

CHAPTER 21

LIQUOR CODE

ARTICLE I – GENERAL REGULATIONS

**21-1-1**      **DEFINITIONS.** Terms used in this Chapter shall have the meanings set forth in **Chapter 43 of the Illinois Revised Statutes** for such terms. **(Sec. 40.01)**

**21-1-2**      **LICENSE REQUIRED.** It shall be unlawful to sell or offer for sale at retail in the City, or for a retailer to deliver in the City any alcoholic liquor without having a retail liquor dealer's license, or in violation of the terms of such license. **(Sec. 40.02)**

**21-1-3**      **APPLICATIONS.** Application for a retail liquor dealer's license shall be made to the Mayor as Local Liquor Control Commissioner, in writing, signed by the applicant, if an individual, or by a duly authorized agent, if a club or corporation, verified by oath or affidavit, and shall contain the following information and statements:

(A)            The name, age and address of the applicant in the case of an individual, and in the case of a co-partnership, the persons entitled to share in the profits thereof, and in the case of a corporation for profit, or a club, the date of incorporation, the objects for which it was organized, the names and addresses of the officers and directors, and if a majority in interest of the stock of such corporation or club is owned by one person or his nominees, the name and address of such person;

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

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

(D)            The length of time that the applicant has been in business of that character, or in the case of a corporation, the date on which its charter was issued;

(E)            The amount of goods, wares and merchandise on hand at the time application is made;

(F)            A statement whether applicant has made similar application for a similar other license on premises other than described in his application and the disposition of such application;

(G)            A statement that applicant has never been convicted of a felony, and is not disqualified to receive a license by reason of any matter or thing contained in this Chapter, the laws of the state, or the ordinances of the City;

(H) Whether a previous license by any state or subdivision thereof, or by the federal government has been revoked, and the reasons therefor; and,

(I) A statement that the applicant will not violate any of the laws of the State of Illinois, or the United States, or any ordinance of the City in the conduct of his place of business. **(Sec. 40.03)**

(J) An application for a person who is a first time applicant for a liquor license shall pay an application fee of **Two Hundred Fifty Dollars (\$250.00)**. **(Ord. No. 6762; 08-01-05)**

**21-1-4 PROHIBITED LICENSEES.** No retail liquor dealer's license shall be issued to:

(A) A person who is not a resident of the City of Belleville;

(B) A person who is not of good character and reputation in the community;

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

(D) A person who has been convicted of a felony under any federal or state law, unless the Local Liquor Control Commissioner determines, after investigation, that such person has been sufficiently rehabilitated to warrant the public trust; **(Ord. #3175; 10-29-73)**

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

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

(G) A person whose license issued under this Chapter has been revoked for cause;

(H) 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;

(I) A co-partnership unless all of the members of such co-partnership shall be qualified to obtain such license;

(J) A corporation, if any officer, manager or director thereof, or any stockholder or stockholders 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 other than citizenship and residence within the political subdivision;

(K) A person whose place of business is conducted by a manager or agent unless the manager or agent possess the same qualifications required by the licensee. The qualifications of residency shall only be required for persons requesting or holding a Class "A" license. **(Ord. No. 6772; 09-19-05)**

(L) A person who has been convicted of a violation of any federal or state law concerning the manufacture, possession or sale of alcoholic liquor subsequent to **February 6, 1934**, or shall have forfeited his bond to appear in court to answer charges for any such violation;

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

(N) Any law enforcing public official, Mayor, or member of the City Council; and no such official shall be

interested in any way, either directly or indirectly in the manufacture, sale or distribution of alcoholic liquor; or to

(O) Any person, association, or corporation not eligible for a state retail liquor dealer's license. **(Sec. 40.04)**

**21-1-5 PROHIBITED LOCATIONS.** No license shall be issued for the sale at retail of any alcoholic liquor within **one hundred (100) feet** of any church, school, other than an institution of higher learning, hospital, home for aged or indigent persons or for veterans, their spouses or children or any military or naval station, provided that this prohibition shall not apply to hotels offering restaurant service, regularly organized clubs, or to restaurants, food shops or other places where the sale of alcoholic liquors is not the principal business carried on; nor to the renewal of a license for the sale of retail of alcoholic liquor on premises within **one hundred (100) feet** of any church or school where such church or school has been established within such **one hundred (100) feet** since the issuance of the original license. In the case of a church, the distance of **one hundred (100) feet** shall be measured to the nearest part of any building used for worship services or educational programs and not to property boundaries.

