

**Memorandum
Mayor's Office**



To: Rock Island City Council
From: Mayor Mike Thoms
Subject: Amendments to Chapter 3, Alcoholic Liquor
Date: August 10, 2022

Attached is an ordinance amending Chapter 3, Alcoholic Liquor, sections 3-1 and 3-8(a) of the Code of Ordinances of the City of Rock Island.

The proposed amendments include a definition of package liquor and limit package liquor being sold prior to 5:00 p.m. in the downtown business district area zone B-2.

The changes to the ordinance are highlighted in yellow on the attached page.

Recommendation: General Administration recommends that the City Council consider the proposed amendments to Chapter, 3 Alcoholic Liquor Ordinance.

Submitted by: Samantha Gange, City Clerk
Dave Morrison, City Attorney

Approved by: Mike Thoms, Mayor and Todd Thompson, City Manager

SPECIAL ORDINANCE AMENDING CHAPTER 3
OF THE CODE OF ORDINANCES OF THE
CITY OF ROCK ISLAND, ILLINOIS

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ROCK ISLAND, ILLINOIS:

Chapter 3
Alcoholic Liquor

Sec. 3-1. Definitions.

The following words and terms shall have the meanings respectively ascribed to them:

Alcohol: The product of distillation of any fermented liquid, whether rectified or diluted, whatever may be the origin thereof, and includes synthetic ethyl alcohol. It does not include denatured alcohol or wood alcohol.

Alcoholic Liquor: Includes alcohol, spirits, wine and beer, and every liquid or solid, patented or not, containing alcohol, spirits, wine or beer, and capable of being consumed by a human being and containing more than one-half of one percent (0.5%) of alcohol by volume.

Bar: Any facility for serving or dispensing alcoholic liquor located on premises which have a valid liquor license.

Bartender: Any male or female over the age of twenty-one (21) employed in the mixing, pouring, or drawing of alcoholic liquor.

Beer: A beverage obtained by the alcoholic fermentation of and 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.

Caterer Retailer: A person, corporation or business entity who currently holds a class B, C, D, E, F, G, J or L license and who serves or sells alcohol at a "catering location" as defined herein, within the city, whether licensed or unlicensed, as an incidental part of its food preparation and service business. Prepared meals and the sale or service of alcoholic liquor must be for a price agreed upon under contract and may include a cash bar.

Catering Location: A location that may or may not be open to the general public where, pursuant to an agreement with an event sponsor or host, the catering retailer licensee is providing prepared food and/or liquor at either a private or public function. The caterer retailer licensee is limited to serving or selling alcohol only for consumption at the catering location.

Convenience Store: A retail establishment which offers for sale, a variety of food and nonfood items including pop, cigarettes, snacks and toiletries, etc., in a limited physical space.

Discount Store: A retail establishment which concentrates in mass merchandising for the purpose of offering goods for sale at reduced prices.

Drugstore: A retail establishment which offers the service of a licensed pharmacist to fill prescriptions of licensed physicians, surgeons and dentists, as well as the sale of over the counter medication and everyday home and office supplies such as toiletries, cosmetics and stationery.

Golf Course: A green available to the general public which is run by the Rock Island Park board and contains at least nine (9) holes. This terrain shall be devoted to the game of golf only. Miniature golf shall not be included in this description.

Grocery Store: A retail establishment which offers for sale all types of foodstuffs both perishable and nonperishable for consumption off the premises. To a smaller extent, toiletries, magazines, cigarettes and other pharmaceutical supplies are offered for sale. In some instances, a bakery, delicatessen and meat section within the establishment may also be included in this definition.

Hotel/Motel: A single- or multi-story building where overnight accommodations are available for at least twenty-five (25) travelers and guests for an adequate fee.

Licensee: Any person, firm, partnership, club, association or corporation who receives a license under this chapter by original application or renewal.

Liquor Store: A licensed establishment which engages in the retail sale of packaged alcoholic liquor for use off the premises.

Live Entertainment: The availability of music, singing, dancing or acting whether it be live performance, recorded music or instrumental.

Minor: Any person under the age of twenty-one (21).

Motor Fuel Station: A retail establishment which offers the sale and pumping of gasoline as well as vehicle maintenance items and repairs as its primary business.

