Class G (Secondary Premises) license has been obtained, and provided such event is a Town sponsored event or such event directly benefits a Town of Normal program or activity. The Liquor Commissioner shall have sole discretion in determining whether or not a proposed event meets the foregoing qualifications. Gateway Plaza is defined as that area bounded by the Children's Discovery Museum, Uptown Station, the southern right-of-way line of Uptown Circle, and the northern right-of-way line of the Union Pacific Railroad immediately adjacent to Gateway Plaza. (Subsection 6 added 4/15/2013 by Ord. No. 5491)
7. At any portion of Uptown Station that is leased by Illinois State University for the purposes of operating an art gallery. (Subsection 7 added 10/6/2014 by Ord. No. 5558)

#### SEC. 4.8 HEARING ON LICENSE APPLICATION AND GRANTING OF LICENSE.

- A. Notice. Upon the filing of an application for a liquor license, the Commissioner shall fix a time and place of hearing thereon. Notice of the hearing shall be given the applicant not less than five (5) days prior to the hearing.
- B. Hearing and Evidence. The Commissioner shall receive and may require such evidence as he may deem necessary to make findings based upon the standards and factual criteria.
- C. Standards and Factual Criteria. After hearing, the Commissioner shall grant a liquor license if he finds that the grant of the license would not be detrimental to the general welfare of the Town. The Commissioner may deny an application if he finds one or more of the following:

1. The application does not contain all the information, supporting documents or fees required by this Chapter;
  2. The issuance of the license would be in violation of any part of this Chapter;
  3. The applicant does not have sufficient financial assets to maintain the proposed liquor establishment;
  4. The applicant is a convicted felon who has not been adequately rehabilitated;
  5. The issuance of the license can reasonably be expected to create excessive noise, traffic, parking or litter problems;
  6. The applicant has a history of problems with regard to violations of health regulations, laws and ordinances at prior establishments owned or managed by the applicant;
  7. The building in which the applicant seeks to operate does not meet all Town of Normal building and Zoning code ordinances and regulations;
  8. The issuance of the license can reasonably be expected to create a nuisance such as excessive and repeated breaches of the peace.
  9. The applicant has previously had a liquor license revoked or suspended in this or any other state or jurisdiction.
  10. The applicant is seeking a restaurant license and does not provide sufficient facilities or menu items to operate as a restaurant.
- D. Conditions on Issuance. If the Commissioner finds that any change in the applicant's plans is needed to give the Commissioner grounds for finding necessity for the issuance of such license, the Commissioner may make such a change. A condition on the granting of a license and the failure of the applicant at any time to adhere to or perform such condition shall be considered a violation of this Chapter.

SEC. 4.9 TERM OF LICENSE, PAYMENT OF FEES.

- A. Term. Liquor licenses are valid, provided all fees are paid up, all other monies owed the Town are paid, all forms and supplemental information required by the Town Clerk have been submitted, and all other conditions of this ordinance are met for a fiscal year beginning April 1 and ending March 31 of the succeeding year.
- B. License Fees. Annual license fees are due on the last working day of February for the period beginning April 1 and ending March 31 of the succeeding year. The annual license fee may be paid in two installments as provided hereafter only if an installment fee of \$100.00 is paid with the first installment. One-half (1/2) of the license fee shall be due one month before the beginning of the fiscal year, that is, on or before the last working day of February. In addition, the remaining one-half (1/2)



of the license fee shall be due on or before the last working day of September. License fees which are not paid by the aforementioned dates shall be accepted by the Town Clerk until the date of the next regular meeting of the Commissioner, that is, the March and October meetings, respectively, provided a penalty of \$100.00 is added for each day the fee is late after the last working day of February or September, respectively. The Town Treasurer shall not accept any fees for license renewals after the conclusion of the Commissioner's regular March or October meetings, as the case may be. The term "working day" as used herein shall mean any day the office of the Town Clerk is open for public business. (Amended 2/1/2010 by Ord. No. 5319)

- C. License To Be Posted. Every licensee shall cause his license to be framed and hung in plain view in a conspicuous place on the licensed premises.

SEC. 4.10 CLASSIFICATION AND FEES. All licenses shall be and hereby are divided into classes. It shall be unlawful to sell alcoholic liquor or to operate a liquor establishment in a manner inconsistent with the terms of the class of license set forth herein:

- A. Class A licenses (All liquor- Off premises consumption) shall authorize the sale of alcoholic liquor in original package at retail on the premises specified, for consumption off said premises. Class A liquor establishments shall have a minimum of 1000 square feet of interior space. The annual fee for such license shall be \$3,000.00. Hours (local time) shall be from seven o'clock (7:00) A.M. to one o'clock (1:00) A.M. the following day on Sundays through Thursdays and from seven o'clock (7:00) A.M. to one forty-five o'clock (1:45) A.M. the following day on Fridays through Saturdays. (Amended 4/19/04 by Ord. No. 4942)(Amended 6/20/05 by Ord. No. 5011)
- B. Class B license (Beer only- On premises consumption) shall authorize the retail sale of beer only in restaurants and clubs for consumption only on the premises where sold. The Licensee may sell beer during the following hours: Monday through Thursday: 11:00 am to 1:00 am the following day; Friday: 11:00 am to 2:00 am the following Saturday; Saturday: 9 am to 2:00 am the following Sunday; Sunday: 9 am to 1:00 am the following Monday; and on December 31, sale is authorized until 2:00 am of January 1. The annual fee for such license shall be as follows: (Amended 4/19/04 by Ord. No. 4942) (Amended 02/19/18 by Ord. No. 5729)
- |   |        |
|---|--------|
| Restaurants with an occupancy capacity of up to 100 persons     | \$ 750 |
| Restaurants with an occupancy capacity of more than 100 persons | \$1000 |
| Clubs   | \$ 500 |
- C. Class C licenses (Beer and wine only- On premises consumption) shall authorize the retail sale of beer and wine only in restaurants, public or private golf courses, and clubs for consumption only on the premises where sold. The restaurant licensee may sell beer and wine during the following hours: Monday through Thursday: 11:00 am to 1:00 am the following day; Friday: 11:00 am to 2:00 am the following Saturday; Saturday: 9 am to 2:00 am the following Sunday; Sunday: 9 am to 1:00 am the following Monday; and on December 31, sale is authorized until 2:00 am of January 1. A golf course licensee may sell beer and wine during the following hours: Sunday through Thursday: 7:00 am to 1:00 am the following day; Friday and Saturday: 7:00 am to 2:00 am the following day; and on December 31, sale is authorized until 2:00 am of January 1. Notwithstanding the foregoing, a Class C License holder may permit a patron to remove one unsealed and partially consumed bottle of wine for off-premise consumption provided that the patron has purchased a meal and consumed a portion of the bottle of wine with the meal on the licensed premises. A partially consumed bottle of wine that is to be removed from the premises shall be securely sealed by the licensee prior to the removal from the premises and placed in a transparent, one-time use, tamper-proof bag. The licensee shall provide a dated receipt for the bottle of wine to the patron. The annual fee for Class C license shall be as follows: (Amended 4/19/04 by Ord. No. 4942)(Amended 11/5/2012 by Ord. No. 5460) (Amended 02/19/18 by Ord. No. 5729)

Restaurants with an occupancy capacity of up to 100 persons	\$1500
Restaurants with an occupancy capacity of more than 100 persons	\$2000
Clubs	\$ 500
Golf Course	\$ 100

(Subsection C Amended 2/18/08 by Ord. No. 5177)

- D. Class D licenses (All liquor-On premises consumption) shall authorize the sale of alcoholic liquor by only restaurants or clubs for consumption on the premises where sold. The licensee may sell alcoholic liquor during the following hours: Monday through Thursday: 11:00 am to 1:00 am the following day; Friday: 11:00 am to 2:00 am the following Saturday; Saturday: 9 am to 2:00 am the following Sunday; Sunday: 9 am to 1:00 am the following Monday; and on December 31, sale is authorized until 2:00 am of January 1. Notwithstanding the foregoing, a Class D License holder may permit a patron to remove one unsealed and partially consumed bottle of wine for off-premise consumption provided that the patron has purchased a meal and consumed a portion of the bottle of wine with the meal on the licensed premises. A partially consumed bottle of wine that is to be removed from the premises shall be securely sealed by the licensee prior to the removal from the premises and placed in a transparent, one-time use, tamper-proof bag. The licensee shall provide a dated receipt for the bottle of wine to the patron. The annual license fee for such licenses shall be as follows: (Amended 4/19/04 by Ord. No. 4942) ( Amended 11/5/2012 by Ord. No. 5460) (Amended 02/19/18 by Ord. No. 5729)