Nothing in this Section shall prohibit the issuance of a license to a church or private school to sell at retail alcoholic liquor if any such sales are limited to periods when groups are assembled on the premises solely for the promotion of some common object other than the sale or consumption of alcoholic liquors. **(Ord. #4101; 10-01-84) (Sec. 40.05)**

**21-1-6 NUMBER OF LICENSES.**

(A) The total number of licenses to be issued under this Chapter shall be as hereinafter set forth.

(B) A restriction upon the number of licenses shall not limit the right to the renewal of any existing license nor to the issuance of the license to the purchaser of or lessor of an established licensed business as a going concern, nor to the issuance of a license to an operator of an established liquor business at a different location; provided such licenses do not increase the number of licenses in existence; nor to the issuance of a license to the purchaser of, lessor of, or lessee of, a business where the license has been revoked and not restored. **(Ord. #3319; 10-20-75)**

(C) No person, firm, or corporation shall operate no more than **two (2)** liquor establishments. This Section shall not apply to Class B and C licenses. **(Ord. #4479; 01-18-88)**

(D) The restrictions contained in this Section shall in no way affect taverns and other businesses holding retail liquor licenses, duly licensed by the County of St. Clair or

other municipalities which are located in territory annexed to the City. Licenses may be issued to them by the duly constituted authorities upon annexation; provided that thereafter all of the restrictions contained in this Section shall apply to the contingencies herein set forth. **(Ord. #2581)**

- (E)
  - (1) No license shall be held in existence by the mere payment of fees by any person, firm or corporation, for a longer period than **ninety (90) days**, without a tavern or liquor business for same being in full and complete operation, except as hereinafter provided.
  - (2) In those cases where the **ninety (90) day** period, as stated in subparagraph (1) above has expired, the Mayor, as Local Liquor Control Commissioner, may extend the period of time for which a license may be held by the payment of fees without the tavern or liquor business being in full and complete operation, beyond such **ninety (90) day** period. Such extension may be granted by the Mayor when the following conditions exist:
    - (a) Where the building housing a tavern or liquor business has been destroyed or damaged by fire or act of God and cannot be rebuilt or repaired within the **ninety (90) day** period. Such extension shall be for a period of time as is determined to be reasonable to complete the required rebuilding and repair.
    - (b) Where building, remodeling, or construction of facilities to house a tavern or liquor business is delayed through no fault of the licensee, and upon presentation of affidavits, plans, contracts for the work to be performed, and any other evidence required by the Mayor, showing the reason for the delay, the Mayor may extend the period of time for which a license may be held by the payment of fees without the tavern or liquor business being in full and complete operation. The extension, if granted, shall be for such period of time as is determined to be reasonable to complete the building, remodeling, or constructing.
    - (c) In no case may any license so extended by the Mayor for the reasons stated in subparagraphs (a) and (b) above be assigned, and such license shall expire immediately if the rebuilding, repair, building, remodeling or construction as

contemplated by subparagraphs (a) and (b) is abandoned by the licensee during any period of extended time. A license so expired shall not be subject to renewal unless all of the requirements of **Section 21-1-6** shall have been met. **(Ord. #2853)**

**(Sec. 40.06)**

**21-1-7**     **NATURE OF LICENSE.** A license issued under this Chapter shall be purely a personal privilege, good for not to exceed **one (1) year** after issuance, unless sooner revoked as in this Chapter authorized and provided and shall not constitute property nor shall it be subject to attachment, garnishment or execution, nor shall it be alienable or transferable, voluntarily or involuntarily, or subject to being encumbered or hypothecated. Except, however, that upon the death of a licensee who is the holder of a current paid license that is not pending revocation, the heir or heirs by either testate or intestate succession may require reissuance of said license in such heir's name unless such heir elects not to continue business under such license.