Officer: Any director, stockholder, owner/manager or person who has a financial interest of any nature in a private club or directs any policy of a private club.

Original Package: Any bottle, flask, jug, can, cask, barrel, keg, hogshead, 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.

Package Liquor: Alcoholic liquor in its original package for consumption off the premise where it is sold.

Premises: The location at which alcoholic liquor is licensed for retail sale. Except as otherwise provided hereunder, parking lot areas shall not be considered part of the licensed premises.

Private Club: Any association, person, firm, corporation, key club, bottle club, locker club, pool club or any kind of club or association excluding the general public from its premises or place of meeting or congregating, which permits on its premises the drinking of alcoholic liquors by members, guests or both, or which operates or exercises control over any other place where persons are permitted to drink alcoholic liquors other than in a private home.

Private Function: A prearranged private party, function, or event, lasting no longer than three (3) days and is for a specific social or business occasion, either by invitation or reservation, and not open to the general public, where guests and attendants are served in a room, rooms or area designated and used exclusively for the private party, function or event.

Public Function: A prearranged event, function, or activity that is open to the general public that takes place in a defined area, lasting no longer than three (3) days and is for a specific social or business occasion, where guests and attendees are served in a physically defined area and separated from surrounding facility, property or other public areas.

Restaurant: Any public place where meals are prepared and served by workers specifically hired for such duties; where overnight accommodations are not available; and the sale of alcoholic liquor is not the major source of profit.

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

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

Spirits: Any beverage which contains alcohol obtained by distillation, mixed with water or other substance in solution, and includes brandy, rum, whiskey, gin or other spirituous liquors, and such liquors when rectified, blended or otherwise mixed with alcohol or other substances.

Wine: Any alcoholic beverage obtained by the fermentation of the natural contents of fruits, or vegetables, containing sugar, including such beverages when fortified by the addition of alcohol or spirits.

Wine And Liquor Coolers: Any drink with an alcohol content mixed with other nonalcoholic liquids such as seltzers or fruit juices. For the purposes of this chapter all wine and liquor coolers shall be categorized with wine and beer. All coolers shall, therefore, be subject to the same requirements and restrictions as wine and beer. (Ord. 047-2010, § 1, 7-26-2010; Ord. 011-2013, 3-18-2013)

Sec. 3-8. Types Of Licenses And Fees:

(a) Hours Of Operation: All licenses issued hereunder shall allow the licensee to be open Monday through Saturday from five o'clock (5:00) A.M. to one o'clock (1:00) A.M. and Sunday from seven o'clock (7:00) A.M. to one o'clock (1:00) A.M. Class F and G licenses may reopen one hour after closing, but the service of alcoholic beverages may only occur during the hours herein identified. The hours established herein shall be Central Standard Time, except when daylight saving time is in effect and then those hours shall be Central Daylight Saving Time. Within the B-2 (downtown business) zoning district, no license holder shall offer for sale package liquor, or any alcohol for consumption off premises, before 5:00 p.m. This shall apply to all days of the week. Microbreweries within the B2 zoning district, however, shall be exempt from this restriction for beer brewed on premises.

(b) Class A: "Class A, packaged sales only - primary business" license shall be issued when the sale of alcoholic liquors is the primary business of the licensee. "Primary business" shall mean that twenty five percent (25%) or more of the square footage of the store available for sales is dedicated to the displays or promotion of alcoholic liquors. A license shall permit the retail sale of alcoholic liquor on the premises where sold, except that reasonable tasting/sampling of alcoholic liquor by patrons may be allowed on the licensed premises of establishments.

(1) Minors are not allowed in a class A licensed premises.

(2) If any premises, which initially applies for and is licensed as a class A license, later wishes to reclassify the license to another class of license, it shall be considered by the local liquor commissioner and may be treated as a new license application and all application procedures contained in this chapter may apply, including, but not limited to, those contained in section 3-5, "Licensing Procedure", and subsection 3-6(c), "Adjacent Business", of this chapter.

(3) The annual fee for a class A license shall be one thousand one hundred dollars (\$1,100.00).