Restaurants with an occupancy capacity of up to 100 persons	\$2500
Restaurants with an occupancy capacity of more than 100 persons	\$3000
Clubs	\$ 600

- E. Class E licenses (Hotels) shall authorize the sale of alcoholic liquor by hotels for consumption on the premises where sold. A Class E license (Hotels) permits “mini-bars” in private rooms, catering on premises, cash bars at private rental parties, room service, and restaurants. A restaurant in a hotel shall be limited to the following hours: Monday through Thursday: 11:00 am to 1:00 am the following day; Friday: 11:00 am to 2:00 am the following Saturday; Saturday: 9 am to 2:00 am the following Sunday; Sunday: 9 am to 1:00 am the following Monday; and on December 31, sale is authorized until 2:00 am of January 1. Notwithstanding the foregoing, a Class E License holder may permit a patron to remove one unsealed and partially consumed bottle of wine for off-premise consumption provided that the patron has purchased a meal and consumed a portion of the bottle of wine with the meal on the licensed premises. A partially consumed bottle of wine that is to be removed from the premises shall be securely sealed by the licensee prior to the removal from the premises and placed in a transparent, one-time use, tamper-proof bag. The licensee shall provide a dated receipt for the bottle of wine to the patron. The annual license fee for such license shall be as follows: (Amended 4/19/04 by Ord. No. 4942)( Amended 11/5/2012 by Ord. No. 5460) (Amended 02/19/18 by Ord. No. 5729)

Hotel	\$3000
-------	--------

- F. Class F licenses (Catering) shall authorize the holder thereof to provide catering services. The annual license fee for such license shall be \$100.00 for those persons who do not hold another classification of license and \$25.00 for any person having any other type of liquor license issued by the Town of Normal. The Town of Normal will recognize catering licenses issued by the City of Bloomington, but only to the extent that the City of Bloomington recognizes catering license issued by the Town of Normal. Alcohol may be served on Sundays, Mondays, Tuesdays, Wednesdays and Thursdays from eleven o'clock (11:00) A.M. to one o'clock (1:00) A.M. the following day, and on Fridays and Saturdays from eleven o'clock (11:00) A.M. to two o'clock (2:00) A.M. the following day. On December 31<sup>st</sup> service is authorized until two o'clock (2:00) A.M. the following day. The following shall also apply: (Amended 4/19/04 by Ord. No. 4942)
1. All Class F holders must obtain an event permit from the Liquor Commissioner or his designee prior to engaging in catering services. The event permit must be applied for at the Town Clerk's office at least twenty-four (24) hours before the event together with payment of a \$10.00 registration fee. The following information shall be supplied: location of the event, estimated number in attendance, name of person or organization sponsoring the event, proof of dram shop insurance for premises, and how the consumption of alcoholic beverages by minors will be controlled. The Class F license holder will also be required to provide information regarding restroom and parking facilities for guests if the estimated number in attendance exceeds fifty (50) persons.
  2. All requirements of a Mass Gathering permit, if required by the Municipal Code of the Town of Normal, must be met.
  3. The Class F license holder will immediately cease the sale and serving of alcohol at an event if the Town of Normal Police Department informs the license holder that a violation of any of the following City Ordinances has occurred at the event:
    - a. The Class F license holder has knowingly served alcohol to a person under the age of 21 at the event in violation of the Municipal Code of the Town of Normal.
    - b. Open and notorious possession or consumption of alcohol by more than 3 or more persons has occurred at the event in violation of the Municipal Code of the Town of Normal and the license holder is aware of the violations or reasonably should have been aware of the violations.
    - c. The event is in violation of the Town's Mass Gathering Ordinance.
    - d. A violation of the sound amplification device restrictions, SEC. 17.5 of the Municipal Code of the Town of Normal, has occurred and that a prior warning or issuance of a notification of a violation failed to abate the problem.

4. An event permit may be denied for any of the following reasons:
    - a. Required information is missing; or
    - b. The application is not timely filed or;
    - c. A prior event sponsored by the individual or organization sponsoring this event violated Town ordinances or caused a disturbance; or
    - d. A prior event catered by this Class F license holder violated Town ordinances; or
    - e. The Liquor Commissioner or his designee determines that the provisions for parking, restrooms or the prevention of delivery of alcohol to underaged persons are inadequate and that a substantial risk to the public health and welfare would result if the license were issued.
  5. In the event that an event permit is denied, the Town Clerk shall immediately notify the applicant of the denial. The applicant may request a hearing on the denial which shall be held in front of the Liquor Commissioner or his designee as soon as practical after the demand for hearing.
  6. A Class F license does not authorize the sale of alcohol at a cash bar.
- G. Class G licenses (Secondary Premises) shall authorize a current holder of a Class A, B, C, D, E, or M liquor license and a Class O liquor license holder that is not licensed for Video Gaming to sell alcohol on any approved non-residential premises other than the premises covered by the existing license for a period of three (3) days or less as determined by the Local Liquor Commissioner provided the following shall also apply: (Amended 6/5/06 by Ord. No. 5076)(Amended 06/18/18 by Ord. No. 5741)
1. All of the terms and conditions of the license holder's primary license shall extend to and apply to the license issued. A Class G License shall allow the license holder to operate a cash bar. Any violation of the terms of the G license shall be considered a violation of the license holder's primary license and shall subject the license holder to penalties and/or sanctions directed at the primary license. Any violation of the G license may also be sanctioned by denial of future G licenses.
  2. Before issuing such license, application must be made to the Clerk's office seven (7) working days in advance with the following: proof of Dram Shop Insurance covering the premises licensed under the G license, location of the event, estimated number in attendance, name of person or organization sponsoring the event, and how the sale of alcohol to minors will be controlled. The G license holder will also be required to provide information regarding restroom and parking facilities for guests.
  3. All requirements of a Mass Gathering permit, if required by SEC. 4.32 of the Municipal Code of the Town of Normal, must be met.

4. The G license holder will immediately cease the sale and serving of alcohol at an event if the Town of Normal Police Department informs them that a violation of any of the following City Ordinances has occurred at the event:
  - a. The G license holder has knowingly served alcohol to a person under the age of 21 at the event in violation of the Municipal Code of the Town of Normal.
  - b. Open and notorious possession or consumption of alcohol by three (3) or more persons has occurred at the event in violation of the Municipal Code of the Town of Normal and the license holder is aware of the violations or reasonably should have been aware of the violations.
  - c. The event is in violation of the Town's Mass Gathering Ordinance.
  - d. A violation of the sound amplification device restrictions, SEC. 17.5 of the Municipal Code of the Town of Normal, has occurred and that a prior warning or issuance of a notification of a violation failed to abate the problem.
5. A G License may be denied for any of the following reasons:
  - a. Required information is missing; or
  - b. The application is not timely filed; or
  - c. A prior event sponsored by the individual or organization sponsoring this event violated Town ordinances or caused a disturbance; or
  - d. Violations of Town ordinances or state law occurred at a prior event for which a Class G license had been issued to this license holder; or
  - e. The Liquor Commissioner determines that the provisions for parking, restrooms or the prevention of delivery of alcohol to underaged persons are inadequate and that a substantial risk to the public health and welfare would result if the license were issued.
6. In the event that an event permit is denied, the Town Clerk shall immediately notify the applicant of the Denial. The applicant may request a hearing on the denial which shall be held in front of the Liquor Commissioner or his designee as soon as practical after the demand for hearing.
7. The fee for such license shall be one hundred dollars (\$100.00) for the first day of the event and fifty dollars (\$50.00) for each immediate subsequent day of the same event.
8. No license holder shall be issued more than twelve (12) G licenses in any twelve (12) month period.