Then, in that event, executors and administrators of any estate of the deceased licensee, and the trustees of any insolvent or bankrupt licensee, when such estate consists in part of alcoholic liquor, may continue the business of the sale of alcoholic liquor under the order of the court having jurisdiction of such estate and may exercise the privileges of such deceased, insolvent or bankrupt licensee, after the death of such decedent, or such insolvency or bankruptcy, until the expiration of such license, but not longer than **six (6) months** after the death, bankruptcy or insolvency of such licensee. A refund shall be made of that portion of the license fees paid for any period in which the licensee shall be prevented from operation under such license, in accordance with the provisions of this Section. **(Ord. #2697) (Sec. 40.07)**

**21-1-8**     **LICENSE CLASSIFICATIONS, FEES, NUMBERS.**

(A)           Such license shall be divided into the following classes:

**Class 'A'**, which shall permit the retail sale of alcoholic liquor for consumption on or off the premises where sold and not for resale in any form. The annual fee for such license shall be **Five Hundred Fifty Dollars (\$550.00)**. The total number of Class "A" licenses shall not exceed **fifty-three (53)**. No Class "A" license shall be issued except to a licensee who actually sells at retail alcoholic liquor for consumption both on and off the premises where sold. **(Ord. No. 7089; 03-17-08)**

**Class 'B'**, which shall permit the retail sale of alcoholic liquor for consumption on the premises of restaurants, but not for consumption off the premises of restaurants and not for resale in any form. For the purpose of this Class "B" license, a restaurant is defined to mean a public place kept, used, maintained, advertised and held out to the public, where meals are served and where meals actually are served and regularly served, without sleeping accommodations; such space being provided with adequate

and sanitary kitchen and dining room equipment and capacity and having employed therein a sufficient number and kind of employees to prepare, cook and serve suitable foods for its guests; it is further provided that a restaurant as herein defined shall mean an establishment which derives more than **fifty percent (50%)** of its gross sales from the sale of food. The annual fee for such license shall be **Five Hundred Fifty Dollars (\$550.00)**. There shall be no limit on the number of Class "B" licenses. **(Ord. No. 7089; 03-17-08)**

At any time during the license period or prior to the renewal of a Class "B" license, the Mayor may order the licensee to produce their accounting records to determine if the licensee is qualified to hold a Class "B" liquor license. The failure of the licensee to produce said records for the Mayor upon request, shall result in the automatic revocation of a Class "B" liquor license. **(Ord. No. 6853; 04-03-06)**

**Class "C"**, which shall only permit the retail sale of alcoholic liquor in sealed packages, but not for consumption on the premises of where it is sold. The annual fee for such license shall be **Five Hundred Fifty Dollars (\$550.00)**. The total number of Class "C" licenses shall not exceed **fifty (50)**. **(Ord. No. 7089; 03-17-08)**

**Class "D"**, which shall permit the retail sale of alcoholic liquor for consumption only on the premises where sold to be issued to a regularly organized club, such sales to be made only to the members of the club. For the purposes of this Code, a "club" is defined to mean a corporation organized under the laws of this State, not for pecuniary profit, solely for the promotion of some common object other than the sale and consumption of alcoholic liquors. The annual fee for such license shall be **Four Hundred Dollars (\$400.00)**. There shall be no limit on the number of Class "D" licenses. No Class "D" license shall be issued until the Local Liquor Control Commissioner has satisfied himself that the club applying for the license was actually and in fact, organized for some purpose or object other than the sale or consumption of alcoholic liquor.

**Class "E"**, which shall permit the sale or dealing at retail in alcoholic liquor by a religious organization or a not-for-profit organization that does business only intermittently. The annual fee for such license shall be **One Hundred Dollars (\$100.00)**. There shall be no limit on the number of Class "E" licenses.

**Class "F"**, which shall permit the retail sale of alcoholic liquor for consumption only on premises opened only periodically for the express purpose of providing accommodations for weddings, parties, bingo and other such special events. The annual fee for such license shall be **Four Hundred Dollars (\$400.00)**. There shall be no limit on the number of Class "F" licenses. **(Ord. No. 5021; 01-04-93)**

(B) **License Classifications, Fees and Numbers.** All licenses expire on the **first (1st) day of May** of each year. License fees are payable in full, in advance, to the Local Liquor Control Commissioner.

It shall be unlawful to keep open for business or to admit the public to or permit the public to remain within or to permit the consumption of alcoholic liquor in or upon any premises in which alcoholic liquor is sold at retail during the hours in which the sale of such liquor is prohibited; provided, that where separate defined areas are used for

dispensing of food stuffs and alcoholic beverages during the hours designated herein, such specified areas may continue to dispense food stuffs after its authorized closing hour as set forth herein, but shall in no way dispense alcoholic beverages after its authorized closing hour as set forth herein or allow consumption of alcoholic beverages after its authorized closing hour as set forth herein. **(Ord. No. 5521; 03-04-96) (Sec. 40.08)**