(c) Class B: "Class B, packaged sales only - secondary business" license shall be issued when less than twenty five percent (25%) of the square footage of the store available for sales is dedicated to the displays or promotion of alcoholic liquors. A license shall permit the retail sale of alcoholic liquor on the premises where sold, except that reasonable tasting/sampling of alcoholic liquor by patrons may be allowed on the licensed premises of establishments over ten thousand (10,000) square feet in size.

(1) If any premises, which initially applies for and is licensed as a class B license, later wishes to reclassify the license to another class of license, it shall be considered by the local liquor commissioner and may be treated as a new license application and all application procedures contained in this chapter may apply, including, but not limited to, those contained in section 3-5, "Licensing Procedure", and subsection 3-6(c), "Adjacent Business", of this chapter.

(2) The annual fee for a class B license shall be one thousand one hundred dollars (\$1,100.00).

(d) Class C: "Class C, packaged sales only - beer and wine" license shall be issued when less than twenty five percent (25%) of the square footage of the store available for sales is dedicated to the displays or promotion of alcoholic liquors and the licensee sells only beer or wine. A license shall permit the retail sale of beer and wine on the premises where sold, except that reasonable tasting/sampling of beer and wine by patrons may be allowed on the licensed premises of establishments over ten thousand (10,000) square feet in size.

(1) If any premises, which initially applies for and is licensed as a class C license, later wishes to reclassify the license to another class of license, it shall be considered by the local liquor commissioner and may be treated as a new license application and all application

procedures contained in this chapter may apply, including, but not limited to, those contained in section [3-5](#), "Licensing Procedure", and subsection [3-6\(c\)](#), "Adjacent Business", of this chapter.

(2) The annual fee for a class C license shall be one thousand dollars (\$1,000.00).

(e) Class D: "Class D, tavern with packaged sales primary" license shall permit the retail sale of alcoholic liquor in sealed packages for consumption off premises, as well as for consumption on the licensed premises, if the sale of sealed alcohol for off premises consumption constitutes greater than fifty percent (50%) of the total annual sales of all alcoholic liquor.

(1) If any premises, which initially applies for and is licensed as a class D license, later wishes to reclassify the license to another class of license, it shall be considered by the local liquor commissioner and may be treated as a new license application and all application procedures contained in this chapter may apply, including, but not limited to, those contained in section [3-5](#), "Licensing Procedure", and subsection [3-6\(c\)](#), "Adjacent Business", of this chapter.

(2) The annual fee for a class D license shall be one thousand four hundred thirty dollars (\$1,430.00).

(f) Class E: "Class E, tavern with packaged sales secondary" license shall permit the retail sale of alcoholic liquor for consumption on the licensed premises, as well as other retail sales of alcoholic liquor in sealed packages for consumption off the licensed premises.

(1) Packaged alcoholic liquor sold for off premises consumption shall not comprise greater than fifty percent (50%) of the total annual sales of all alcoholic liquor for said licensee.

(2) If any premises, which initially applies for and is licensed as a class E license, later wishes to reclassify the license to another class of license, it shall be considered by the local liquor commissioner and may be treated as a new license application and all application procedures contained in this chapter may apply, including, but not limited to, those contained in section [3-5](#), "Licensing Procedure", and subsection [3-6\(c\)](#), "Adjacent Business", of this chapter.

(3) The annual fee for a class E license shall be one thousand one hundred dollars (\$1,100.00).

(g) Class F: "Class F, restaurant" license shall permit the retail sale of alcoholic liquor for consumption only on the premises where sold.

(1) Service of alcoholic liquor shall be only during the time that food is prepared on the premises and is available to be served, a menu is in effect, and a cook or chef, whose primary duties shall not include bartending or the service of alcoholic liquor, is in attendance.

(2) Minors may be allowed on premises licensed as a class F license pursuant to this section for the purposes other than the purchase or consumption of alcoholic liquors; however, no minor may be allowed to sit at a bar.

(3) If any premises, which initially applies for and is licensed as a class F license, later wishes to reclassify the license to another class of license, it shall be considered by the local liquor commissioner and may be treated as a new license application and all application procedures contained in this chapter may apply, including, but not limited to, those contained in section [3-5](#), "Licensing Procedure", and subsection [3-6\(c\)](#), "Adjacent Business", of this chapter.

(4) The annual fee for a class F license shall be one thousand one hundred dollars (\$1,100.00).