9. The Town of Normal may issue a Class G license to an applicant holding a City of Bloomington Liquor License of a kind similar to the Town of Normal's Class A, B, C, D, or E License, but only if the City of Bloomington recognizes a Town of Normal license for the City of Bloomington's provisions which are similar to those of the Town of Normal's Class G (Secondary Premises) license.
- H. Class H licenses (Outdoor gardens and sidewalk cafes) shall authorize a current holder of a Class B, C, D, E, M, or O liquor license to sell alcohol outdoors for consumption in an approved area of the premises or immediately adjacent to the premises other than the area of the premises covered by the liquor license or in an on-street café approved under Section 8.1-9(D). The Liquor Commissioner may require the erection of fences, walls or similar barricades prior to issuance of a Class H license. The Liquor Commissioner may consider the effect on parking, traffic and pedestrian traffic in determining whether to grant a Class H license. The Liquor Commissioner may also restrict or prohibit the use of sound amplifying devices as a condition of a Class H. License. The annual license fee for a Class H license shall be \$250. (Amended 6/5/06 by Ord. No. 5076)(Amended 05/21/18 by Ord. No. 5739)
- I. Class I (Wine tasting) licenses shall authorize a current holder of a Class A, B, C, D, E, or M liquor license to hold wine tasting on their premises. The annual fee for a Class I license shall be \$50.00 and shall permit any number of wine tastings on premises with no additional fee. No person other than a current holder of a class A, B, C, D, E, or M liquor license shall hold a wine tasting for profit in the Town of Normal. For events occurring other than at the licensed premises, the fee for an event permit for a wine tasting shall be \$50 per day. Class I licenses (Wine tasting) shall authorize the holder thereof to hold wine tastings. Alcohol may be served from eleven o'clock (11:00) A.M. to one o'clock (1:00) A.M. the following day. On December 31<sup>st</sup> service is authorized until two o'clock (2:00) A.M. the following day. The following shall also apply: (Amended 4/19/04 by Ord. No. 4942)(Amended 6/5/06 by Ord. No. 5076)
1. All Class I holders must obtain an event permit from the Liquor Commissioner or his designee prior to the wine tasting if the wine tasting is to be held at a location other than the licensed premises. The event permit must be applied for at the Town Clerk's office at least twenty-four (24) hours before the event. The following information shall be supplied: location of the event, estimated number in attendance, name of person or organization sponsoring the event, proof of dram shop insurance for premises, and how the consumption of alcoholic beverages by minors will be controlled. The Class I license holder will also be required to provide information regarding restroom and parking facilities for guests if the estimated number in attendance exceeds fifty (50) persons.
  2. The Class I license holder will immediately cease the sale and serving of alcohol at an event if the Town of Normal Police Department informs the license holder that a violation of any of the following City Ordinances has occurred at the event:

- a. The Class I license holder has knowingly served alcohol to a person under the age of 21 at the event in violation of the Municipal Code of the Town of Normal.
  - b. Open and notorious possession or consumption of alcohol by more than 3 or more persons has occurred at the event in violation of the Municipal Code of the Town of Normal and the license holder is aware of the violations or reasonably should have been aware of the violations.
3. An event permit may be denied for any of the following reasons:
- a. Required information is missing; or
  - b. The application is not timely filed or;
  - c. A prior event sponsored by the individual or organization sponsoring this event violated Town ordinances or caused a disturbance; or
  - d. A prior event catered by this Class I license holder violated Town ordinances; or
  - e. The Liquor Commissioner or his designee determines that the provisions for parking, restrooms or the prevention of delivery of alcohol to underaged persons are inadequate and that a substantial risk to the public health and welfare would result if the license were issued.
4. In the event that an event permit is denied, the Town Clerk shall immediately notify the applicant of the denial. The applicant may request a hearing on the denial which shall be held in front of the Liquor Commissioner or his designee as soon as practical after the demand for hearing.
- J. Class J licenses (One day extended premises) shall authorize a current holder of a Class B, C, D, E, or M liquor license to sell alcohol for consumption in an approved area of the premises other than the area of the premises covered by the liquor license on a date certain. The Liquor Commissioner may require information similar to that required for Class K licenses prior to the issuance of a Class J Liquor license. The Liquor Commissioner may deny a Class J license for the same reasons that a Class K license may be denied. The Liquor Commissioner may require the erection of tents, fences, walls, or similar barricades as a condition of the issuance of a Class J license. The license fee for a Class J license shall be \$25 per day. (Amended 6/5/06 by Ord. No. 5076)



- K. Class K licenses (One day license) shall authorize the retail sale of alcoholic liquor for consumption on the premises specifically defined in the liquor license application and thereby approved by the Commissioner when the license is issued, at a fund raising activity or event, the net proceeds from which will be used for charitable, civic, benevolent, or humane purposes. Any licensee may sell alcoholic liquor from the hour of eleven o'clock (11:00) A.M. to the hour of one o'clock (1:00) A.M. the following day. On December 31<sup>st</sup>, the sale is authorized to two o'clock (2:00) A.M. the following day. The amount of the license fee for such a Class K One-Day alcoholic liquor license shall be \$100.00. Class K licenses shall be subject to the following additional requirements:
1. General Regulations. Applicants for and holders of Class K One Day Alcoholic Liquor licenses shall be subject to all the regulations, procedures and provisions specified in this Section in addition to the regulations, procedures and provisions applicable generally to liquor license applicants or license holders enumerated in this Chapter.
  2. Eligibility Requirements for Class K One Day Alcoholic Liquor Licenses. Applicants for Class K One Day Alcoholic Liquor Licenses must be civic, service, charitable, fraternal or social organizations, groups or entities generally recognized as such in the community, with a degree of permanence and continuity demonstrated by not less than three years of continuous prior local organized existence. One responsible consenting member of the organization, group or entity for each 100 persons reasonably expected at the event for which the Class K One Day Alcoholic Liquor License is sought shall be named as co-applicant and co-licensee along with the organization, group or entity; provided, however, that not less than three nor more than twelve such persons shall be named as such co-applicants and co-licensees. No such license shall be granted to any group or entity having received another such license during the previous six-month period.
  3. Application Procedure.
    - a. Application Forms. Application for Class K One Day Alcoholic Liquor licenses shall be made on forms provided by the Town Clerk and shall provide the following information:
      - (1) The name of the civic, service, charitable, fraternal or social organization, group or entity seeking the license;
      - (2) The names and signatures of from three to twelve responsible current members of the organization, group or entity with the number of such signers dependent upon the number of persons expected at the event for which the One Day Alcoholic Liquor license is sought, who will be co-licensees with the organization, group or entity;
      - (3) A description of the location at which the One Day Alcoholic Liquor license will be utilized;

- (4) The date on which the One Day Alcoholic Liquor license will be utilized;
  - (5) A description of the activity or event in connection with which the One Day Alcoholic Liquor license will be utilized, specifying the nature of the proposed entertainment, if any;
  - (6) An estimate of the number of persons expected in attendance;
  - (7) A description of the proposed procedures for handling the following:
    - (a) Sale of alcoholic liquor;
    - (b) Identification check;
    - (c) Traffic control;
    - (d) Vehicular parking;
    - (e) Pedestrian control;
    - (f) Site and vicinity clean-up;
    - (g) Accounting;
  - (8) A description of the way in which the net proceeds from the event will be used for charitable, civic, benevolent, or humane purposes.
- b. Application Submission. The completed application form shall be filed in the office of the Town Clerk not more than sixty (60) nor less than fifteen (15) days prior to the date on which the license, if granted, will be utilized.
  - c. Application Fee. The applicant shall pay a \$25.00 non-refundable license application fee at the time of filing the license application.
4. Application Review. After preliminary review by the Town staff, the license application and staff report and recommendation shall be submitted to the Commissioner for approval or disapproval. The Commissioner shall approve or disapprove the application not less than fourteen (14) days prior to the date on which the license, if granted, would be utilized. The Commissioner may deny a license if he finds any one or more of the following:
    - a. The issuance of a license is likely to cause any one or more of the following: traffic problems, parking problems, excessive noise, trash or a disturbance of the peace;

- b. There is insufficient means to prevent the service of alcohol to minors a prior;
- c. A prior license involving this applicant (including members of applicant's group or association) resulted in problems such as noise, traffic congestion, parking difficulties, trash, drinking by minors, or a disturbance of the peace; or
- d. A prior license involving this location resulted in problems such as noise, traffic congestion, parking difficulties, trash, drinking by minors, or a disturbance of the peace; or
- e. A lack of complete application information.

5. Post-Approval, Pre-Issuance Requirements.

- a. The applicant shall acquire and submit to the Town Clerk a Dram Shop Insurance Policy insuring the licensed group, organization or entity, each of the responsible individuals named as co-licensees and the Town of Normal, Illinois as named insureds. The amounts of such coverage shall not be less than:

\$100,000 bodily injury per person  
\$300,000 bodily injury per occurrence  
\$100,000 means of support  
\$100,000 property damage.

- b. The applicant shall submit a Release of Liability and Indemnification Agreement through which the group, organization of entity and each of the responsible individuals named as co-licensees will release and agree to indemnify the Town of Normal from any and all liability arising from the issuance of the One Day Alcoholic Liquor license or any event or occurrence held or happening in connection therewith.
- c. The applicant shall submit an agreement by the group, organization or entity and each of the responsible individuals named as co-licensees obligating the up and those individuals to restore the licensed premises and vicinity to approximately the same condition as existed prior to the holding of the event at which the One Day Alcoholic Liquor license will be utilized. This agreement shall be secured by the posting of a \$250,000 cash escrow account or a corporate surety bond in a like amount, payable to the Town of Normal in the event that such restoration is not done or completed.
- d. The applicant shall pay the \$50.00 non-refundable license application fee.