**21-1-9 CLOSING HOURS.** It shall be unlawful to sell or offer for sale at retail or to give away in or upon any licensed premises, any alcoholic liquor between the hours of **One O'clock (1:00) A.M.** and **Five O'clock (5:00) A.M.** prevailing time, on any day of the week; except that for an additional **Two Hundred Fifty Dollars (\$250.00)** license fee, it shall only be unlawful to sell or offer for sale at retail or to give away in or upon any licensed premises any alcoholic liquor between the hours of **Two O'clock (2:00) A.M.** and **Five O'clock (5:00) A.M.** prevailing time on any day of the week. **(Ord. No. 3319; 10-20-75) (Sec. 40.09)**

The Mayor as Liquor Commissioner at his discretion may issue licenses which call for closing hours earlier than **1:00 A.M.** and it shall be unlawful to sell or offer for sale at retail or give away in or upon any licensed premises any alcoholic liquor between the closing hours on the license set by the Mayor as Liquor Commission and **5:00 A.M.** **(Ord. No. 7089; 03-17-08)**

**21-1-10 SPECIALTY LICENSES.**

(A) Upon application, the Local Liquor Control Commission is authorized to issue a Special Event Liquor License for a period of **twelve (12)** or **twenty-four (24) hours** to any person who keeps or desires to keep any place for selling or offering for sale, or in any manner dealing in any alcoholic liquors. The fee for such license shall be for the sale of alcoholic liquors, the sum of **Ten Dollars (\$10.00)** for each **twelve (12) hours**; for more than **twelve (12) hours** and not more than **twenty-four (24) hours**, within any **one (1) day**, **Fifteen Dollars (\$15.00)**, subject to the provisions of this Chapter.

(B) Upon application, the Local Liquor Control Commission is authorized to issue a Caterer's License for a period of **one (1) year** to any City liquor licensee who desires to serve alcoholic liquors for consumption either on-site or off-site as an incidental part of food service for a fee of **Fifty Dollars (\$50.00)**.

(C) Such person shall give the bond required by law and this Chapter governing the sale or giving away of alcoholic liquors.

(D) No such license shall be transferable. **(Ord. No. 6846; 03-20-06) (Sec. 40.10)**

**21-1-11 RENEWAL AND ASSIGNMENT.** The owner of a license to keep a place where alcoholic liquor is sold or offered for sale has the right to a renewal or reissue of said license at the same place of business that the license is issued to in compliance with the laws of Illinois, and upon compliance with the provisions of the ordinances of the City. If the owner wishes to renew the license at a different location then he shall be required to obtain a special use permit pursuant to the zoning laws in the City for the new location. Such licensee may assign or convey his right to renewal or reissue thereof to any person or corporation who upon compliance with the laws of Illinois relating thereto and with the ordinances of the City, shall be entitled to a renewal or reissue of such license in his or her own name or the corporation's name. The person to whom the license is assigned shall be required to apply for a special use permit pursuant to the Zoning Code and shall be subject to the same background checks as provided by the ordinances of the City. The Liquor Commissioner in his discretion may grant the assignee a license to operate the premises on a temporary basis until such time as special use permit is granted pursuant to the zoning ordinances and the background checks is completed. If the special use permit is not granted or the background check is not satisfactory, the license shall be revoked. **(Ord. No. 7106; 04-08-08) (Sec. 40.11)**

**21-1-12 DRAMSHOP INSURANCE.** Every applicant licensed to sell or deal in alcoholic liquor shall before obtaining said license, furnish a certificate of dram shop insurance with coverage by a reliable insurance company providing coverage in the amount of **Forty-Five Thousand Dollars (\$45,000.00)** for injury to a person or property and coverage in the amount of **Fifty-Five Thousand Dollars (\$55,000.00)** for loss of means and support or loss of society resulting from death or injury of any person. The certificate of insurance shall be in effect on **April 30<sup>th</sup>**, and the licensee shall be responsible to provide the City a new certificate of insurance each time said insurance expires. **(Ord. No. 6410; 04-01-02)**

**21-1-13 DISPOSITION OF FEES.** All money derived from collections of liquor license fees shall become a part of and be paid over to the General Fund of the City. **(Ord. #1768) (Sec. 40.13)**

**21-1-14 LOCATION.** A retail liquor dealer's license shall permit the sale of alcoholic liquor only in the premises described in the application and license. Such location may be changed only upon the written permit to make such change issued by the Local Liquor Control Commissioner. No change of location is permitted unless the proposed new location is a proper one for the retail sale of alcoholic liquor under the laws of this State and the ordinances of the City. **(See Zoning Code)**