(h) Class G: "Class G, restaurant - wine and beer only" license shall permit the retail sale of wine and beer for consumption only on the premises where sold.

(1) Service of wine and beer shall be only during the time that food is prepared on the premises and is available to be served, a menu is in effect, and a cook or chef, whose primary duties shall not include bartending or the service of alcoholic liquor, is in attendance.

(2) Minors may be allowed on premises licensed as a class G license pursuant to this section for the purposes other than the purchase or consumption of alcoholic liquors; however, no minor may be allowed to sit at a bar.

(3) If any premises, which initially applies for and is licensed as a class G license, later wishes to reclassify the license to another class of license, it shall be considered by the local

liquor commissioner and may be treated as a new license application and all application procedures contained in this chapter may apply, including, but not limited to, those contained in section 3-5, "Licensing Procedure", and subsection 3-6(c), "Adjacent Business", of this chapter.

(4) The annual fee for a class G license shall be seven hundred dollars (\$700.00).

(i) Class H: "Class H, theater/bowling center" license shall permit the retail sale of alcoholic liquor for consumption only on the premises where sold, and not for resale in any form, to be issued to premises which conform to the definition of "restaurant" as defined in section 3-1 of this chapter.

(1) Minors may be allowed on premises licensed as a class H license pursuant to this section for the purposes other than the purchase or consumption of alcoholic liquors; however, no minor may be allowed to sit at a bar.

(2) If any premises, which initially applies for and is licensed as a class H license, later wishes to reclassify the license to another class of license, it shall be considered by the local liquor commissioner and may be treated as a new license application and all application procedures contained in this chapter may apply, including, but not limited to, those contained in section 3-5, "Licensing Procedure", and subsection 3-6(c), "Adjacent Business", of this chapter.

(3) The annual fee for a class H license shall be one thousand one hundred dollars (\$1,100.00).

(j) Class I: "Class I, hotel/motel" license shall permit the retail sale of alcoholic liquor for consumption on the premises whether for private events or public consumption in a tavern, lounge area, or banquet room only, and not for resale in any form to other portions of a premises which meet the definition of a hotel as defined in section 3-1 of this chapter.

(1) Minors may be allowed on premises licensed as a class I license pursuant to this section for the purposes other than the purchase or consumption of alcoholic liquors; however, no minor may be allowed to sit at a bar.

(2) If any premises, which initially applies for and is licensed as a class I license, later wishes to reclassify the license to another class of license, it shall be considered by the local liquor commissioner and may be treated as a new license application and all application procedures contained in this chapter may apply, including, but not limited to, those contained in section 3-5, "Licensing Procedure", and subsection 3-6(c), "Adjacent Business", of this chapter.

(3) The annual fee for a class I license shall be one thousand one hundred dollars (\$1,100.00).

(k) Class J: "Class J, banquet facilities" license shall permit the retail sale of alcoholic liquor for consumption only on the premises where sold and not for resale in any form to premises which meet the definition of a hotel as defined in section 3-1 of this chapter.

(1) Sales for consumption on the premises used exclusively for private functions. Hors d'oeuvres, meals or other foods from the licensee or a licensed food establishment must be served continually during every private function when alcohol is being served.

(2) Minors may be allowed on premises licensed as a class J license pursuant to this section for the purpose other than the purchase or consumption of alcoholic liquors; however, no minor may be allowed to sit at a bar.

(3) If any premises, which initially applies for and is licensed as a class J license, later wishes to reclassify the license to another class of license, it shall be considered by the local liquor commissioner and may be treated as a new license application and all application procedures contained in this chapter may apply, including, but not limited to, those contained in section 3-5, "Licensing Procedure", and subsection 3-6(c), "Adjacent Business", of this chapter.

(4) The annual fee for a class J license shall be one thousand one hundred dollars (\$1,100.00).

(l) Class K: "Class K, clubs/fraternal organizations" license shall permit the retail sale of alcoholic liquor for consumption on the licensed premises, as well as other retail sales of packaged alcoholic liquor for consumption off the licensed premises.

(1) Packaged alcoholic liquor sold for off premises consumption shall not comprise greater than fifty percent (50%) of the total annual sales of all alcoholic liquor for said licensee.