- e. The applicant shall notify the McLean County Health Department of the tendency of the activity and shall request a health inspection of the premises on which the license will be issued.
6. License Issuance. After approval by the Commissioner of the license application, the Town Clerk shall grant a One-Day Alcoholic Liquor License jointly to the group, organization or entity and the responsible individuals named as co-licensees. As co-licensees, the organization and each of the named individuals assume the duties, responsibilities and obligations of a liquor license holder under the provisions of this Chapter and specifically assume responsibility for implementing the proposed use of the One-Day Alcoholic Liquor License in the manner proposed in the approved One-Day Alcoholic Liquor application.
  7. Responsibilities of License Holders. Failure by the organization, group or entity, any of its members, agents, or employees or any of the responsible individuals named as co-licensees to adhere to the regulations of this Chapter and the procedures for the sale of alcoholic liquor, identification check, traffic control, vehicular parking, pedestrian control, site and vicinity clean-up, indicated in the approved application shall subject the licensed organization, group or entity, and each of the responsible individuals named as co-licensees to the penalty provisions of this Chapter.
- L. A Class L (Pari-mutuel Betting Parlor) shall authorize a current holder of a class B, C, D or E liquor license to permit pari-mutuel betting to occur on the premises provided that the following conditions are met:
1. The License holder, or a person contracted with the license holder, is authorized by the State of Illinois pursuant to State law (230 ILCS 5/1 et seq.) to operate a pari-mutuel system of wagering.
  2. No electronic/mechanical gambling devices shall be permitted in the betting parlor. For purposes of this section, “electronic/mechanical gambling devices” shall mean all slot machines, keno machines, video poker machines, and other similar devices which can be used for gambling, but shall exclude terminals for the placement of authorized pari-mutuel bets. Video gaming terminals licensed under the Video Gaming Act and Division 14 of Chapter 22 of the Municipal Code of the Town of Normal may be located on the premises outside of the betting parlor.
  3. No one under the age of 21 shall be permitted in the betting parlor.
  4. The betting parlor shall be in separate room, divided from any other area of the restaurant or hotel by a solid wall.
  5. Pari-mutuel betting, video gaming as set forth under item 2, and the sale of State of Illinois Lottery tickets shall be the only form of gambling permitted on the premises.
  6. The Licensee shall not knowingly permit persons under the influence of alcohol to gamble.

7. The Licensee will create and maintain a list of people who have requested that they not be permitted on the premises. The licensee may not permit a person on such list to enter the premises. The licensee will participate in any state, federal, or industry lists of people who wish to be barred from gambling establishments.
8. The Licensee will not have an ATM machine on the premises.
9. The Licensee will provide a clearly visible area in the vicinity of the principle entrance to the premises where gambling addiction counselors and others who provide gambling addiction services may place brochures and other advertising and/or educational materials.
10. The Licensee will display in a prominent location on the premises signs written in block letters of no less than one inch in height with the following messages:

GAMBLING CAN BE ADDICTIVE.

DO NOT GAMBLE MORE THAN YOU CAN AFFORD TO LOSE.

THIS PREMISES MAINTAINS A LIST OF PERSONS WHO WISH TO BE BARRED FROM THE PREMISES. SEE ANY EMPLOYEE IF YOU WISH TO BE INCLUDED ON THAT LIST.
11. A payment of an annual fee of \$250.00.

(Entire Subsection L Added by Ord. No. 5063 on March 20, 2006)(Amended 06/18/18 by Ord. No. 5741)

- M. Class M licenses (**Brewpub**) shall authorize only restaurants to manufacture beer only on the premises specified in the license, to make sales of the beer manufactured on the premises to importing distributors, distributors, and to non-licensees for use and consumption both on and off the said premises provided that sales for consumption off said premises shall be made in original packages, to store the beer upon the premises, and to sell and offer alcoholic liquor for sale at retail from the licensed premises during the following hours: Monday through Thursday: 11:00 am to 1:00 am the following day; Friday: 11:00 am to 2:00 am the following Saturday; Saturday: 9 am to 2:00 am the following Sunday; Sunday: 9 am to 1:00 am the following Monday; and on December 31, sale is authorized until 2:00 am of January 1. A brewpub licensee shall not sell for off-premises consumption more than 50,000 gallons of beer per year. The annual license fee for such licenses shall be as follows:

Restaurant with an occupancy capacity of up to 100 persons	\$2,500
Restaurant with an occupancy capacity of more than 100 persons	\$3,000

(Entire Subsection M Added by Ord. No. 5063 on April 3, 2006) (Amended 02/19/18 by Ord. No. 5729)

- N. Class N License (Stadium License – Beer Only Inside Stadium, All Liquor in Private Suites Only) shall authorize the retail sale of beer only throughout the interior of a stadium for consumption only inside the stadium. The interior of the stadium shall mean any point beyond which a ticket for admission is required. For events in which no ticket is required, the interior of the stadium shall mean that area for which a ticket is normally required during ticketed games or events. A Class N license shall also authorize the retail sale of all liquor in designated private suites for consumption in those designated private suites only. The Class N license shall be issued on the following conditions:
1. **Hours of Operation.** Beer or other liquor may be sold only on days when a game or other event is scheduled. Beer or other liquor sales may commence no sooner than one hour prior to the scheduled start of the game or event. For baseball games, all beer sales, except those in the designated private suites, will stop after the seventh inning. For all other events, all beer or liquor sales will cease upon the conclusion of the event. All liquor or beer sales in the designated private suites will cease upon the conclusion of the baseball game or other event. Notwithstanding the foregoing, no liquor or beer will be sold between the hours of midnight, twelve o'clock (12:00) a.m. and seven o'clock (7:00) a.m.
  2. **Place of Sale.** Beer may be sold throughout the interior of the stadium for consumption inside of the stadium. The license holder shall take adequate means to prevent beer sold in the stadium from being removed from the inside of the stadium. Liquor other than beer may be sold only in the private designated suites for consumption in those suites only. The license holder shall take adequate means to prevent liquor sold in the private suites from being removed from the private suites.
  3. **Other Conditions:**
    - a. **Beer in plastic or paper cups only** Except for beer sold in the private suites, beer will be sold in plastic bottles, plastic cups, or paper cups only. No glasses, glass bottles, or aluminum bottles or cans of beer will be permitted to be sold in the general interior stadium area. Beer may be sold in cups, glasses, glass bottles, plastic bottles, aluminum bottles or cans in the private designated suites, but no glasses, glass bottles, aluminum bottles or cans may be removed from the private designated suites.
    - b. **Prevention of consumption of alcohol by minors.** Licensee shall employ a sufficient number of persons at events which alcohol is sold to monitor and prevent the consumption of alcohol by minors and to prevent the removal of alcohol from the stadium. In no event shall this be fewer than two persons. These required monitors may not have as an additional duty the sale of beer or alcohol during the event. There shall be sufficient monitors such that the entire stadium is regularly monitored during the event.

- c. Exterior premises clean-up. As a condition of the Class N license, the license holder shall remove all trash and debris from the parking lots and exterior of the premises no later than 10:00 a.m. on the day following a game or other event at which beer or other liquor was sold.
4. Cost. The Class N license shall cost \$3,000.00 per year.

(Entire Subsection N Added by Ord. No. 5336 on 4/19/2010)

- O. Class O License (Limited Hours) shall authorize the sale of beer and wine for consumption on the premises where sold and also authorize the sale of beer and wine in an original package at retail on the premises specified for consumption off said premises, subject to the following conditions:
1. Sale of beer and wine shall take place only between the hours of 1:00 p.m. and 10:00 p.m. on Sunday, Monday, Tuesday, Wednesday and Thursday, and between the hours of 1:00 p.m. and 11:00 p.m. on Friday and Saturday. All hours are prevailing time.
  2. No person under the age of twenty-one (21) shall be allowed on the licensed premises at any time, unless accompanied by his or her parent(s) or legal guardian, or unless one of the following when working on the premises: employees, contractors and their employees, vendors, and entertainers (pursuant to a valid entertainment permit).
  3. Food shall be prepared on site and be offered to customers during all hours of operation. As used herein "prepared" is not limited to assembly of original ingredients for cooking, but also includes the assembly, cooking and preparing of frozen or packaged items as in usual or customary in the industry.
  4. The licensed premises must operate a kitchen during all hours beer and wine is sold, which shall include, at a minimum, the following:
    - a. A cooler for storage of food;
    - b. A food preparation table;
    - c. A convection oven; and
    - d. A microwave oven.
  5. The Class O license holder may permit a patron to remove one unsealed and partially consumed bottle of wine for off-premises consumption provided the patron has purchased a meal and consumed a portion of the bottle of wine with the meal on the licensed premises. A partially consumed bottle of wine that is to be removed from the premises shall be securely sealed by the licensee prior to the removal from the premises and placed in a transparent, one-time use, tamper-proof bag. The licensee shall provide a dated receipt for the bottle of wine to the patron.