(A) **Outdoor Areas.** The retail liquor dealer's license shall permit the sale of alcoholic beverages in an outdoor areas provided that the outdoor area to be used as for sale of alcoholic beverages is expressly identified in the application and license approved by the Local Liquor Control Commissioner and the outdoor area complies with **Section 60-7-11** of the Zoning Code (Outdoor Restaurants and Dining Establishments). The Local Liquor Control Commissioner shall set the hours of alcohol sales in the outdoor area. **(Ord. No. 7697; 07-15-13) (Sec. 40.14)**

**21-1-15 DISPLAY OF LICENSE.** Every licensee under this Code shall cause his license or licenses to be framed and hung in plain view in a conspicuous place on the licensed premises. **(Ord. #1768) (Sec. 40.15)**

**21-1-16 REVOCAION OF LICENSE.**

(A) The Local Liquor Control Commissioner may, when in his judgment, any section of this Chapter is violated, revoke the license of the person operating the place where such violation occurs.

(B) A conviction by any court of competent jurisdiction under any section of this Chapter shall be conclusive justification to the Commissioner for such revocation, subject to the right of appeal as provided for under the laws of the State of Illinois.

(C) In all cases in which such licenses is revoked without a previous conviction under the provisions of this Chapter, the Commissioner shall report to the City Council at its next regular meeting the fact of such revocation and the specific reasons therefor.

(D) Any **five (5) residents** of the City shall have the right to file a complaint with the Commissioner stating that any retailer licensee subject to the jurisdiction of the Commissioner has been or is violating the provisions of the State Liquor Control Act, the rules or regulations issued pursuant thereto, or the ordinances of this City. Such complaints shall be in writing in the form prescribed by the Commissioner and shall be signed and sworn to by the persons complaining. The complaint shall state the particular provision, rule, regulation or ordinance believed to have been violated and facts in detail upon which belief is based. If the Commissioner is satisfied that the complaint substantially charges a violation and that from the facts alleged, there is reasonable cause for such belief, he shall set the matter for hearing and shall serve reasonable notice upon the licensee of the time and place of such hearing and the particular charge in the complaint. **(Ord. #1980) (Sec. 40.16)**

**21-1-17 - 21-1-18 RESERVED.**

**21-1-19 GAMBLING.** It is unlawful to keep, place, maintain or operate any gambling device as defined in **Section 7-6-6** in and upon the premises used and occupied as a place where alcoholic liquor is sold or given away. The Liquor Commissioner may revoke the license of any person, firm or corporation licensed to sell alcoholic liquor in the City who permits a violation of this Section to occur on the premise covered by such ordinance. **(Ord. #5757; 07-21-97) (Sec. 40.19)**

**21-1-20 DISORDERLY HOUSE.** Any person license under this Chapter shall not suffer any disorder, drunkenness, quarreling, fighting, unlawful games, or riotous or disorderly conduct in any house or premises kept or occupied by him for the sale of liquor. **(Ord. #1768) (Sec. 40.20)**

**21-1-21 SALES TO MINORS, DRUNKARDS, ETC.**

(A) 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 to him to be an habitual drunkard, spendthrift, insane, mentally ill, mentally deficient, or in need of mental treatment. No person, after purchasing or otherwise obtaining alcoholic liquor, shall sell, give or deliver such alcoholic liquor to another person under the age of **twenty-one (21) years**, except in the performance of a religious ceremony or service. **(Ord. #3679; 01-07-80) (Sec 40.21)**

**21-1-22 UNDERAGED SALES.**

(A) Any person under the age of **twenty-one (21) years**, who purchases or obtains any alcoholic liquor or alcoholic beverage in any tavern, or other place in the City where alcoholic liquor or alcoholic beverage is sold, shall, upon conviction thereof, be subject to a fine of not less than **Ten Dollars (\$10.00)**, nor more than **Two Hundred Dollars (\$200.00)** for each offense. **(Ord. #3679; 01-07-80)**

(B) Any person under the age of **twenty-one (21) years**, who misrepresents his or her age for the purpose of purchasing or obtaining alcoholic liquor or alcoholic beverage in any tavern or place in the City of Belleville where alcoholic beverage is sold, shall, upon conviction thereof be subject to a fine of not less than **Ten Dollars (\$10.00)**, nor more than **Two Hundred Dollars (\$200.00)** for each offense. **(Ord. #3679; 01-07-80)**