(2) Minors may be allowed on premises licensed as a class K license pursuant to this section for the purposes other than the purchase or consumption of alcoholic liquors; however, no minor may be allowed to sit at a bar.

(3) If any premises, which initially applies for and is licensed as a class K license, later wishes to reclassify the license to another class of license, it shall be considered by the local liquor commissioner and may be treated as a new license application and all application procedures contained in this chapter may apply, including, but not limited to, those contained in section 3-5, "Licensing Procedure", and subsection 3-6(c), "Adjacent Business", of this chapter.

(4) The annual fee for a class K license shall be one thousand one hundred dollars (\$1,100.00).

(m) Class L: "Class L, city owned facilities" license shall permit the retail sale of beer, wine and distilled spirits at city owned facilities and also permits the sale of beer and wine at identified facilities operated or maintained by the park and recreation board.

(1) May include the use of fifty milliliter (50 ml) bottles (typically referred to as airline bottles) to pour and serve mixed drinks at city owned golf courses.

(2) This license shall not allow the retail sale of beer, wine or distilled spirits for consumption off the licensed premises of city owned property, to include golf courses and any other designated park facilities.

(3) This license shall only be in effect during regular business hours or during authorized events.

(4) Minors may be allowed on premises licensed as a class L license pursuant to this section for the purposes other than the purchase or consumption of alcoholic liquors; however, no minor may be allowed to sit at a bar.

(5) If any premises, which initially applies for and is licensed as a class L license, later wishes to reclassify the license to another class of license, it shall be considered by the local liquor commissioner and may be treated as a new license application and all application procedures contained in this chapter may apply, including, but not limited to, those contained in section 3-5, "Licensing Procedure", and subsection 3-6(c), "Adjacent Business", of this chapter.

(6) The annual fee for a class L license shall be two hundred seventy five dollars (\$275.00).

(n) Temporary License: Upon approval by the local liquor commissioner, and in the case of a park and recreation operated facility or property, the prior approval of the park and recreation board must also be obtained. A class T or temporary license to sell alcoholic liquor at retail may be granted to organized clubs, societies, associations, fraternal organizations, duly constituted churches or other not for profit organizations. A temporary license may be issued pursuant to this subsection for one day, two (2) consecutive days, or three (3) consecutive days. The license shall specify on its face the duration.

(1) No organization shall be issued more than one temporary license during any thirty (30) day period. This restriction may be waived by the local liquor commissioner upon application by any not for profit business association representing the Rock Island arts and entertainment district as part of public events that are within a scheduled program of events which schedule has been approved by the city council and, if so waived, the fee for such additional temporary license shall be one hundred dollars (\$100.00) per day.

(2) All applications for temporary licenses must be received by the local liquor commissioner at least thirty (30) days prior to the dates being requested.

(3) All applicants for temporary licenses shall show evidence of dramshop liability insurance or other proof of financial responsibility prior to issuance of such license.

(4) The fee for a class T license shall be twenty five dollars (\$25.00) per day.

(o) Special Use Permit Liquor License: A special use permit liquor license allowing the sale of alcohol at an approved designated site for special events shall be available for qualified applicants. The following special use permit liquor licenses are available for the purpose of special events on city owned properties:

(1) Parks And Recreation Department Operated Property Or Facility: Upon the approval, first by the park and recreation board and then by the local liquor commissioner, a "special use permit liquor license" may be granted to an approved Rock Island license holder to sell alcohol for special events at any property or facility operated by the parks and recreation department.

(2) City Properties Not Under The Jurisdiction Of The Park And Recreation Board: Upon the approval, first by the city council and then the local liquor commissioner, a "special use permit liquor license" may be granted to an approved Rock Island license holder to sell alcoholic liquor at any designated city owned location.

(3) Rock Island Liquor License Holders With A Class D, E, F, G, H, J, K Or L License: Upon the approval first by the appropriate policy making board and then the local liquor commissioner, a Rock Island license holder with a class D, E, F, G, H, J, K or L liquor license may be granted a "special use permit liquor license" to transfer a portion of its alcoholic inventory from its licensed premises to a designated site within the city for a special event. As of April 30, 2013, the license holders in classifications who currently have these options available will still be able to have them, even though their classification may have changed.