6. The annual fee for such license shall be \$3,000.00.

(Entire Subsection O Added 7/21/2014 by Ord. No. 5553)

P. Class P License (Taproom) authorizes a licensed brewer under Section 5-1 of the Liquor Control Act of 1934 to make retail sales of beer manufactured on the premises for consumption both on and off the premises. All of the following requirements apply:

1. The retail sale of beer is limited to the beer manufactured on the premises and is permitted:
  - a. on Sundays, Mondays, Tuesdays, Wednesdays, and Thursdays from 1:00 p.m. to 10:00 p.m.; and
  - b. on Fridays and Saturdays from 1:00 p.m. to 11:00 p.m.
2. The portion of the licensed premises dedicated to the retail sale of beer must be segregated from the remainder of the premises and may not consist of more than 25% of the total gross square footage area of the physical premises. The retail sale and consumption of beer is limited to the retail portion of the licensed premises. The portion of the licensed premises dedicated to the manufacturing of beer must be segregated from the remainder of the premises and may not be generally accessible to the public.
3. No more than 3 beer servings may be served to any customer for on-premises consumption in one day, and each serving is limited to either:
  - a. by the glass, having a capacity of not more than 16 ounces;
  - b. by the bottle, having a capacity of not more than 12 ounces; or
  - c. by the flight, having not more than 4 glasses with each glass not having more than 4 ounces.
4. All applicable taxes, including sales tax, must be collected and paid on all revenue realized from the retail sale of beer.
5. Video gaming, as defined in the Video Gaming Act, is not permitted on the licensed premises.

6. The annual license fee for a Class P license is \$500.00.

(Entire Subsection P was added by Ordinance No. 5655 on September 6, 2016)

Q. Class Q License (Public College/University) authorizes a Public Higher Education Institution to sell, offer or keep for sale, or possess for sale alcoholic liquor or beer, or use the services of any vendor for those purposes, at any event that is (i) conducted by the Institution and (ii) located on property owned by the Institution. All of the following provisions apply:

1. A “Public Higher Education Institution” means any of the following:
  - (a) Illinois State University;



- (b) the Illinois State University Foundation;
- (c) Community College District #540; and
- (d) The Heartland Community College Foundation.

2. The annual license fee for a Class Q license is \$100.00.  
(Entire Subsection Q added 2/6/2017 by Ord. No. 5679)

SEC. 4.11 LICENSE LIMITATIONS. The following limitations shall apply to Liquor License holders, and it is unlawful for licensed establishments to violate the following restrictions:

- A. Restaurant Licenses. All holders of Restaurant licenses must be in compliance with the requirements set forth under SEC. 4.3.5. (Amended 4/19/04 by Ord. No. 4942)(Amended 2/6/2017 by Ord. No. 5679)
- B. Sanitary conditions. All premises used for the retail sale of alcoholic liquor or for the storage of such alcoholic liquor for such sales, shall be kept in a clean and sanitary condition and shall be kept in full compliance with the provisions regulating conditions of the premises used for the storage or sale of food for human consumption, as regulated by the McLean County Board of Health.
- C. Display of fetal alcohol syndrome warning. Any holder of a license to sell alcoholic liquor in the Town of Normal shall post and maintain in a conspicuous location at the main point of ingress to the liquor establishment a warning sign regarding the effects of fetal alcohol syndrome, as required by state statutes and regulations. (Amended 7/18/2011 by Ord. No. 5393)

SEC. 4.12 TRANSFER OF LICENSE.

- A. A license issued under provisions of this Chapter shall permit the sale of alcoholic liquor only on the premises described in the application and license and only under the conditions and restrictions imposed in this Chapter on the particular class of license described therein. No license may be transferred in any way, including but not limited to, through the sale of the assets of a firm, partnership, or corporation.
- B. Death Or Bankruptcy Of Licensee. A license issued under the provisions of this Chapter shall not be subject to attachment, garnishment or execution nor shall be subject to be pledged or encumbered. Such license shall not descend by the laws of the State or transfer to the State, but shall cease upon the death of the licensee, provided that executors or administrators of the estate of any deceased licensee and the trustees of any licensee who is insolvent or has filed bankruptcy may continue to operate under the license until the expiration of the lease, but no longer than six months after the death, bankruptcy or insolvency of such licensee. Upon the death of a licensee, if the executor or administrator does not continue the business under such license, and upon the bankruptcy of a licensee, if the Trustee does not continue the business under the license, there shall be a refund made of that portion of the

license for any period in which the executor, administrator or Trustee cannot or does not operate, provided that prior to making any refund, the Town Treasurer shall determine whether the licensee owes the Town any money, and if it is determined that the licensee owes the Town any money, the Town Treasurer shall withhold payment of any refund until all monies owed the Town have been paid in full.

SEC. 4.13 REFUNDS OF LICENSE FEES AND RENEWALS OF LICENSES.

- A. There shall be no refund of any license fee paid hereunder except as provided under this subsection. If a refund is granted under this subsection, it shall meet the following conditions:
1. The licensee shall cease the sale of alcoholic beverages and return its liquor license to the Town Clerk. When the aforementioned events have been completed, the licensee shall be entitled to a refund of its license fee less 20% for administrative costs less that percentage of the original fee which has been utilized due to the passage of time prorated on a monthly basis with any portion of a month constituting an entire month.
  2. Prior to making any refund, the Town Treasurer shall determine whether the licensee owes the Town any money and if the licensee owes the Town any money, the Town Treasurer shall withhold payment of any refund until all monies owed the Town have been paid in full.
- B. Any licensee hereunder shall have and be given the opportunity for a renewal or re-issuance of such license at the same place upon compliance with the provisions of this Code now in force, or which may hereafter be enacted, governing the issuance of such licenses, and such licensee may not assign or convey the right to a renewal or re-issuance thereof to another person, firm or corporation.
- C. All licensees, desiring to renew existing liquor licenses, shall make application for such renewal or re-issuance on or before the last day of February. Said application shall consist of either a fully executed original application for liquor license or an affidavit properly executed on a form provided by the Town Clerk, certifying that the information contained in the original application remains correct and unchanged, and further certifying that the bond and dram insurance policy remain in full force and effect for the full renewal period of the liquor license. Additionally, all licensees desiring to renew existing liquor licenses shall meet the following conditions:
1. Satisfaction of any and all debts owed to the Town of Normal.
  2. Receipt of a report from the City Manager indicating licensee and licensee's facilities comply with all applicable Town Codes and that licensee has not had repeated violations of this Act, repeated violations of other Municipal ordinances, or repeated violations of State laws or disturbances of the peace.

SECTION 4.14 PRIVATE PARTIES.

- A. It shall be unlawful to hold a private employee party, except on the following terms and conditions:
1. No more than one private employee party shall be held in any retail sale establishment per calendar year;
  2. No private employee party shall continue past 3:00 A.M.;
  3. Written notice must be submitted to the Town twenty-four (24) hours in advance of any private party. Written notice shall be in the form of an application available from the Town Clerk. The application shall then be submitted to the Liquor Commissioner for his approval or disapproval. The written notice shall contain the following information:
    - a. Name of person making request;
    - b. Relation to retail license holder;
    - c. Address of person and telephone number;
    - d. Location of party;
    - e. Address of establishment and telephone number;
    - f. Date and hours of activity;
    - g. A statement whether alcoholic beverages will be served and if so by whom;
    - h. A brief explanation of the proposed activity;
    - i. An estimate of the number of persons to attend;
    - j. A statement whether the activity will be supervised, and if so by whom;
    - k. A statement whether entertainment will be provided, and if so, a brief description of the type of entertainment and the name of the person responsible for the cost of the entertainment; and
    - l. The notification shall contain an affirmation as to its truthfulness and shall be dated and signed by a retail liquor establishment licensee or resident agent.
  4. A private employee party shall be subject to all terms and conditions of this Chapter, not inconsistent herewith.