(C) Every tavern, or other place in the City where alcoholic liquor or alcoholic beverage is sold for beverage purposes shall display at all times in a prominent place, a printed card which shall be issued by the City Clerk and which shall read substantially as follows:

**UNDERAGED WARNING**

**You are subject to a fine up to Two Hundred Dollars (\$200.00), under the ordinances of the City of Belleville, if you purchase alcoholic liquor or alcoholic beverage, or misrepresent your age for the purpose of purchasing or obtaining alcoholic liquor or beverage.**

(D) No holder of a retail liquor dealer's license, or his agent or employee, shall suffer or permit any person under the age of **nineteen (19) years** to be or remain in any room or compartment adjoining or adjacent to or situated in the room or place in which such licensed premises is located. This paragraph shall not apply to any person under **nineteen (19) years** of age who is accompanied by his or her parent or guardian, or to any licensed premises which derives its principal business from the sale of service or commodities other than alcoholic liquor or alcoholic beverages.

(E) Any holder of a retail liquor dealer's license, or his agent or employee, who violates this Section shall, upon conviction, be subject to a fine of not less than **Ten Dollars (\$10.00)** or more than **Two Hundred Dollars (\$200.00)** for each offense, or to the revocation of his retail liquor dealer's license, or to both such fine and revocation of license.

(F) Any parent or guardian who knowingly permits any child of which he may be the parent or guardian to violate any provision of this Section shall, upon conviction, be subject to a fine of not less than **Ten Dollars (\$10.00)** nor more than **Two Hundred Dollars (\$200.00)**.

(G) Any person under the age of **twenty-one (21) years** shall not have alcoholic liquor in his possession and upon conviction thereof shall be subject to a fine of not less than **Ten Dollars (\$10.00)** nor more than **Two Hundred Dollars (\$200.00)** for each offense. This subsection does not apply to possession by a person who is at least **eighteen (18) years** old while making a delivery of alcoholic liquor in pursuance of the order of his parent or in pursuance of his employment. However, this subsection shall not be construed so as to permit any person under the age of **twenty-one (21) years** to be employed in a tavern where alcoholic liquor is sold for both on-premises and off-premises consumption. **(Ord. No. 3679; 01-07-80)**

(H) Any person under the age of **twenty-one (21) years** shall not have alcoholic liquor in his possession and upon conviction thereof shall be subject to a fine of not less than **Ten Dollars (\$10.00)** nor more than **Two Hundred Dollars (\$200.00)** for each offense. **(Ord. #3150; 06-18-73)**

**21-1-23** **CONSUMPTION IN PUBLIC PLACES.** Except as expressly authorized by the Local Liquor Control Commissioner, it shall be unlawful for any person to consume or possess open liquor in any public place within the City within **two hundred (200) feet** of the nearest property line of a dram shop. **(Ord. No. 7697; 07-15-13)**

**21-1-24** **OPEN VIEW INTO INTERIOR.**

(A) In premises upon which the sale of alcoholic liquor for consumption upon the premises is licensed, other than a restaurant, hotel or club, no screen, blind, curtain, partition, article, or thing shall be placed in the windows, or upon the doors of such licensed premises, nor inside such premises, which prevents

a clear view into the interior of such licensed premises from the street or sidewalk at all times, and no booth, screen, partition or other obstruction, nor any arrangement of lights or lighting shall be permitted in or about the interior of such premises, which prevents a full view of the entire interior of such premises from the street or sidewalk; and the premises must be so located that there will be a full view of the entire interior of such premises from the street or sidewalk.

(B) All rooms where liquor is sold for consumption upon the premises shall be continuously lighted during business hours by natural light or artificial white light, so that all parts of the interior of the premises shall be clearly visible.

(C) In case the view into any such licensed premises required by the foregoing provisions shall be willfully obscured by the licensee or by him willfully suffered to be obscured or in any manner obstructed, then such license shall be subject to revocation in the manner provided by law.

(D) In order to enforce the provisions of this Section, the Local Liquor Control Commissioner shall have the right to require the filing with him of plans, drawings and photographs showing the clearance of the view as above required. **(Sec. 40.17)**

**21-1-25 PENALTIES.** Any person violating any provision of this Chapter for which a penalty is not specifically provided, shall be fined not less than **Twenty-Five Dollars (\$25.00)** nor more than **Two Hundred Dollars (\$200.00)**. **(Sec. 40.23)**