The following rules apply for "special use permit liquor licenses":

a. A special use permit liquor license cannot exceed three (3) days in duration and days must be consecutive.

b. The area designated where the alcohol sales are to take place must be located within a demarcated area, with all appropriate safeguards to control the sales, age requirements, and safety indicated.

c. For events that are to be for one day or less in duration, the fee shall be fifty dollars (\$50.00) per event/location.

d. For events that are to be for two (2) or three (3) consecutive days, the fee shall be one hundred dollars (\$100.00) per event/location.

e. A class L license holder may apply for a special use permit for a single themed event, which would be characterized by an event with the same theme and at the same location, but may run nonconsecutive days for up to fifteen (15) days in duration. The fee for a single themed event special use permit shall be one hundred dollars (\$100.00) per theme/event location. As of April 30, 2013, the license holders in classifications who currently have this option available will still be able to retain it, even though their classification may have changed.

f. After receiving prior approval by the appropriate policy making board, all special use permit liquor license applications must be received by the liquor commissioner's office no later than twenty one (21) days in advance of the first day of the scheduled event.

g. Said applications shall include, but are not limited to, the following information:

1. Name and contact information of applicant/liquor license holder for the event;

2. The date(s) and time(s) that the event will be held;

3. The address and location of the event;

4. The proposed area(s) inside of the designated location where the alcohol sales are to occur;

5. The name/type of event being proposed;

6. Submission of proof of dramshop insurance to the maximum limit that has been secured for this event, naming, where applicable, the city of Rock Island, Illinois, as an additional insured;

7. Proof of approval by the policy board that operates the property or facility.

(p) Class 'P,' bring your own beverage (BYOB), which shall authorize the consumption of beer and wine only that is brought onto the licensed premises of a business, restaurant, or craft brewery.

(1) Class P licenses shall be issued subject to the applicant's compliance with all the following conditions:

a. Patrons may bring onto the premises no more than seventy-two (72) ounces of unopened beer and/or no more than seven hundred and fifty (750) milliliters of unopened wine per two patrons over the age of twenty-one (21).

b. This license shall permit beer or wine to be consumed only in conjunction with the purchase and consumption of a meal served in a manner that complies with City codes and regulations.

c. All employees performing corkage, pouring, or serving duties must receive all training required of a licensee.

d. The licensee may charge a corkage fee.

e. The licensee shall not permit any customer to leave the premises with any open beer container or any open wine container other than wine secured in compliance with the requirements of section 6-33 of the State Liquor Control Act (235 ILCS 5/6-33).

f. The annual fee for such license shall be two hundred and fifty dollars (\$250.00).

(2) No liquor license shall be issued to any fast food or convenience-type store, establishment or facility.

(3) Licensees may provide glassware and ice to patrons, and may uncork, pour, serve, or otherwise control the consumption of the beer or wine.

(4) Licensees may charge a fee for uncorking, pouring, serving, or otherwise controlling the consumption of the beer or wine on the premises.

(5) Video gaming is prohibited in businesses that possesses a Class 'P' license

(6) Class P licensees shall not retain any alcoholic beverage on the premises after the patron who brought it has departed. (Ord. 011-2013, 3-18-2013; Ord. 056-2020, 10-12-2020; Ord. 073-2021, 11-23-2021)

Sec. 3-9. Supplemental License Options And Fees:

Supplemental License Options And Fees:

(a) *License Options; Generally:* Upon approval of the liquor commissioner, the license options set forth below shall be available to holders of class D, E, F, G, and K liquor licenses. All supplemental license options shall be issued on the same qualifications, terms and conditions required for the original license. Class J and L license holders may apply for supplemental license options under subsection (a)(4) of this section.

(1) *Extended Hours Option:*

a. *Extended Hours Two O'Clock A.M. Option:* All class D, E, F, G, and K liquor license holders who are eligible for a supplemental extended option license under this section may apply for an "extended hour two o'clock (2:00) A.M. license option". As of April 30, 2013, the license holders in classifications who currently have this option available will still be able to retain it, even though their classification may have changed. A holder of this license may be open all days except Sunday from five o'clock (5:00) A.M. to two o'clock (2:00) A.M. on the following day and on Sundays from seven o'clock (7:00) A.M. to two o'clock (2:00) A.M. on the following Monday. The annual fee for the "extended hours two o'clock (2:00) A.M. option" shall be four hundred fifty dollars (\$450.00).