- B. It shall be unlawful to hold a private rental party, except on the following terms and conditions:
1. The service of liquor at a private rental party shall cease at 1:00 o'clock A.M.
  2. Private rental parties shall be limited to invited guests only.
  3. Written notice must be submitted to the Town twenty-four (24) hours in advance of any private rental party. Written notice shall be in the form of an application available from the Town Clerk. The application shall then be submitted to the Liquor Commissioner for his approval or disapproval. The written notice shall contain the following information:
    - a. Name of person or entity sponsoring the event;
    - b. Relation to retail license holder;
    - c. Address of person and telephone number;
    - d. Address of establishment and telephone number;
    - e. Date and hours of activity;
    - f. A statement whether alcoholic beverages will be served and if so by whom;
    - g. A brief explanation of the proposed activity;
    - h. An estimate of the number of persons to attend;
    - i. A statement whether the activity will be supervised, and if so by whom;
    - j. A statement whether entertainment will be provided, and if so, a brief description of the type of entertainment and the name of the person responsible for the cost of the entertainment; and
    - k. The notification shall contain an affirmation as to its truthfulness and shall be dated and signed by a retail liquor establishment licensee or resident agent.
  4. A private rental party shall be subject to all terms and conditions of this Chapter, not inconsistent herewith.

SEC. 4.15 EMPLOYMENT OF UNDERAGE PERSONS. Individuals employed by licensed establishments must be at least 19 years of age to sell, serve, mix, pour or handle alcoholic liquor. It shall be unlawful for any individuals under 19 years of age to sell, serve, pour or mix alcoholic liquor in a licensed establishment. It shall be unlawful for any licensed establishment to employ or permit any individual under 19 years of age to sell, serve, pour or mix alcoholic liquor.

SEC. 4.16 ACTS OF AGENTS OR EMPLOYEES; LIABILITY OF LICENSEE; KNOWLEDGE. Every act or omission, of whatsoever nature, constituting a violation of any of the provisions of this Act by any officer, director, manager or other agent or employee of any licensee shall be deemed and held to be the act of such employer and licensee, and said employer or licensee shall be punishable in the same manner as if said act or omission had been done omitted by him personally.

SEC. 4.17 DEMAND FOR IDENTIFICATION. For the purpose of preventing the sale or delivery of alcoholic liquor to any persons under the age of 21 years, any licensee or his agents or employees shall have the right, before making such sale or delivery, to demand presentation of a valid drivers license, showing evidence of age and identity, issued by a public officer in the performance of his official duties or some other form of identification issued by the Secretary of State or other public officer in the performance of his official duties, showing evidence of age and identity. Any person in the premises offering alcoholic liquor for retail sale, shall, upon the demand of the person in charge of such premises, or of any law enforcement officer, show such written evidence of age and identity. If any such person fails to do so, he or she shall be regarded as a person under age and not entitled to purchase alcoholic liquor. If a licensee or his agent or employee demands presentation of identification in the form required herein, showing evidence of age and identity issued by a public officer in the performance of his official duties, and if the identification required herein shows the prospective recipient to be at least the lawful age required for the purposes of buying, accepting or receiving alcoholic liquor and if a sale of alcoholic liquor is made in reasonable reliance thereon, then the licensee shall not be subject to the penalty provisions of this Chapter even if in fact, the age of the recipient is less than the lawful age for the purposes of buying, accepting or receiving alcoholic liquor. In any hearing before the Commissioner, the burden of proving that a demand for identification as required herein was made, that such required identification was shown the content of the required identification presented and the reasonableness of the reliance thereon shall be on the licensee. It shall not, however, be an affirmative defense if the agent or employee accepted the written evidence of identification knowing it to be false or fraudulent.

No person shall transfer, alter or deface any written evidence of age or identity issued by a public officer in the performance of his official duties, use such evidence of another, carry or use false or forged identification or obtain such written evidence by means of false information.

SEC. 4.18 HEARINGS. License may be revoked or suspended, a fine imposed or a reprimand issued by the Commissioner only after a public hearing as follows:

- A. No license shall be revoked or suspended nor shall a fine be imposed or a reprimand issued except after a public hearing with a three-day written notice to the licensee affording the licensee an opportunity to appear and defend. It shall be deemed sufficient notice if the notice is sent by regular mail to the licensee's resident agent. The public hearing may be held by the Commissioner or by a hearing examiner

appointed by the Commissioner. The hearing examiner shall present a written report of his findings and recommendations to the Commissioner within thirty (30) days after the public hearing.

- B. If the 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 an 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.
- C. The Commissioner shall review the report of the examiner, if any, and shall within sixty (60) days after such hearing, if he determines after such hearing that the license should be revoked or suspended or that the licensee should be fined or reprimanded, or any combination of fine, suspension or revocation state the reason or reasons for such determination in a written order and the amount of the fine, the period of suspension, or that the license has been revoked, and shall serve a copy of such order upon the licensee.
- D. The licensee, after receipt of such order of fine, suspension or revocation, shall have the privilege within a period of twenty (20) days after the receipt of such order of suspension or revocation of appealing the order to the State Liquor Control Commission for a decision sustaining, reversing or modifying the order of the Commissioner. If the licensee who receives an order of suspension or revocation from the Commissioner, has no prior suspension or revocation, the licensee may continue to operate until the State Commission has ruled on the Licensee's appeal of the Commissioner's order. If the licensee who receives an order of suspension or revocation from the Commissioner, has a prior suspension or revocation, the licensee must cease to engage in the business until the Commissioner's order is terminated by its own provisions or reversed. If the State Commission confirms the Commissioner's order to suspend or revoke the license at the first hearing, the appellant shall cease to engage in the business for which the license was issued until the Commissioner's order is terminated by its own provisions or reversed upon rehearing or by the Courts.
- E. Hearing Procedures.
  - 1. The licensee shall at all times be afforded due process including the right to subpoena witnesses in his own behalf, the right to hear witnesses and evidence given against him, the right to counsel, the right to cross-examination, and the right to demand a written specification of charges against him in advance of the hearing.
  - 2. Witnesses shall be sworn, but in all other respects the hearings shall be informal and strict rules of evidence shall not apply including rules prohibiting hearsay.

3. A certified court reporter shall at the public hearing take the complete record of all evidence, testimony and comments and, upon notification by the Commissioner, shall prepare a certified official record of the proceedings suitable for filing with the State Liquor Control Commission and that all reviews of the proceedings of the Commissioner be “on the record” so that the State Commission’s scope of review is limited to those three (3) instances stated therein. The cost of taking and preparing the certified official record of the proceeding shall be shared equally between the Commissioner and the Licensee, with payment of the Licensee’s share to be made to the Town at or before the time the Order of the Commissioner becomes effective, provided, however, if the Order action or decision of the Commissioner is reversed by the State Commission or a court of law, any such payment made by the Licensee shall be returned.
- F. No person shall make a false statement to the Commissioner.
- G. Reprimands, Fines, Suspensions, Or Revocation.
1. After public hearing as provided herein, and if the Commissioner determines that any of the grounds for fine and/or suspension or revocation of a license exist of this Chapter, the Commissioner may do any of the following:
    - a. Direct a written reprimand to the licensee. A copy of said reprimand shall be made a part of the liquor license application file which is preserved in the office of the Town Clerk.
    - b. Impose a fine against the licensee. Any fine imposed shall not exceed \$10,000.00 for each violation. Each day on which a violation continues shall constitute a separate violation for which a separate fine may be assessed.

Fines shall be payable in the manner indicated in any order which results from a hearing, or as the Liquor Commissioner may otherwise specify in writing, and the failure to pay any part of a fine as so indicated or specified may result in the license being summarily suspended or revoked by the Liquor Commissioner. The licensee may request a hearing on such action; but, pending a hearing and a decision thereon by the Liquor Commissioner, the license shall remain suspended or revoked. It shall be the duty of each licensee who cannot make a fine payment as indicated or specified to request a hearing at the earliest possible time to explain the situation and request that license(s) not be suspended or revoked, as provided for herein, or for any other reason. Any fine may be collected in court as provided by law.
    - c. May suspend the liquor license of such licensee for a period of not more than 150 days.
    - d. May revoke the liquor license of such licensee.

2. In making his determination to reprimand, fine, suspend or revoke, or in determining the amount of a fine imposed or the length of a suspension imposed, the Commissioner may consider any of the following:
  - a. The nature of the violation;
  - b. The record of the licensee with regard to violations;
  - c. Past action of the Commissioner in comparable situations;
  - d. The factual situation and circumstances surrounding the violation.

#### SEC. 4.19 ENTERTAINMENT.

- A. Permits. An entertainment permit shall authorize entertainment which may consist of but shall not be limited to talking, reading, listening, singing, posing, walking, dancing, or wrestling. Entertainment may include but shall not be limited to the personal appearance of amateur or professional entertainers, waiters, waitresses, hosts, hostesses, or dancers if such person(s) act(s) in that capacity without regard to whether such person is paid any compensation by the liquor control licensee or wine/beer licensee, his agent, or employees.
  1. Conditions. Such permits shall be issued only to establishments having a regular seating capacity as enumerated earlier in this ordinance at tables in accordance with existing City and Public Health and Fire Prevention Ordinances and Statutes and upon such terms and conditions imposed by the Liquor Commissioner.
  2. Term. Such a permit shall be issued for a term expiring on the next 31<sup>st</sup> day of March following issuance.
  3. Cancellation. Permits may be canceled for cause which is defined as that which adversely affects the protection of the public from:
    - a. Open and notorious conduct consisting of violent, abusive, indecent, or profane behavior with respect to language, quarreling, singing, or fighting;
    - b. Any other disorderly conduct which disturbs or promotes breaches of the peace;
    - c. Conduct which otherwise affects the community safety, health, accepted moral standards, and/or welfare.
  4. Notice of Hearings. No permit shall be canceled, except after a public hearing by the Commissioner with a three day written notice to the licensee according the licensee an opportunity to appear and defend.



- B. Prohibited Conduct. It shall be unlawful for any liquor licensee, agent or employee to provide, suffer or permit any conduct or entertainment within a liquor establishment in such a manner as to expose to public view:
1. Male or Female genitals, pubic hair, buttocks, perineum, anal region, or pubic hair region;
  2. Any portion of the female breast at or below the areola thereof;
  3. Any device, film, costume, or covering which gives the appearance of or simulates the above listed body parts;
  4. The use of tassels, pasties, stars, or transparent material for coverage of the above listed body parts;
  5. Sexual intercourse, masturbation, sodomy, bestiality, oral copulation, flagellation, or any other sexual acts prohibited by law;
  6. The touching, caressing or fondling of the breast, buttocks, anus, or genitals;  
or
  7. Excretory functions as part or in connection with any activities set forth above.
- C. Penalty. Violation of this SEC. 4.19 Entertainment will be considered grounds for fine and/or suspension or revocation of a licensee.

SEC. 4.20 Mass Gatherings

- A. Definitions. The following words and terms, whenever used in this Section, shall be interpreted as herein provided:
1. Fence means any barrier or partition with principal dimensions of height and length clearly defining the perimeters of a mass gathering and designed to control ingress and egress. A fence shall include but not be limited to existing buildings, walls, hedges, and structures.
  2. Mass Gathering means any outdoor or open air gathering of three hundred (300) or more persons at which alcoholic liquor is consumed, provided such alcoholic liquor is not sold at the gathering by a person or persons holding a liquor license issued by the Town of Normal.
  3. Security Guard means any person clearly identified as security personnel, provided such person does not consume alcoholic liquor while on duty at the mass gathering.
  4. Sponsor means to allow, permit, conduct, hold, maintain, encourage, organize, or promote a mass gathering.

- B. It shall be unlawful for any person to sponsor a mass gathering unless a permit has been obtained from the Town of Normal for the sponsoring of such mass gathering.
- C. **Application For Permit.** Written application for a permit to sponsor a mass gathering shall be made to the Chief of Police or his designee. The application may be submitted at any time, but at least seven (7) days prior to the date upon which the mass gathering is to be held. Such application shall be on forms provided by the Town and shall have attached thereto plans, documents, and other material required by this Division. The application shall be forwarded to the appropriate police department personnel for an investigation with reference to all applicable Town codes and laws. The permit application shall contain the following information:
1. The name, address, and telephone number of the person or persons requesting the permit;
  2. The name and address of all persons acting as sponsors of the mass gathering;
  3. The name, address, and telephone number of the person acting as chairperson or otherwise responsible for the conduct of the mass gathering;
  4. The purpose of the mass gathering and the estimated number of attendees;
  5. The date or dates the mass gathering is to be conducted and the hour or hours the mass gathering will commence and terminate;
  6. The number, type (flush type or portable chemical), and location of toilet facilities to be provided for use during the mass gathering;
  7. The name and address of any concessionaires or vendors doing business at the mass gathering;
  8. Whether any live or recorded music will be provided;
  9. Whether alcoholic beverages will be sold at the mass gatherings;
  10. A statement as to the number and type of refuse collection containers that will be available at the mass gathering;
  11. A statement explaining the availability of adequate lawful parking within the immediate area of the mass gatherings;
  12. A statement explaining arrangements made for the presence of any security guard(s);
  13. A site plan indicating the location of fencing and points of ingress to and egress from the mass gathering;

14. A statement explaining applicant's legal interest in the mass gathering site and submission of evidence by deed, lease, or other document verifying such interest.

D. Conditions Precedent To Granting Of Permit. No permit shall be issued under this Division unless the following conditions are met:

1. Toilet facilities: The applicant shall provide a minimum of one toilet facility for each seventy-five (75) attendees. Toilet facilities shall be located within the mass gathering perimeters or within one hundred (100) feet thereof, and be identified as open for use by attendees.
2. Waste management: Refuse collection containers shall be placed within the perimeters of the mass gathering and at the point or points of egress from the mass gathering. Containers shall be durable and non-absorbent. Heavy-weight paper or plastic sacks designed specifically for storage or refuse may be used. The total capacity of the containers shall be a minimum of thirty (30) gallons for each fifty (50) attendees.
3. Clean-up: The applicant shall post a clean-up deposit or bond in the amount of one hundred dollars (\$100) to secure compliance with the clean up provisions of this Section.
4. Traffic and parking control: The applicant shall have made provision for adequate lawful parking within the immediate area of the mass gathering site so that traffic will not be disrupted and that emergency vehicles shall have access to the site.
5. Security and public safety: The applicant shall provide at least one clearly identified security guard for every fifty (50) attendees or fraction thereof approved in the permit. Such security guard(s) shall be in attendance from one half-hour before and until one half-hour after the time of the mass gathering, as approved for any given day.
6. Mass gathering site: The mass gathering site shall be fenced in such a manner so that attendees are familiar with the lawful perimeters of the site, and also to assist the sponsor in restricting the mass gathering to those persons invited to attend.
7. Interest in mass gathering site: The applicant shall demonstrate a legal interest in the mass gathering site by means of a deed, lease agreement, or other document stating such interest.
8. No beverages served in glass bottles will be permitted.
9. No mass gathering shall commence before eleven (11) o'clock a.m. or continue past one (1) o'clock a.m.

## E. Issuance Or Denial Of Permit; Appeal.

1. Issuance. The Chief of Police or his designee shall issue a permit within seven (7) days following receipt of the application for a permit if, based upon an evaluation of the information provided or information obtained by an investigation made by the Town, it is determined that the proposed mass gathering complies with the requirements of this Division, all other Town ordinances, and applicable state law. The permit issued by the Chief of Police or his designee shall detail the following:
  - a. Dates and hour of operation of the mass gathering;
  - b. Number of attendees permitted at the mass gathering;
  - c. Number and location of toilet facilities required in connection with the mass gathering;
  - d. Size and location of refuse collection containers required in connection with the mass gathering;
  - e. Notice that the permittee shall be responsible for clean-up;
  - f. Number and location of parking spaces or parking areas required in connection with the mass gathering;
  - g. Number of security guard(s) required in connection with the mass gathering;
  - h. Location and type of fencing required in connection with the mass gathering;
  - i. A list of all other permits, licenses, or registrations required by the Town in order to hold a lawful gathering, including, but not limited to, any of the following:
    - (1) Street closure permit
    - (2) Specific events permit
    - (3) Sound amplification permit
    - (4) Business permit or registration
  - j. Notice that issuance of a mass gathering permit does not constitute waiver of requirements imposed under other Town ordinances or state law.

2. Denial. The Chief of Police or his designee shall deny a permit within seven (7) days following receipt of the application for a permit if any information supplied by the applicant is false or intentionally misleading, if issuance of a permit violates or will cause a violation of the terms of this applicant's lease arrangements for use of the mass gathering site, or if the proposed mass gathering violates any of the conditions of this Division, any other Town ordinance, or any applicable state law, or if the mass gathering is likely to cause significant traffic, noise, litter, health, or disturbances of the peace, or if a mass gathering previously sponsored by the applicant (including any members of the applicant association) has caused significant problems regarding noise, traffic, litter, health, unlawful possession or consumption of alcohol by minors, or disturbances of the peace or that significant problems regarding noise, traffic, litter, health, unlawful possession or consumption of alcohol by minors, or disturbances of the peace have occurred at this location within the past two years. The Chief may also deny a Mass Gathering permit if a permit has been granted in the past year for any location within 1500 feet of the proposed location and the Chief finds that the issuance of a Mass Gathering permit would unduly disrupt the quiet of the area of the proposed Mass Gathering. The Chief may also deny a permit if one or more such permits have been issued within 48 hours of the time being requested and the Chief reasonably believes that there are insufficient police resources available to monitor the Mass Gathering. Such denial shall be in writing and enumerate the specific reason or reasons for the denial. Notice of the denial shall be given to the applicant by personal service or by U.S. Mail, first class postage prepaid.
3. Appeals. The denial of a permit by the Chief of Police or his designee pursuant to the provisions of this Division may be appealed to the City Manager by the applicant. Such appeal shall be in writing, filed with the City Manager within five (5) days of the mailing or personal service of the decision of the Chief of Police or his designee and must specify objections to the decision of the Chief of Police or his designee. The City Manager or his designee shall within seven (7) days act upon the appeal by conducting a hearing and making a decision on such appeal. The City Manager or his designee shall notify the applicant personally of the time and place of said hearing. If the City Manager or his designee determines that a permit should be issued, then he shall issue a permit. If the City Manager or his designee determines that a permit should not be issued, then he shall inform the applicant of his decision in writing specifying his reasons therefore. All decisions of the City Manager or his designee shall be final and reviewable only in the courts in accordance with applicable law.

F. Post-Gathering Procedures.

1. Clean-up. The applicant shall be responsible for placing all refuse in appropriate containers, making it ready for removal within twelve (12) hours following the conclusion of the mass gathering.

2. Post-gathering inspection. Within twelve (12) hours following the conclusion of the mass gathering, the Chief of Police shall cause an inspection to be made at the mass gathering site to determine compliance with this section.
  3. Deposit, refund, or bond termination. If the permittee has complied with this section the Chief of Police shall authorize return of the clean-up deposit or termination of the clean-up bond. The clean-up deposit shall be returned within five (5) days from such authorization.
  4. If, upon inspection, the Chief of Police determines that the permittee has failed to comply with clean-up provisions, the Chief of Police may cause trash and debris at the site to be placed in appropriate containers, making it ready for removal. The permittee shall be responsible for the cost of such cleanup. The Town may order forfeiture of the clean-up deposit or bond and apply all or a portion of the same towards the clean-up cost incurred by the Town.
  5. Clean-up deposit or bond forfeiture. The City Manager or his designee shall, prior to ordering forfeiture of any clean-up deposit or bond, give notice to the permittee. Such notice shall be by regular mail. Permittee may, within five (5) days of the mailing of said notice, file a written request with the City Manager or his designee for an administrative hearing. Failure to request a hearing shall result in forfeiture of the clean-up deposit or bond.
  6. Hearing. Upon request for an administrative hearing, the City Manager or his designee shall schedule a time at which the permittee may present evidence indicating by a preponderance of the evidence that the permittee complied with the terms of the clean-up provisions. Reasonable notice of said hearing shall be provided to permittee.
  7. Decision. If the City Manager or his designee determines that the permittee has met his burden of proof, then he shall order the clean-up deposit or bond returned to the permittee. If the City Manager or his designee determines that the permittee has not met the burden of proof, then he shall order the clean-up deposit or bond forfeited to the Town. All decisions of the City Manager or his designee shall be final and reviewable only in the courts in accordance with applicable law.
- G. Necessity For Other Permits. Obtaining a permit under this Division shall not excuse any person from compliance with any other applicable statute, ordinance, or regulation, or the necessity of obtaining any other permit or license required by law.
- H. Permit Not Transferable. No permit issued under the provisions of this Section shall be transferable.
- I. Permittee Present At All Times. The permittee shall be present at the mass gathering site during the entire period, from one half-hour prior to the scheduled mass gathering time to one hour after the close of the mass gathering, as approved for any given day.

- J. Failure To Comply With Permit. It shall be unlawful for any person granted a permit pursuant to the terms of this Division to violate any of the terms or conditions enumerated in such permit.
- K. Refusal To Obey Order To Disperse. Any person who refuses to obey a lawful order of a police officer to orderly disperse from a mass gathering site shall be in violation of this Section.
- L. No Permit - Effect. No person shall knowingly participate in or attend a mass gathering unless a written permit has been obtained from the City Manager, Chief of Police, or their designee. Upon verbal notice from a police officer of the Town of Normal that no permit has been issued for the mass gathering, any person who refuses or fails to orderly disperse shall be in violation of this Section.
- M. Admission. The permittee shall not admit any person to a mass gathering if such admission results in a greater number of persons present than allowed by the permit.
- N. Proximity To Schools, Churches, Hospitals, Etc.. No mass gathering shall be held in a location which is closer than one hundred (100) feet from any school when in session, church or synagogue when services are being held, hospital or nursing home, unless such gathering is sponsored by the affected school(s), church(es), synagogue(s), hospital(s), or nursing home(s).

SEC. 4.21 SALE, POSSESSION, AND TRANSPORTATION OF KEGS

- A. No licensee shall sell alcoholic liquor in a keg without first having obtained the signature of the purchaser on an adult responsibility form provided by the Town. The licensee shall retain one copy of the form and provide one copy of the form to the purchaser. The licensee shall retain copies of all such forms for a period of not less than three months from the date of sale and produce any and all forms for inspection by the Liquor Commissioner, his designee, or police officers.
- B. Any person who purchases alcoholic liquor in a keg from a licensee in Normal must sign an adult responsibility form provided by the licensee/seller at the time and point of sale. The form shall contain the following:
  - 1. The licensee's name, address, and phone number;
  - 2. The purchaser's name, address, and phone number;
  - 3. The driver's license number or other identification used by the licensee to identify the purchaser;
  - 4. The location the keg is to be used;
  - 5. The date and signature of the purchaser; and
  - 6. The following statement:

As purchaser of a keg of alcohol, I understand that I am responsible for the proper use of the contents of the keg.

I agree that the contents of the keg will not be sold to another person. This includes selling cups, tickets, or charging admission to an event at which the alcohol may be "given" away.

I understand that the legal drinking age in Normal is 21 and that the contents of the keg will not be furnished to any person under 21 years of age, except as allowed by ordinance.

I understand that I am required to keep a copy of this Adult Responsibility Form with the keg at all times and to provide a copy to the Police upon request.

I understand that if I do not produce a copy of this form when requested by police, or if the contents of the keg are sold or furnished to a minor, I will be held to have violated a Town Ordinance.

- C. Any person who purchases alcoholic liquor in a keg in another jurisdiction other than Normal shall sign an adult responsibility form as required in that jurisdiction.
- D. Any person in possession of a keg containing alcoholic liquor shall keep any required adult responsibility form in the same location as the keg at all times and shall have the form readily available for inspection until the keg is returned to licensee.
- E. It shall be unlawful for any person other than a licensed manufacturer, wholesale distributor, or licensed liquor retailer to possess a keg containing alcohol in the Town of Normal in a manner other than as provided by this Section.
- F. Presumptions.
  - 1. If a keg is found to be on any residential premises, and no adult responsibility form is produced, there shall be a rebuttable presumption that any resident of the dwelling unit in which the keg is found is in possession of the keg in violation of this Section. A person so charged shall have the burden of proving that he did not have unlawful possession of the keg.
  - 2. If any keg is used in the unlawful sale of alcohol, there shall be a rebuttable presumption that the person signing the adult responsibility form is responsible for the unlawful sale of alcohol. The Town shall have the burden of proving that the keg was used in the unlawful sale of alcohol and the Defendant was the person signing the adult responsibility form. The Defendant shall have the burden of proving that he had no knowledge of the unlawful sale of alcohol and took reasonable means to prevent the unlawful sale of alcohol.
  - 3. If any keg is used in the unlawful furnishing of alcohol to a minor, there shall be a rebuttable presumption that the person signing the adult responsibility form is responsible for the unlawful furnishing of alcohol to a minor. The Town shall have the burden of proving that the keg was used in the unlawful furnishing of alcohol to a minor and the Defendant was the person signing the adult responsibility form. The Defendant shall have the burden to prove that he had no knowledge of the unlawful furnishing of alcohol and took reasonable means to prevent the unlawful furnishing of alcohol.



## G. Hours of Sale and Transportation of Kegs.

No person shall transport alcoholic liquor stored in a keg on any public street between the hours of 10:00 p.m. and 5:00 a.m. unless such person holds a distributor's license from the State of Illinois. No license holder shall sell a keg after 10:00 p.m.

(New SEC. 4.21 Added 3/16/09 by Ord. No. 5250, effective August 1, 2009, remaining Sections renumbered)

SEC. 4.22 PENALTY. Any person violating any provision of this Chapter, upon conviction shall be fined no less than \$100.00 nor more than \$3,000.00 for each offense. Each day upon which a violation occurs shall be considered a separate and distinct offense.

SEC. 4.23 SEVERABILITY. If any Section, subsection, sentence, clause, phrase, or portion of this Division is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Chapter. The Town of Normal hereby declares that it adopted this Division and each portion thereof irrespective of the fact that any one portion be declared invalid or unconstitutional.

**Entire Chapter 4 Amended 5/19/03 by Ord. No. 4873**