(2) *Live Entertainment - Limited:* The option in this subsection (a)(2) shall permit the licensed establishment to have live entertainment on Friday and Saturday nights of every week. The annual fee for the live entertainment - limited option shall be two hundred twenty dollars (\$220.00).

(3) *Live Entertainment - Continuous*: The option in this subsection (a)(3) shall permit the licensed establishment to have live entertainment seven (7) days per week. The annual fee for the live entertainment - continuous option shall be four hundred forty dollars (\$440.00).

a. *Amusement Features Permitted*: The entertainment authorized in subsections (a)(2) and (a)(3) of this section shall permit any amusement feature including music, vaudeville, singing, acting, dancing or contests, and disc jockey, whether by personal performance or instrumental device.

1. It shall be cause for revocation or suspension as herein provided if the licensee, his manager or agent, shall allow any live person to appear or have reasonable cause to believe that any live person shall appear in any licensed premises in a state of nudity to provide entertainment, to provide service, to act as hostess, manager or owner, or to serve as an employee in any capacity.

2. For the purposes of this subsection, the term "nudity" shall mean the showing of the human male or female genitalia, pubic area or buttocks, or the human female breast, including the nipple or any portion below the nipple with less than a full opaque covering.

(4) *Caterers Retail License Option*:

a. A person, corporation or business entity who meets the definition of a "caterer retailer" as defined in section 3-1 of this chapter is authorized in addition to its normal catering services to sell or serve beer, wine, and distilled spirits at a "catering location" as defined in section 3-1 of this chapter.

b. The hours that alcohol may be served or sold, unless a variance is granted by the liquor commissioner, is Sunday from seven o'clock (7:00) A.M. to one o'clock (1:00) A.M. the next day and Monday through Saturday from six o'clock (6:00) A.M. to one o'clock (1:00) A.M. the next day.

c. At least thirty (30) days prior to the private function's scheduled date, the licensee must advise in writing the liquor commissioner of the date, times and location of the event.

d. Prior to the issuance of this license the licensee must provide verification to the liquor commissioner that its dramshop insurance covers catering events and locations.

e. The annual fee for this license option shall be three hundred fifty dollars (\$350.00).

(b) *License Options; Outdoor Events*: Upon approval of the local liquor commissioner and the city council, holders of class D, E, F, G, H, I, J, K and L licenses only shall be allowed to conduct outdoor events provided that the following conditions are met:

(1) The local liquor commissioner receives a written request at least fifteen (15) days prior to the planned event.

(2) The event is to be held on property owned by the licensee, and adequate measures are provided to secure the outdoor area where the event will take place so as to prevent access by minors.

(3) Outdoor musical entertainment, if provided, and sound amplifying equipment ¹ utilized shall be kept at a decibel level which does not unduly disturb the peace and quiet of the surrounding neighborhood.

(4) Outdoor musical entertainment, if provided, shall cease at ten o'clock (10:00) P.M. unless specifically extended upon approval of the event. Such extensions shall be granted based upon consideration of the character of the surrounding neighborhood and/or presentation of other information showing lack of objection from surrounding property owners. (Ord. 024-2011, 4-4-2011; Ord. 011-2013, 3-18-2013; Ord. 017-2014, 3-17-2014; Ord. 050-2020, 2-28-2021; Ord. 010-2021, 2-25-2021)

Notes

¹ See also § 8-7 of this code.

Sec. 3-10. Minors:

(a) *Definition:* As defined in section 3-1 of this chapter, a "minor" shall mean any person under the age of twenty one (21) years.

(b) *Sale To Minors Prohibited:* It shall be unlawful for any person licensed under the provisions of this chapter, or any agent thereof, to give, sell, or deliver any alcoholic liquor to any minor.

(c) *Purchase And Consumption By Minors Prohibited:* It shall be unlawful for any minor to purchase or accept a gift of alcoholic liquor or to possess or consume any alcoholic liquor.

(d) *Proof Of Age Required:* If a licensee pursuant to this chapter or agent thereof shall believe that a sale or delivery of alcoholic liquor is prohibited because of the minority of the prospective recipient, he or she shall before making such sale or delivery demand presentation of some form of acceptable identification containing proof of age. The acceptance must be made in reasonable reliance that the person presenting the identification is in fact of legal age and the same person pictured on the ID. The following types of identification are acceptable forms of identification for purposes of entering a licensed establishment and/or purchasing or obtaining alcoholic liquor: vehicle operator's license; state photo identification card for nondrivers; passport or visa.

(e) *Proof Of Age; Refusal To Produce:* No person when on premises licensed under this chapter shall refuse to show proof of his or her age when asked to do so by the licensee or agent thereof. Any person who fails to produce positive proof of age when so requested shall immediately be advised to leave the licensed premises.

(f) *Falsification Of Proof Of Age Prohibited:* With respect to any identifying document containing proof of age issued by a public officer in the performance of official duties, no person shall:

- (1) Alter or deface such identifying document; or
- (2) Present identifying documents belonging to another person as his or her own; or
- (3) Carry or use a false or forged identification document; or
- (4) Obtain any document establishing identity by means of false information.

(g) *Employment Of persons aged eighteen (18) to twenty (20) years old. Minors Prohibited:* No minor shall be employed by a licensee, except for the purpose of preparing or serving food, providing entertainment and/or providing maintenance or cleanup services. At no time shall any minor tend any bar or pour, mix, or draw any alcoholic liquor in any premises licensed under the provisions of this chapter except persons who are eighteen (18), nineteen (19) or twenty (20) years old who are acting in pursuance of their employment.

(h) *Minor On Premises Prohibited:* No minor shall be allowed in any liquor licensed premises within the city. For any violation of this section it shall be a defense if the licensee qualifies under one of the following:

(1) A minor may be in a liquor licensed premises which is also a motor fuel station or a store which receives fifty one percent (51%) or more of its annual gross revenue from the sale of food or other services or commodities, for the purpose of obtaining and/or consuming food or purchasing items other than alcoholic liquor. If the alcohol is stored or stocked in a separate section from the rest of the store, the minor may not be in that section.

(2) A minor may be in a liquor licensed premises which is also a restaurant (with a full service kitchen, diverse menu, and the food being prepared on premises) for the purpose of consuming food and nonalcoholic beverages. The minor must not be seated at the "bar" of the premises. This qualification shall be applicable only during the following time periods: six o'clock (6:00) A.M. until two o'clock (2:00) P.M. and five o'clock (5:00) P.M. until eight o'clock (8:00) P.M.

(3) A minor may be permitted to enter a licensed location which is also a restaurant (with a full service kitchen, dining menu, and the food being prepared on the premises) for the purpose of obtaining and/or consuming food and nonalcoholic beverages at other times than specified in

subsection (i)(2) of this section, provided that the minor is not in that area of the premises where alcoholic liquors are drawn, mixed, poured, stored or stocked.

(i) *Compliance Not A Defense:* No licensee or any agent thereof shall raise as a defense to this section his or her compliance with subsection (d) of this section. However, such fact shall be considered by the local liquor control commissioner in mitigation of the finding of guilt for violation of this section.

(j) *Consumption By Minor; Exclusion:* Nothing in this section shall preclude the consumption by a minor of alcoholic liquor in the performance of religious services or under direct supervision of the parents or parent of such minor in the privacy of a home.

(k) *Solicitation Of An Individual To Purchase Alcohol By A Person Under Twenty One:* No person shall solicit any individual to purchase alcohol for possession or consumption by any person under the age of twenty one (21).

(l) *Violation; Penalty:* The minimum fine for a violation of the provisions of this section shall be one hundred fifty dollars (\$150.00). In the event a person is accused of a violation and does not wish to contest the allegation prior to the time a complaint is issued for the violation, then the person so accused may pay to the city, at police headquarters, a penalty in the sum of one hundred fifty dollars (\$150.00) for and in full satisfaction of the violation. (Ord. 88-14, 3-28-1988; Ord. 91-91, 8-26-1991; Ord. 97-21, 3-17-1997; Ord. 16-2004, 2-2-2004; Ord. 047-2021, 9-14-2021)

MAYOR OF THE CITY OF ROCK ISLAND

PASSED:

AYES: Alderpersons

APPROVED:

ATTEST:

CITY CLERK

NAYS:

ABSENT: