

ARTICLE 6 ALCOHOLIC LIQUORS

SECTION 6.1: CONSTRUCTION

This Article shall be liberally construed to the end that the health, safety, and welfare of the residents of the City of Mt. Vernon shall be protected, and temperance in the consumption of alcoholic liquor shall be fostered and promoted by sound and careful control and regulation of the sale of alcoholic liquors.

SECTION 6.2: DEFINITIONS

Unless the context clearly and unambiguously otherwise requires, the following words and phrases as used in this Article shall be construed according to the definitions set forth below:

1. "Alcohol" means 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.
2. "Alcoholic Liquor" includes alcohol, spirits, wine, and beer, and every liquor or solid, patented or not, containing alcohol, spirits, wine, or beer and capable of being consumed as a beverage by a human being. "Alcoholic liquor" shall not include any liquid or solid containing one-half of one percent or less of alcohol by volume.
3. "Beer" means a beverage obtained by alcoholic fermentation of an infusion or concoction of barley or other grain, malt, and hops in water and includes among other things beer, ale, stout, lager beer, porter, and the like.
4. "Bowling Alley" means an establishment or premises or part of an establishment or building as the case may be wherein the game of bowling with composition balls and ten wooden pins is played.
5. "Club" means 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 or consumption of alcoholic liquors, kept, used, and maintained by its members through the payment of annual dues, and owning, hiring, or leasing a building or space in a building, of such extent and character as may be suitable and adequate for the reasonable and comfortable use and accommodation of its members and their guests and provided with suitable and adequate kitchen and dining room space and equipment and maintaining a sufficient number of

servants and employees for cooking, preparing, and serving food and meals for its members and their guests; PROVIDED that such club files with the Local Liquor Control Commissioner at the time of its application for a license under this Article two copies of a list of the names and residences of its members and similarly files within ten (10) days of the election of any additional member his name and address; AND PROVIDED FURTHER that the affairs and management of such club are conducted by a board of directors, executive committee, or similar body chosen by the members at their annual meeting, and that no member or any officer, agent, or employee of the club is paid, or directly or indirectly receives, in the form of salary or other compensation any profits from the distribution or sale of alcoholic liquor to the club or the members of the club or its guests introduced by members beyond the amount of such salary as may be fixed and voted at any annual meeting by the members or by its board of directors or other governing body out of the general revenue of the club.

6. “Consumption Sales” means the sale or offering for sale at retail of any alcoholic liquor for consumption upon the licensed premises where it is sold.
7. “Control Premises” means the licensed premises and all property adjacent to the licensed premises which is owned or leased by or which is under the authority or supervision of the licensee; control premises shall include, but shall not be limited to, the licensed premises, parking lots, sidewalks and walkways. Except as provided within § 6.5 with regard to a Hotel License, each building, facility or business required for a particular classification (e.g. restaurant, hotel, lounge, Package and Consumption Sales premises etc.) must be under the sole and exclusive ownership and control of the licensee and no part thereof shall be leased, contracted, subleased or subcontracted to another person by the licensee, provided nothing herein shall prohibit the licensee from employing a manager or contracting for management services for which the licensee retains responsibility and liability.
8. “Convicted” means and includes a plea of guilty, a plea of no contest, or probation or any plea admitting guilt or admitting the facts of an offense; and it means and includes any finding of guilt by a court, a jury, an administrative agency or any other trier of fact.
- 8a. “Festival Area” means municipally owned property located at 207 S. 7th Street, commonly known as the Armory and municipally owned property and right of way located upon 9th Street between Broadway and Casey Street.

9. "Hotel" means every building or other structure kept, used, maintained, advertised, and held out to the public to be a place where food is actually served and consumed and sleeping accommodations are offered for adequate pay to transient travelers and guests in which twenty-five (25) or more rooms are used for sleeping accommodations of such guests and having one or more public dining rooms where meals are served to such guests, such sleeping accommodations and dining rooms being conducted in the same building or buildings, structure or structures being provided with adequate and sanitary kitchen and dining room equipment and capacity; said hotel must actually be engaged in the business of renting, leasing or letting rooms and must be filing returns and paying the Mt. Vernon Motel-Hotel tax.
10. "Licensee" means any individual, corporation, partnership, or other person holding a license under the terms and provisions of this Article.
11. "Licensed Premises" means the area as described in the application where alcoholic liquor is served, consumed, stored, or sold and areas internally or externally connected thereto by doorway, which areas are integrally related to the operation of the licensed establishment. "Licensed Premises" is meant and defined as the interior of a building or a fully enclosed area and does not include a parking lot, a sidewalk, walk, covered walkway, or any unenclosed area, except however, "Licensed Premises" shall include (i) the sidewalk dining area of a Restaurant Licensee or a Restaurant with Lounge Licensee which is in compliance with Article 32 of the Revised Code of Ordinances and which is subject to a Downtown Sidewalk Dining Liquor Permit described within Section 6.5 subparagraph 15 herein, (ii) shall include the area described within the application and License for a Festival Events License and (iii) shall include the area described within the application and License for a Retail Business Customer License.
12. "Local Liquor Control Commissioner" shall mean the Mayor of the City of Mt. Vernon.
13. "Motel-Hotel Tax" means the tax imposed by ordinance No. 87-27 of the City of Mt. Vernon.
14. "Mt. Vernon Liquor Advisory Board" means the Liquor Advisory Board established by Section 6.20 herein.
15. "Original Package" means 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.

16. "Package Sales" means the sale or offering for sale at retail of alcoholic liquor in the original package and not to be opened to be consumed in whole or in part on the premises where sold.
17. "Public Property" means (1) any public street, alley, sidewalk or public way, (2) all property owned by the United States, the State of Illinois or other State or any municipality or other political subdivision or agency thereof and (3) any property, including privately owned property, which is open to or held out for use by the public, except a "licensed premises" as defined above.
18. "Resident Manager" or "Managing Agent" means the person designated as manager within the application for license. The Resident Manager or Managing Agent must be a bona fide resident of Jefferson County, Illinois and must be a full-time employee of licensee who is physically present on a daily basis at the license premises not less than forty (40) hours per week; the Resident Manager or managing Agent must have management authority including control of the premises, all books and records and must have the authority to make decisions and give consent regarding any matter concerning the control premises. A corporation and similar business entities must conduct business by a resident manager or managing agent.
19. "Restaurant" means any public place kept, used, maintained, advertised, and held out to the public as a place where meals are served, and where meals are actually and regularly served, without sleeping accommodations, such space being provided with adequate and sanitary kitchen and dining room equipment and capacity and having employed therein a sufficient number and kind of employees to prepare, cook, and serve suitable food for its guests.
20. "Retailer" means a person who sells or offers for sale alcoholic liquor for use or consumption and not for resale in any form.
21. "Sell At Retail" and "sale at retail" refer to and mean sales for use or consumption and not for resale in any form.
22. "Service Bar" means a place or location not within the view of the public where alcoholic liquor may be poured and served. A service bar may only be located in a kitchen, food preparation area or waiter or service station area of a licensee.
23. "Sale" means any transfer, exchange, or barter in any manner or by any means

whatsoever, whether for immediate or future delivery, for a consideration and includes and means all sales made by any person, whether principal, proprietor, agent, servant, or employee.

24. "Sampling" means a supervised offering at a licensed premises of an alcoholic product or products as a sales promotion of said products by a licensee, provided that a sampling product may only be tasted in the following amounts: distilled spirits, 1/4 ounce, wine 1 ounce, and beer 2 ounces.
25. "Spirits" means 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 substances.
26. "To sell" means to advertise for sale or to solicit or receive any order for or to keep or expose for sale or to keep or possess with intent to sell.
27. "Wine" means any alcoholic beverage obtained by the fermentation of the natural contents of fruits or vegetables containing sugar, including any such beverages when fortified by the addition of alcohol or spirits as above defined.

SECTION 6.3: APPLICATIONS AND LICENSING

A. **LICENSE REQUIRED.** No person shall sell or offer for sale, possess for sale, advertise for sale or display for sale alcoholic liquor within the corporate limits of the City without having first obtained a license to do so as provided in this Article.

B. **NATURE AND EXTENT OF LICENSE.** The license required by this Article shall be a retailer's license and shall permit the licensee to sell and offer for sale alcoholic liquor at retail upon the licensed premises specified and described in the licensee's application and as defined within this ordinance. Each license granted shall be subject to the provisions of this Article, other applicable Ordinances of the City of Mt. Vernon, and all applicable laws of the State of Illinois and the United States, including but not limited to the Illinois Liquor Control Act.

A license issued hereunder shall be a purely personal privilege good for not to exceed one (1) year after issuance, and said license 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 be encumbered or hypothecated; such license shall not descend by the laws of testate or intestate devolution, but it shall cease upon the death of the licensee except as hereinafter provided. All licenses issued hereunder shall expire on April 30 following issuance. Any sale of alcoholic liquor after expiration of a license shall

constitute sale of alcoholic liquor without a license; if an applicant seeks renewal of an existing license, an application for renewal shall be submitted with the required license fee prior to expiration of the existing license. Expiration of a license shall occur by operation of law without any notice or hearing and there shall be no right to reinstatement of any license, although an application for a new license may be submitted. A licensed premises shall be subject to inspection by the Building Inspector at all times.

A license issued hereunder shall not be transferred or otherwise conveyed through a change in ownership or change in interest of any licensed premises or any licensee. Any change in stock ownership, a partnership interest or other change in any ownership interest shall constitute an attempt to transfer a license and shall terminate the license by operation of law without notice or hearing.

A license issued hereunder shall not be delivered to the Licensee and no license issued for any premises shall be effective unless and until the Licensee has obtained a valid Certificate of Occupancy for the licensed premises under the Revised Code of Ordinances; a copy of the original license may be provided to a Licensee prior to the issuance of the Certificate of Occupancy for the premises solely for the use by Licensee to obtain financing, to obtain State licenses, to permit construction or remodeling, or for other valid reasons approved by the Local Liquor Control Commissioner if the Licensee and the City, by and through its Local Liquor Control Commissioner, have executed an agreement which defines the Licensee's obligations and the restrictions on the license prior to delivery of the original license. No sales of alcoholic liquor shall be made by any Licensee prior to delivery of the original license to the Licensee. No remodeling, alteration, or other construction shall be made to any licensed premises without a building permit and compliance with all requirements and procedures associated therewith.

C. APPLICATION FOR LICENSE. All applications for licenses under this Article shall be in writing, under oath, addressed to the Local Liquor Control Commissioner, and filed in the office of the City Clerk.

Each application shall be signed by the applicant. If the applicant is a partnership, all partners shall sign the application. If the applicant is a corporation or club, the application shall be signed and verified by the president and secretary. The information recited in the application shall be under oath or affirmation as to each person signing the application. The willful making of any false statement as to a material fact in any application shall constitute cause for denial of a license or revocation of any license issued hereunder.

The applicant has a duty to keep the City Clerk and the Local Liquor Control Commissioner advised as to its current mailing address. The applicant has a duty to file a completed application and to provide all information required or requested. The applicant has a duty to timely comply with the requirements of this Article and to diligently prosecute any application filed with the City Clerk. The applicant has the burden of proof to establish the applicant's qualifications and the qualifications of the premises for a license.

Each application shall include the following information and statements:

1. Name, birth date, social security number, residence address, and citizenship (and if a naturalized citizen, the time and place of naturalization) of the applicant in the case of an individual.
2. In the case of a partnership, the names, birth dates, social security numbers, and residence addresses of all partners.
3. In the case of a corporation or club, the names, birth dates, social security numbers, driver's license numbers, and residence addresses of the officers, directors, managers; and the names, birth dates, social security numbers, and residence addresses of all persons who own or have an interest in over five (5) percent of the stock.
4. In the case of a partnership, the date of the formation of the partnership; in the case of an Illinois corporation, the date of its incorporation; or in the case of a foreign corporation, the state where it was incorporated and the date of its becoming qualified to transact business in the State of Illinois.
5. The location where the applicant proposes to engage in the business for which the application is submitted along with an affirmative statement that the proposed location does not conflict with the location restrictions detailed with Section 6.11 herein.
6. The class of license for which the application is submitted.
7. The name and address of the landlord if the premises are leased.
8. The nature of the business which the applicant intends to carry out and the amount of applicant's anticipated gross revenue from other sources within the proposed licensed premises.
9. A list of the governmental entities to which the applicant has submitted an application(s) for a liquor license; the date of the application; the disposition of

such application; amounts of and reasons for fines imposed; and the dates, reason, and length of suspension or revocation of such license, if any.

10. A statement that the applicant, individual applicant, partners of a partnership applicant, and officers, manager, directors, and stockholders of any corporation applicant have never been convicted of keeping a house of ill fame, convicted of pandering or other crime or misdemeanor opposed to decency and morality, or convicted of any felony under any federal or state law.
11. A complete criminal background and credit check authorization for each person identified within the immediately preceding subparagraph.
12. The name of any person identified within Subparagraph 10 who has been issued a federal wagering stamp for the current tax year.
13. Evidence of dram shop liability insurance covering the entire period of the license in the form of a certificate of insurance issued by an insurance company licensed to do business in the State of Illinois. The certificate shall insure applicant and owner or lessor of the premises in such amounts as may be required by the Illinois Liquor Control Act, or in an amount of not less than \$1,000,000.00, whichever amount is greater.

D. PERSONS INELIGIBLE TO HOLD A LICENSE. No license shall issue to:

1. A person who is not a bona fide resident of the City.
2. A person who is not of good character and reputation in the City.
3. A person who is not a citizen of the United States.
4. A person who has been convicted of a felony or who has been convicted of pandering or any other crime of morality or a person who has been convicted of being a keeper of a house of ill fame under the laws of the State of Illinois or any other federal or state law, unless the Commissioner determines within his sole discretion that such person now warrants the public trust.
5. A person whose license issued under this Article or the Illinois Liquor control Act has been revoked for cause.
6. A person who at the time of application for renewal of any license issued under this Article would not be eligible for such license upon a first application.

7. A person whose business is conducted by a manager or agent, unless such manager or agent is an actual resident of Jefferson County, Illinois and possessed the same qualifications required of the Licensee and meets the requirements of Section 6.2 (18).
8. A person who does not beneficially 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.
9. Any law enforcing public official, mayor, or any member of the City Council; and no such official shall be interested in any way either directly or indirectly in the sale or distribution of alcoholic liquor.
10. Any person, club, association, or corporation not eligible for a state retail liquor dealer's license.
11. A partnership, unless all of the members of such partnership shall be qualified to obtain a license.
12. A corporation, if any officer, manager or director thereof, or any stockholder or stockholders owning in the aggregate more than five (5) percent of the stock of such corporation, would not be eligible to receive a license hereunder for any reason other than citizenship or residence within the political subdivision, except however, the manager must be an actual resident of the city.
13. A corporation, unless it is incorporated in Illinois or unless it is a foreign corporation which is qualified under the Illinois Business Corporation Act to transact business in Illinois.
14. A person who has been convicted of any gambling act or offense as prescribed by any criminal code or statute of any state, including but not limited to Illinois, or as prescribed by any statute or regulation of the United States or as prescribed by any ordinance of the City of Mt. Vernon or any other political subdivision of the United States or any state.
15. A person to whom a federal wagering stamp has been issued by the federal government for the current tax period.
16. A partnership to whom a federal wagering stamp has been issued by the federal government for the current tax period or if any of the partners have been issued a federal wagering stamp by the federal government for the current

tax period.

17. A corporation if the corporation or any officer, manager, or director thereof or any stockholder owning in the aggregate more than five (5) percent of the stock of said corporation has been issued a federal gaming device stamp of a federal wagering stamp for the current tax period.
18. A person in default of any payment to the City of Mt. Vernon, including any licensing fee under Article 6 or under any other Article of the Revised Code, any other charge or fee imposed by the Revised Code, any tax imposed by the City of Mt. Vernon, or any charge for water, sewer or garbage services, or a person in default on any loan agreement or contract with the City.

E. BOND. No written Bond shall be required; however, each applicant making application for license hereunder, by acceptance of a license, agrees to indemnify the City against all losses or injury arising against said City by reason of the conduct or operation of a business under such license.

F. SEPARATE APPLICATION. Separate application by a licensee or a related person must be filed for separate classes of licenses by any applicant desiring to operate more than one licensed business, and a separate license must be obtained by any applicant desiring to operate a licensed business at more than one licensed premises.

G. MULTIPLE LICENSES. Licenses permitting a person or related person or entity to operate more than one (1) licensed premises are not desirable and an application by an applicant or by a person or entity related to a current license holder for a license or for a second license may be denied solely on the basis that the applicant, or a related person or entity, including any stockholder, partner or other interested party in said applicant, person, or entity, is the holder of another license or is interested in, either directly or indirectly, including as a shareholder, partner or other ownership interest, in another license. "Related" means being employed by, owning stock in, being a partner in, having any interest directly or indirectly in, or being related by blood or marriage in the following relationships: spouse, parent, step-parent, grandparent, step-grandparent, child, step-child, grandchild, step-grandchild, brother, step-brother, sister, step-sister, uncle, aunt, niece or nephew. In all events, no person or related persons or related entities— shall possess more than one license that permits sales of package liquor, except a Licensee having two such (package sales) licenses as of August 21, 2017 may continue to renew such existing licenses so long as each licensed premises continues in lawful operation without interruption.

H. APPLICATION PROCEDURE. Each applicant desiring to engage in the business of sale of alcoholic liquor shall make application to the City Clerk for a license to do so. Such application shall be referred to the Local Liquor Control Commissioner, and if

applicable to the Mt. Vernon Liquor Advisory Board. The application shall be processed in accordance with the procedures set forth within this Article. The Local Liquor Control Commissioner shall have sole authority to approve or reject such application. In the event such application is approved by the Local Liquor Control Commissioner, a license shall be issued by the Clerk to such applicant signed by the Commissioner and countersigned by the Clerk, who shall keep a complete record of all such licenses issued.

SECTION 6.4: PAYMENT OF LICENSE AND PERMIT FEES

All fees payable under this Article shall be paid in full by cash, certified check, or money order and submitted at the time the application is made; if the application is denied and no license or permit is issued, then the license or permit fee shall be returned to the Applicant.

The license fee for each license classification and any permit fee shall be as provided within Section 6.5; after a license or permit is issued, the fee paid for said license or permit shall be non-refundable. When a license is issued prior to November 1 of a licensing year, the full fee shall be paid; if a license is issued on November 1 or thereafter of a licensing year, one-half of the fee shall be paid; no additional proration of the fee shall be made.

SECTION 6.5: LICENSE CLASSIFICATIONS, PERMITS, AND FEES

Licenses to sell alcoholic liquor shall be of the following classes:

1. A "Package and Consumption Sales License" shall entitle the Licensee to make consumption and package sales of alcoholic liquor. The license fee for a "Package and Consumption Sales License" shall be Three Thousand Dollars (\$3,000.00) per annum.
2. A "Club License" shall entitle Licensee to make consumption and package sales of alcoholic liquor. The license shall issue only for clubs and bowling alleys; provided that no person shall receive a license to sell alcoholic liquor upon any premises as a club unless it has the qualifications described in Section 6.2(5) of the Revised Code. The license fee for a "Club License" shall be Two Thousand Dollars (\$2,000.00) per annum; provided, however, that with respect to a club as defined within Section 6.2(5) having a total membership of less than 300 members, the license fee shall be Five Hundred Dollars (\$500.00).
3. A "Restaurant With Lounge License" shall entitle the Licensee to make consumption sales of alcoholic liquor; the Licensee shall make no package sales. This license shall issue only for licensed premises having a dining area, a

kitchen area, and a lounge area physically separate, divided, and apart from one another, and no sales of alcoholic liquor shall occur within the dining area except with meals. The dining area of a Restaurant with Lounge License shall include any sidewalk dining area which is in compliance with Article 32 of the Revised Code of Ordinances and which is subject to a Downtown Sidewalk Dining Liquor Permit described within Section 6.5 subparagraph 15 herein. The Licensee fee for a “Restaurant With Lounge License” shall be Two Thousand Dollars (\$2,000.00) per annum.

4. A “Restaurant License” shall entitle the Licensee to make consumption sales of beer and wine only; the Licensee shall make no package sales. This license shall issue only for restaurants as defined herein. No person shall receive a “Restaurant License” to sell alcoholic liquor upon any premises unless it has the qualifications described in Section 6.2(19) of the Revised Code and also meets all of the requirements hereinafter stated. No restaurant licensed hereunder shall sell alcoholic liquor except with meals and all meals served shall include food actually prepared within the kitchen upon the premises. Meals shall be served during all times that the licensed premises is open to the public. The restaurant’s total gross receipts from food and non-alcoholic beverages shall be not less than 51% of the total gross receipts from all sources including food, non-alcoholic beverages, alcoholic beverages, and video gaming. No restaurant shall have any lounge or bar or other similar area; only a service bar is permitted. The kitchen shall be equipped with a stove or grill or other similar device, affixed to the premises, having an open flame or exposed heat source upon which a majority of all cooking shall occur; microwave devices and portable devices such as hotplates and countertop ovens are not prohibited, but microwave and portable devices shall not be the only, nor the predominant, cooking method. The dining area of the Licensed Premises of the Restaurant License shall include any sidewalk dining area which is in compliance with Article 32 of the Revised Code of Ordinances and which is subject to a Downtown Sidewalk Dining Liquor Permit described within Section 6.5 subparagraph 15 herein. The license fee for a “Restaurant License” shall be Eight Hundred Dollars (\$800.00) per annum.
5. A “Hotel License” shall entitle the Licensee to make consumption sales of alcoholic liquor; the Licensee shall make no package sales; sale of alcoholic liquor in the original package which is consumed upon the licensed premises as hereinafter provided is a consumption sale as defined within Section 6.2, Paragraphs 6 and 16, of Article 6 of the Revised Code. This license shall issue only for hotels and motels. No person shall receive a “Hotel License” to sell alcoholic liquor upon any premises unless the premises has the qualifications described in Section 6.2(9). The license may

issue to the hotel owner or hotel operator or may issue to the Lessee of the restaurant situated within the hotel, provided that in all events the licensed premises shall be the entire hotel property and the Licensee shall be responsible with regard to the provisions of this Ordinance for the licensed premises and control premises of the hotel. The dining area, a kitchen area, and any lounge area of the licensed premises shall be physically separate, divided, and apart from one another, and no sales of alcoholic liquor shall occur within the dining area except with meals; consumption sales to the general public may be made within the dining area and lounge.

Consumption sales may also be made upon the Licensed Premises to hotel guests and attendees of registered users of the hotel (but not to the general public) for consumption upon the remainder of the Licensed Premises, although neither possession nor consumption of alcoholic liquor shall be permitted within any motor vehicle, upon any parking lot, or upon any area designated for or used by motor vehicles. The license fee for a "Hotel License" shall be Two Thousand Dollars (\$2,000.00) per annum. A violation of this Ordinance by a Licensee holding a license as the Lessee of the hotel restaurant shall also be considered to be the violation of the hotel premises for licensing purposes regardless of in whose name the license is held or has been held.

6. A "Hotel Patron License" shall entitle Licensee to make consumption sales of alcoholic liquor only as specifically hereinafter provided; the Licensee shall make no other consumption sales and shall make no package sales; sale of alcoholic liquor in the original package which is consumed on the licensed premises as hereinafter provided is a consumption sale as defined within Section 6.2, Paragraphs 6 and 16, of Article 6 of the Revised Code. This License shall issue only for hotels and motels and shall issue only to the hotel owner or hotel operator. No person shall receive a "Hotel Patron License" to sell alcoholic liquor upon any premises unless the premises has the qualifications described in Section 6.2(9), except that the premises shall not be required to have a restaurant. The Licensed Premises shall have only a service bar or pantry, and shall not have any other bar area, counter area, or segregated lounge area that is restricted or designated primarily for consumption of alcoholic liquor; alcoholic liquor shall be served only by an employee of the Licensee and the alcoholic liquor shall be consumed only upon the Licensed Premises; A Hotel Patron The License shall entitle Licensee to make consumption sales only to registered guests and to attendees of registered users of the hotel; consumption sales shall not be

made to the general public. The Licensed Premises shall be the entire hotel property, although neither possession nor consumption of alcoholic liquor shall be permitted within any motor vehicle, upon any parking lot, or upon any area designated for or used by motor vehicles. The License Fee for a “Hotel Patron License” shall be Eight Hundred Dollars (\$800.00) per annum.

7. A “Package Sales License” shall entitle Licensee to make package sales of alcoholic liquor; and, if applicable, limited consumption sales of beer and wine only. Except as hereinafter provided as to a Licensee first licensed prior to August 21, 2017, the Licensee shall make no consumption sales. The license fee for a “Package Sales License” shall be Two Thousand Dollars (\$2,000.00) per annum if only for package sales. A Licensee licensed prior to August 21, 2017 and who thereafter remains continuously licensed and lawfully operating without interruption may elect to make package sales of alcoholic liquor and consumption sales of beer and wine as hereinafter provided by paying a licensing fee of Four Thousand Dollars (\$4,000.00); said Licensee shall comply with all of the requirements of Article 11, Section 11.16, of the Revised Code of Ordinances as well as all of the requirements of Article 6 of the Revised Code of Ordinances, with the most restrictive requirement being applicable in the event of any conflict; said Licensee shall not have any lounge or bar or other similar area, and only a service bar shall be permitted and said service bar shall serve, and the consumption of beer and wine shall only occur within, a restricted area where the video gaming terminals are situated. No Licensee, except a Licensee initially licensed prior to August 21, 2017, may be issued a Package Sales License permitting consumption sales nor be issued any license under Article 11, Section 11.16, of the Revised Code of Ordinances by reason of the herein described Package Sales License.
8. A “Package Sales Beer and Wine License” shall entitle Licensee to make package sales of beer and wine only; the Licensee shall make no consumption sales. The license fee for a “Package Sales License” shall be Two Thousand Dollars (\$2,000.00) per annum.
9. A “Wine-Makers License” shall entitle the Licensee to manufacture wine and to store wine on the licensed premises, to make sales of wine manufactured on the premises to distributors and to importing distributors

for resale, to sell and offer for “sale at retail” wine manufactured on the premises and also beer, and to ship wine manufactured on the premises directly to a resident of the State of Illinois who is 21 years of age or older for that resident’s personal use and not for resale. “Sale at retail” upon the licensed premises as to wine shall be for consumption or for sale by the package; but as to beer, such sale at retail shall be for sale of beer for consumption upon the premises only and not for package sales of beer. The license fee for a “Wine-Makers License” shall be Two Thousand Dollars (\$2,000.00) per annum.

10. A “Banquet Room License” shall entitle the Licensee to make consumption sales of alcoholic liquor; the Licensee shall make no package sales. The license shall issue only for a place of business which has one or more separate rooms used for accommodating banquets, parties, meetings, and similar functions. Licensee shall not permit consumption of alcoholic liquor except during the scheduled time of the banquet, party, meeting, or similar event. The manager or other employee of Licensee must be on duty and on the licensed premises at all times any person or persons are upon the premises and all events shall be under the supervision and direction of the employee or employees of Licensee. No Licensee shall operate a lounge or a bar upon the licensed premises at any time except during and for scheduled banquet, party, meeting or similar event. The license fee for a “Banquet Room License” shall be Two Thousand Dollars (\$2,000.00) per annum.
11. A “Temporary Special Event License” shall entitle the Licensee to make consumption sales of alcoholic liquor. This license shall be a temporary license which shall be issued solely to a not-for-profit organization for one (1) day, and no organization shall be entitled to more than three (3) such temporary daily permits in any one calendar year. The application for such “Temporary Special Event License” shall designate the premises for which a license is desired and the hours of operation. The license fee for a “Temporary Special Event License” shall be Fifty Dollars (\$50.00) per day. No premises or control premises shall be the place for more than six (6) Temporary Special Event Licenses and/or Temporary Special Use Licenses (either singly or in combination) during any one calendar year. All beverages, including alcoholic liquors, served for consumption during a special event shall only be served within and consumed from a paper, plastic, or styrofoam cup or container; no beverage shall be served for consumption during a special event within a glass bottle, cup, or mug or a metal can, cup, or mug or similar type container.
12. A “Temporary Special Event Permit License” shall entitle the Licensee to make sales of alcoholic liquor; the license shall issue only to a Licensee who holds a valid license under one of the other license classifications of the City of Mt. Vernon and the Licensee shall be subject to the restrictions

of such license with regard to the type of sales which Licensee may make. The permit license shall be a temporary license which shall be issued for one day and no Licensee shall be entitled to more than 26 such temporary daily permit licenses in any one calendar year. The application for such “Temporary Special Event Permit License” shall designate the premises for which a license is desired and the hours of operation. No permit license shall be issued for any premises within one hundred (100) feet, measured from boundary lines, of any property having a residential zoning classification within the Schedule of District Regulations of Article 21 of the Revised Code of Ordinances. The license fee for a “Temporary Special Event Permit License” shall be One Hundred Dollars (\$100.00) per day. No Temporary Special Event Permit License shall issue unless the applicant shall provide written authorization or permission evidencing its right to use the premises subject of the Temporary Special Event Permit License, provide general liability insurance in an amount required within the permission or authorization, and comply with all other applicable provisions of Article 6 of the Revised Code of Ordinances. All beverages, including alcoholic liquors, served for consumption during a special event shall only be served within and consumed from a paper, plastic, or styrofoam cup or container; no beverage shall be served for consumption during a special event within a glass bottle, cup, or mug or a metal can, cup, or mug or similar type container.

13. A “Temporary Special Use License” shall allow a holder of an Illinois Winemaker’s Premises License to transfer a portion of its wine inventory from its State licensed premises to the premises specified in the license hereby created and to sell or offer for sale at retail only in the premises specified in the license hereby created the transferred wine for use or consumption, including package sales, but not for resale in any form. Each Temporary Special Use License shall be for one (1) day and no winemaker shall be entitled to more than three (3) such Temporary Special Use Licenses in any one calendar year. The application for such Temporary Special Use License shall designate the premises for which the license is desired and the hours of operation. The license fee for a “Temporary Special Use License” shall be Fifty Dollars (\$50.00) per day. No premises or control premises shall be the place for more than three (3) Temporary Special Event License and or Temporary Special Use License (either singly or in combination) during any one (1) calendar year.
14. A “Downtown Sidewalk Dining Liquor Permit” shall entitle the Permittee to make sales of alcoholic liquor for consumption in accordance with the provisions of its license within a sidewalk dining area licensed under Article 32 of the Revised Code of Ordinances; such Permit shall be subject to all of

the provisions of Article 32 of the Revised Code of Ordinances in addition to the provisions and requirements of Article 6 of the Revised Code of Ordinances. A Downtown Sidewalk Dining Liquor Permit shall issue only to a Licensee who is holder of a valid Restaurant License or Restaurant with Lounge License; it shall be a permit granting additional privileges to such Licensee. The fee for a Downtown Sidewalk Dining Liquor Permit shall be One Hundred Dollars (\$100.00) per annum. A Downtown Sidewalk Dining Liquor Permit shall permit the Licensee to make sales for consumption within the sidewalk dining area subject to the following restrictions: (i) Alcoholic liquor shall not be sold, served, consumed, or possessed within a sidewalk dining area during any period when a City permitted parade or other City permitted event is conducted on the right-of-way that is adjacent to said sidewalk dining area. (ii) No alcoholic beverage may be stored or mixed within the sidewalk dining area. (iii) A sign must be posted in a visible location within the sidewalk dining area that states: "It is unlawful to remove alcoholic beverages from the sidewalk dining area."

15. A "Festival Events License" shall entitle the Licensee to make consumption sales of beer and wine on specific dates. The license shall issue solely to a not-for-organization and shall issue only for a location situated within a Festival Area as defined within Section 6.2 of this Article. The application for a Festival Events License shall designate the specific dates that alcoholic liquor shall be available for consumption upon the licensed premises. The license fee for a Festival Events License shall be One Hundred Dollars (\$100.00) per day for each day specified within the application, provided that the maximum fee during each licensing year shall not exceed Five Hundred Dollars (\$500.00). No Festival Events License shall issue unless the applicant shall provide written authorization or permission evidencing its right to use an area within the Festival Area, provide general liability insurance in an amount required within the permission or authorization, and comply with all other applicable provisions of Article 6 of the Revised Code of Ordinances. All beverages, including alcoholic liquors, served for consumption during a festival event shall only be served within and consumed from a paper, plastic, or styrofoam cup or container; no beverage shall be served within a glass bottle, cup, or mug or a metal can, cup, or mug or similar type container.
16. A "Brew Pub License" shall entitle the Licensee to manufacture beer on the licensed premises and to store the manufactured beer on the licensed premises, to make sales of the beer manufactured on the premises to distributors and to importing distributors for resale, and to sell and offer for sale at retail the beer manufactured on the premises; such "sale at retail" shall be for consumption upon the licensed premises or sale by the package only at the licensed

premises. A Brew Pub License shall also entitle Licensee to make consumption sales of beer or package sales of beer which is not manufactured on the licensed premises. The license fee for the “Brew Pub License” shall be Two Thousand Dollars (\$2,000.00) per annum.

17. An “Interchange Video Gaming License” shall entitle the Licensee to make consumption sales of beer and wine only. The license shall issue only for establishments situated within a three-fourths mile radius (3,960 feet) of the point of intersection of the center line of Interstate Route 57 Exit Ramp Number 95 and the center line of Illinois State Route 15, or of the center line of Interstate Route 57 Exit Ramp Number 94 and the center line of Veterans Memorial Drive, or the center line of Interstate Route 64 Exit Ramp Number 80 and the center line of Illinois State Route 37. In addition, the license shall issue only for establishments licensed under Article 11, Section 11.16 of the Revised Code of Ordinances having not less than 5 licensed video gaming terminals; the Licensee must meet all requirements of Article 11 and Article 6 of the Revised Code of Ordinances, and in the event of any conflict, the most restrictive requirement shall be applicable. No premises licensed hereunder shall have any lounge or bar or other similar area; only a service bar is permitted and said service bar and consumption sales shall serve only the video gaming terminals or similar type additional terminals, such as an internet station. The license fee for a Video Gaming License shall be Two Thousand Dollars (\$2,000.00) per annum.
18. A “Retail Business Customer License” shall entitle the Licensee to make consumption sales of alcoholic liquor; the Licensee shall make no package sales. The Licensee shall, except during events subject to a Temporary Special Event Permit License, make sales only of beer and wine. The License shall issue only to a retail business whose primary sales are not the sale of alcoholic liquor or food and for which the sale of alcoholic liquor is only an amenity offered for sale to customers of the retail business. The licensed premises shall have no lounge, bar, or other similar area; only a service bar is permitted. The licensed premises may include the entire business premises of Licensee, which business premises shall be fully described with the Application for License. All beverages served for consumption upon the business premises shall be served only within and consumed from a paper, plastic, or styrofoam cup or container; no beverage shall be served within a glass bottle, cup, or mug or metal can, cup, or mug or similar type container. A Retail Business Customer License shall also entitle Licensee to apply for a Temporary Special Event Permit License which permits the sale of all alcoholic liquor for consumption and which is not restricted to sale of beer and wine only. The Licensee fee for a Retail

Business Customer License shall be Two Thousand Dollars (\$2,000.00) per annum.

19. A "Movie Theater License" shall entitle the Licensee to make consumption sales of alcoholic liquor; the Licensee shall make no package sales. The License shall issue only to a bona fide cinema or movie theater venue having multi-screen operations each day of the week and shall issue only for a business whose primary sales are not the sale of alcoholic liquor and for which sale of alcoholic liquor is only an amenity offered for sale to a customer in possession of a ticket for a movie being shown on date of the sale; only a service bar is permitted and there shall be no other bar, counter area, or segregated lounge area separate from the theater or movie viewing areas. As provided within Section 16.7 (O) of Article 6 of the Revised Code of Ordinances, no person under 21 years of age shall draw, pour, or mix any alcoholic liquor, and waiters and waitresses (i.e. any person serving or delivering an alcoholic beverage) must be at least 18 years of age. The licensed premises may include the entire interior of the business premises of Licensee, but the license premises shall not include, and no possession or consumption of alcoholic liquor shall occur within, any area exterior to a building, including but not limited to any parking lot, sidewalk, or similar area. Subject to the permitted hours for sale of alcoholic liquor within Section 6.14 of Article 6 of the Revised Code of Ordinances, sale and consumption of alcoholic liquor shall occur only incidentally to the operation of the cinema or movie theater venue and only during the regular business hours of operation of the premises as a cinema or movie theater venue.

Except as limited by the terms of the license of the permit, all licenses and permits shall be annual licenses and permits, and same shall expire on April 30 of each year following the date of issuance and shall consist of the name of the Licensee, the address and description of the licensed premises, and if applicable a notation permitting Sunday sales.

SECTION 6.6: POSTING OF LICENSE OR PERMIT

Every person licensed under the provisions of this Article shall immediately post and keep posted while in force in a conspicuous place upon the premises described in such license the license so issued hereunder and also any license required to be issued under the

Illinois Liquor Control Act; all permits shall also be conspicuously posted in the same manner as a license.

SECTION 6.7: LICENSE FOR EACH SPECIFIC PREMISES; TRANSFER TO OTHER PREMISES OWNED BY LICENSEE

A License issued hereunder shall apply only to the licensed premises described in the application and in the license issued thereon, and only one location shall be so described in each license.

After a license has been granted for a particular premises, a licensee may request a transfer of said license to another premises owned by licensee. The licensee shall file a request in writing and under oath that licensee desires to transfer the license to a new premises owned by licensee; the licensee shall also submit a non-refundable one Hundred Dollar (\$100.00) processing fee and shall submit an application for a license for the proposed premises, which application shall be in the form and shall be subject to the same application procedure as provided in Section 6.3 and as provided within this Article. A licensee may not request a transfer of a license to a premises not owned by or leased by licensee, nor may licensee request transfer of the license to another person.

SECTION 6.8: SURRENDER OF LICENSE

Any licensee who desires to surrender and terminate a license issued hereunder shall file in the Office of the City Clerk a written notice under oath addressed to the Local Liquor Control Commissioner advising the commissioner of the intent to surrender the license and the effective date of the termination of the license. The termination of the license shall not be effective until the date stated within the notice and may be withdrawn by the licensee prior to the effective date by filing in the Office of the City Clerk a statement in writing under oath withdrawing the notice of surrender, provided that a notice of withdrawal shall be null and void and of no effect if filed on or after the effective date of the termination. If no date of termination is stated within the notice then the termination shall be immediately effective upon filing of the notice.

SECTION 6.9: NUMBER OF LICENSES

Effective July 15, 2019 there are currently authorized and issued in the City of Mt. Vernon, Illinois seven (7) Package and Consumption Sales Licenses, six (6) Club Licenses, twenty (20) Restaurant with Lounge Licenses, five (5) Restaurant Licenses, one (1) Hotel License, three (3) Hotel Patron Licenses, eight (8) Package Sales Licenses, ten (10) Package Sales Beer and Wine Licenses, two (2) Wine-Makers Licenses, two (2) Banquet Room Licenses, two (2) Festival Events Licenses, two (2) Brew Pub Licenses, fifteen (15) Interchange Video Gaming Licenses, ten (10) Retail Business Customer

Licenses, one (1) Movie Theater License, and an unlimited number of temporary Licenses.

Nothing herein shall restrict or limit the authority of the City Council to change by Ordinance the number of licenses authorized and in existence.

SECTION 6.10: RENEWALS

A license may be renewed at the expiration thereof provided the licensee is then qualified to receive a license at the premises for which such renewal license is sought and complies with all ordinances of the City including health, building, zoning, and fire safety ordinances.

Applications for renewal of license shall be filed by the licensee with the City Clerk in the same manner and under the same terms and conditions as for an original application, except for an application for renewal should be filed not less than sixty (60) days prior to expiration of the license (i.e. March 1). The application procedure for renewal of a license shall be the same as for an original application, except that such application shall not be subject to review and action by the Liquor Advisory Board unless referred to the Advisory Board by the Local Liquor Control Commissioner. The Local Liquor Control Commissioner shall preliminarily or tentatively grant or deny in writing the renewal of license without any hearing; provided that if the applicant, within ten (10) days from date of the notice of the preliminary or tentative decision of the Local Liquor Control Commissioner, shall file in the Office of the City Clerk a written request for hearing upon the application then a hearing de novo shall be conducted by the Local Liquor Control Commissioner within thirty (30) days from date of the written request, which hearing shall be conducted in accordance with the procedures set forth in Section 6.21 herein. The preliminary or tentative decision of the Local Liquor Control Commissioner shall be served by certified mail return receipt requested to the address stated within the application; the date of mailing the decision of the Local Liquor Control Commissioner in a properly addressed envelope shall be the date of the notice regardless of whether the applicant actually receives the notice.

The renewal privilege herein described shall not be construed as a vested right which shall in any case prevent the City Council from decreasing the number of licenses to be issued within its jurisdiction. The City Council may eliminate licenses, amend license classifications, and/or impose such regulations and restrictions as deemed necessary by the City Council to protect and promote the public interest.

SECTION 6.11: LOCATION RESTRICTIONS

No license shall be issued for the sale at retail of any alcoholic liquor within one hundred (100) feet of any church; school; hospital; home for the aged or indigent persons or veterans, their wives, their children; or any military or naval station; provided,

however, that this provision shall not apply to hotels offering restaurant service, regularly organized clubs, restaurants, licensed premises within a Festival Area, or grocery stores.

Except in the case of hotels and clubs, no alcoholic liquor shall be sold at retail upon any premises which has any access which leads from such premises to any other portion of the same building or structure used for dwelling or lodging purposes and which is permitted to be used or kept accessible for use by the public. This provision shall not prevent any connection between such premises or such other portion of the building or structure used only by the licensee, his family, and personal guests.

No licensee shall hold forth or operate at any place other than the licensed premises designated in his application for a license.

No license except a Temporary Special Event License or a Temporary Special Use License or a Festival Events License or Temporary Special Event Permit License or Retail Business Customer License shall issue for any premises except the interior of a building or a fully enclosed area adjacent to and forming part of a building constituting a licensed premises which area is fully enclosed by a permanent solid board fence not less than 8 feet in height and which area has no entry or access except from the interior of a building forming part of the licensed premises, provided that the required fence (which must meet all other requirements) for a dining area where food is actually served may be a wrought iron fence not less than five feet in height for a premises licensed as a restaurant or as a restaurant with lounge upon the written approval of the Local Liquor Control Commissioner after a determination by said Commissioner that such wrought iron fence and the use thereof is compatible with adjacent properties and uses. A Temporary Special Event License or Temporary Special Use License or a Festival Events License or Temporary Special Event Permit License may issue for the interior of a building and/or a fully enclosed area which is fully enclosed by a permanent or temporary fence not less than 4 feet in height and which area has no entry or access point except entrances that are clearly designated as the only place of entry or exit and which area (including without limitation the fencing and each entrance) is monitored at all times by an adult agent of the Licensee who shall be not less than 21 years of age. Sidewalk dining areas subject of a Downtown Sidewalk Dining Liquor Permit shall comply with the requirements of Article 32 of the Revised Code of Ordinances.

No license except a except a Package Sales Beer and Wine License shall be issued to an applicant whose principal business at the premises described in the application is the sale at retail of groceries or drugs.

No license except a Package Sales Beer and Wine License or Interchange Video Gaming License shall be issued to any premises where gasoline, diesel, petroleum fuels, or other fuels for motor vehicles as defined within the Illinois Vehicle code are dispensed or sold nor to any premises immediately abutting or adjacent to a premises owned, leased,

managed, or controlled by a Licensee in whole or part where gasoline, diesel, petroleum fuels, or other fuels for motor vehicles as defined within the Illinois Vehicle Code are dispensed or sold.

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

When a license has been revoked for any cause, no license shall be granted to any person for the period of one (1) year thereafter for the conduct of business of selling alcoholic liquor at retail on the premises or on any part of the premises subject of the revoked license.

No license shall be issued to any massage parlor as defined within Article 11, Section 11.14 of the Revised Code of Ordinances of the City of Mt. Vernon.

No license shall be issued to any sexually oriented business which shall include an adult store, adult cabaret, adult motel, adult theater, escort agency, semi-nude model studio, sexual encounter center or similar adult use.

No license shall be issued to any tattoo shop, tattoo parlor or to any similar business offering tattoo services.

No license shall be issued for the sale at retail of any alcoholic liquor within 800 feet of any massage parlor as defined within Article 11, Section 11.14 of the Revised Code of Ordinances or within 800 feet of any sexually oriented business or within 800 feet of any tattoo shop, tattoo parlor or any similar business offering tattoo services. For purposes of this subparagraph measurements shall be in straight line without regard to intervening structures or objects from the closest exterior wall of the structure in which each business is located.

Not more than one license shall be issued for the sale at retail of any alcoholic liquor for any structure or for any lot as defined by Article 21 of the Revised Code of Ordinances. The location restriction within this subparagraph shall not apply to a licensed premises having a valid license for the sale at retail of alcoholic liquor issued prior to December 18, 2006 for so long as the license for the premises in question is renewed each subsequent year and continues in effect during all periods from such date(i.e. The R & R Crossing and The Depot); nor shall the location restriction within this subparagraph apply to a licensed premises forming part of a planned shopping center situated upon real estate having the Zoning Classification B-PL, Planned Business District.

SECTION 6.12: HEALTH AND SAFETY LAWS

All premises licensed pursuant to this Article shall be in compliance at all times with the City's building, fire, and zoning ordinances and all state ordinances and all state statutes pertaining to health, sanitation, and public safety.

Licensees shall comply at all times with all other applicable ordinances of the City and statutes of the State of Illinois.

SECTION 6.13: CESSATION OF BUSINESS

The death of a licensee, termination of a partnership, dissolution of a corporation, or bankruptcy of a licensee shall cause the license to cease to exist provided that the executor or administrator of the estate of any deceased licensee may continue the business of the sale of alcoholic liquor under order of the appropriate court and may exercise the privileges of the deceased or insolvent or bankrupt licensee after the death of such decedent or such insolvency or such bankruptcy until the expiration of such bankruptcy, or insolvency of such licensee.

A licensee who will be ceasing to do business or who closes his or her place of business for more than ten (10) days shall give the Local Liquor Control Commissioner written notice of such cessation or closing as soon as practical after the decision to close or cease business is made, but in any event before the cessation or closing. Such notice shall state the reason therefor and the date of closing or cessation. Any licensee who ceases to do business or closes his or her place of business for a period of more than thirty (30) successive days and who fails to show good cause shall be subject to having his or her license suspended, revoked, or a fine imposed.

SECTION 6.14: HOURS OF OPERATION

It shall be unlawful to sell, to offer for sale, or deliver at retail, or give away in or upon any licensed premises any alcoholic liquor except during the following hours:

1. Permitted Hours.

Between the hours of 6:00 a.m. of one day and 2:00 a.m. of the succeeding day.

2. New Year's Day.

Notwithstanding any other provisions herein, persons, firms, and corporations licensed to sell malt or alcoholic liquor may also serve and sell malt and alcoholic liquor at the licensed premises between the hours of 2:00 a.m. on New Year's Day and 6:00 a.m. on New Year's Day; provided, however, that entry to the licensed premises, shall be denied to all persons at 2:00 a.m. on New Year's Day, and no person shall be permitted to enter or reenter the premises after said time until the licensed premises thereafter opens for normal permitted hours (i.e. 6:00 a.m.) as provided above. All persons or patrons within the licensed premises at said 2:00 a.m. on New Year's Day shall be permitted to remain and be permitted to purchase and to consume malt and alcoholic liquor, although no person shall be permitted reentry upon exiting or leaving the licensed establishment until the licensed premises thereafter opens for normal permitted hours as provided above.

3. General Provisions.

Businesses primarily offering goods and services other than sales of alcoholic liquor, such as restaurants, clubs, hotels, motels, gas stations, and grocery stores, may remain open at all hours otherwise permitted by law, but no alcoholic liquors shall be sold or delivered except during the hours provided above. Furthermore, any lounge area or separate area for sale or service of alcohol shall be closed. Businesses primarily offering sales of alcoholic liquor shall remain open only during the hours provided above.

Each licensee shall require and have all customers off and out of said premises within twenty (20) minutes after the closing times provided herein, which twenty (20) minutes shall be considered a grace period to all time for closing and for all customers to leave the premises, but all sales or deliveries shall cease at the closing hours herein specified.

Whenever time is referred to in this Article, it shall be understood and is hereby enacted that the same shall be consistent with the official time of the City of Mt. Vernon, Illinois, whether the same shall be central standard time or central daylight savings time.

No individual other than a licensee or paid employee who is actually on duty for cleaning or maintenance purposes shall remain in a licensed premises after the closing time and grace time specified herein above.

SECTION 6.15: DRIVE-IN WINDOWS.

A. Drive-in windows maintained and operated on premises duly licensed for the sale of alcoholic liquors within the corporate limits of the City shall be adequately lighted during business hours by natural or artificial white light so that all persons or vehicles transacting business at such windows shall be clearly visible. From sunset until closing time, said drive-in windows shall be directly lighted by no less than two (2), 300-watt incandescent lamps or their equivalent, spaced at least eight (8) feet apart, located directly over or near said drive-in window, with light rays so directed as to most effectively light the outside area immediately adjacent to said window.

B. In order to enforce this section, the City shall have the right to require the filing with it of plans, drawings, and photographs showing the lighting as above required. This paragraph shall constitute an additional regulation of premises licensed for the sale of alcoholic liquors.

C. Only “package sales” are permitted at drive-in windows.

D. Only a licensee having a Package and Consumption Sales License or Package Sales license shall maintain and operate a drive-in window at which alcoholic liquors are sold.

SECTION 6.16: BOOKS AND BUSINESS RECORDS.

It shall be the duty of every licensee to keep and maintain books and records pertaining to all business conducted at the licensed premises. It shall be the duty of every licensee to make the books and records available upon reasonable notice for the purpose of investigation and control by the Local Liquor Control Commissioner. Such books and records need not be maintained on the licensed premises but must be maintained in the state of Illinois.

SECTION 6.17: ADDITIONAL RESTRICTIONS AND REGULATIONS.

A. No licensee shall cash checks or drafts to any purchaser or prospective purchaser of alcoholic liquors, which checks or drafts have been given such purchaser or prospective purchaser in payment of personal services, nor shall he give alcoholic liquors to any customer on credit.

B. Except as hereinafter provided, no Licensee or any agent, representative, manager, or employee of such Licensee shall permit or allow any person under the age of 21 years to enter or remain upon any control premises, nor shall any person under the age of 21 years enter or remain upon any control premises. Provided, however, that the

foregoing prohibition shall not apply to persons under the age of 21 years who enter a licensed premises that primarily offers and sells goods and services other than alcoholic liquor; nor shall the prohibition apply to persons under the age of 21 years who enter a premises licensed to make consumption sales of alcoholic liquor and who remain only within a dining area, bowling area, or similar area which is physically separate, divided, and apart from any bar, lounge, or other area designated or designed primarily for consumption of alcoholic liquor; nor shall the prohibition apply to persons under the age of 21 accompanied by a parent or legal guardian who enter a licensed premises primarily offering packaged sales of alcoholic liquor. In addition, the foregoing prohibition shall not apply to persons between the ages of 18 and 21 years if the provisions of Section 6.17 O hereinafter set forth are applicable.

A person charged with a violation in any court or administrative hearing of this subsection shall have the burden of proving that he or she meets one of the described exceptions.

C. No waiter or waitress nor any other employee of licensee shall enter, appear or remain within any dining area, any bowling area, or package sales area or other area of the control premises where minors are permitted, nor within any area which may reasonably be in view of a minor, unless said waiter, waitress or other employee shall be wearing or attired in non-transparent clothing which hides from view or prevents view of the breasts, the genitals, the buttocks and all areas of the torso and thigh from the bottom of the breast area downward to an area of the body which would cover from view the entire buttocks and genital area of the body.

D. No person shall possess any open container or consume any alcoholic liquor upon any public property as defined in section 6.2(17) within the corporate limits of the City. No licensee shall allow or permit any individual to transport or carry any alcoholic liquor out of the licensed premises of the licensee except in the original package with the seal unbroken.

E. No gambling devices of any kind or nature, games of chance, punch boards, slot machines, dice, or any other instrument of gambling shall be permitted or allowed upon any premises licensed for the retail sale of alcoholic liquors except video gaming terminals licensed and permitted under the Illinois Video Gaming Act (230 ILCS 40/) and Section 11.16 of the Revised Code of Ordinances.

F. No licensee nor any manager, agent, or employee of licensee shall permit or allow any waitress, waiter, hostess, bartender, employee, agent, patron, or any other person to enter or remain upon any licensed premises or any control premises nor shall any such licensee, manager, agent, waitress, waiter, hostess, bartender, employee, patron or any other person enter or remain upon the licensed premises or control premises unless dressed in non-transparent and opaque clothing which completely covers from view the human male genitals in a discernibly turgid state, even if opaquely covered, and the human male or female genitals, pubic area, vulva, buttocks, anus, anal cleft and anal cleavage, and the female

breast below a horizontal line across the top of the areola at its highest point. This definition shall include the entire lower portion of the human female breast, but shall not include any portion of the cleavage of the human breast exhibited by a dress, blouse, shirt, leotard, bathing suit, or other clothing, provided the areola or nipple is not exposed in whole or in part. This subparagraph shall not be construed to apply to a person engaged in the bona fide use of a single sex restroom for its intended purpose or to an occupant(s), not otherwise visible to the public, within a hotel or motel room situated upon a control premises.

No licensee nor any manager, agent or employee of licensee shall knowingly permit or allow any employee, agent, patron or any other person upon the licensed premises or control premises to engage in nor shall any licensee, employee, agent, patron or any other person knowingly engage in or knowingly participate in the fondling, caressing, or erotic touching of human genitals, pubic area, vulva, buttocks, anus, anal cleft or cleavage, or female breasts, whether covered or not, of another person. This subparagraph shall be construed so that each the person engaged in the touching and the recipient of the touching are each in violation of this Ordinance.

G. No licensee or any officer, associate, member, representative, agent, or employee of such licensee shall sell, give, or deliver alcoholic liquor to any person under the age of 21 years except as hereinafter provided or to any intoxicated person or to any person known to him to be a habitual drunkard, spendthrift, insane, mentally ill, mentally deficient, or in need of mental treatment or to any person who is known to be an object of charity or who is known to be supported by any charitable association or institution or any relief commission or organization. Upon violation of this Subsection, the following fines and penalties shall be imposed upon the licensee and upon any officer, associate, member, representative, employee, or other agent of licensee.

1. For the first violation of this Subsection, the licensee shall pay a fine of Five Hundred Dollars (\$500.00), and the officer, associate, member, representative, employee, or other agent of licensee shall also pay a fine of Two Hundred Fifty Dollars (\$250.00).
2. For the second violation of this Subsection within any twelve (12) month period, the licensee shall pay a fine of One Thousand Dollars (\$1000.00), and the officer, associate, member, representative, employee, or other agent of the licensee shall also pay a fine of Two Hundred Fifty Dollars (\$250.00).
3. For the third violation of this Subsection within any twelve (12) month period, the licensee shall pay a fine of Three Thousand Dollars (\$3000.00), and the officer, associate, member, representative, employee, or other agent of the licensee shall also pay a fine of Five Hundred Fifty Dollars (\$550.00).
4. The intent of this Subsection and the fines and penalties imposed hereunder are to punish both the licensee and the officer, associate, member, representative, employee, or other agent of the licensee for each violation. The foregoing fines

and penalties shall be in addition to any action taken or sanction imposed by the Local Liquor Control Commissioner and shall not in any manner limit the authority of said Local Liquor Control Commissioner, who shall have authority to impose any penalty described within Section 6.21 herein, including suspension or revocation of the license.

H. Any person to whom the sale, gift, or delivery of any alcoholic liquor is prohibited because of age shall not purchase or accept a gift of such alcoholic liquor in his or her possession. Any person who violates this Subsection shall be subject to the following fines and penalties: (1) for the first violation of this Subsection, a fine of one Hundred Dollars (\$100.00) shall be imposed; (2) for the second violation of this Subsection, a fine of Two Hundred Fifty Dollars (\$250.00) shall be imposed; and (3) for the third violation within any twelve (12) month period, a fine of Five Hundred Dollars (\$500.00) shall be imposed.

For the purpose of preventing the violation of this Subsection, any licensee or his agent or his employee may refuse to sell or serve alcoholic beverages to any person who is unable to produce adequate written evidence of identity and of the fact that he or she is over the age of 21 years. If a licensee or his agent or employee believes or has reason to believe that a sale or delivery of any alcoholic liquor is prohibited because of the nonage of the prospective recipient, he shall, before making such sale or delivery, demand presentation of some form of positive identification containing proof of age issued by a public officer in the performance of his official duties. A reasonable belief by the licensee or his agent that a person is 21 years of age or over shall not be a defense to any action under this Article unless said licensee or agent shall have demanded and received some form of positive identification as above-described that such person is 21 years of age or over.

I. No person shall sell, give, or furnish to any person under the age of 21 years any false or fraudulent written, printed, or photostatic evidence of the age and identity of such person, nor shall any person sell, give, or furnish to any person under the age of 21 years evidence of age and identification of any other person.

J. No person under the age of 21 years shall present or offer to any licensee, his agent, or employee any written, printed, or photostatic evidence of age and identity which is false, fraudulent, or not actually his own for the purpose of procuring or attempting to procure the servicing of any alcoholic beverage, nor shall any person under the age of 21 years have in his possession any false or fraudulent written, printed, or photostatic evidence of age and identity.

K. No licensee under this Article shall sell or deliver any package containing alcoholic liquor to any other person or shall sell the contents of any such package for consumption on the premises, unless such package shall have affixed thereto all canceled revenue stamps which may be required by federal or state laws and unless same shall also bear thereon a clear and legible label containing the name of the manufacturer and the kind of alcoholic content thereof.

No licensee under this Article shall sell or have in his possession or use any package or container of alcoholic liquor which does not comply herewith at the time same was delivered to him.

L. No person after purchasing or otherwise obtaining alcoholic liquor shall sell, give, or deliver such alcoholic liquor to another person under the age of 21 years except in the performance of a religious ceremony or service and except as herein provided.

M. The consumption of alcoholic liquor by any person under 21 years of age is forbidden except the consumption of alcoholic liquor by such person in the performance of a religious service or ceremony or except under the direct supervision of the parent or parents of such person in the privacy of the home is not prohibited.

N. No person under the age of 21 years (including a person in pursuance of an order of his parents) shall have any alcoholic beverage in his possession or on any street or highway or in any public place or any place open to the public unless he is making a delivery of an alcoholic beverage in pursuance of his employment; this prohibition shall not apply to waiters and waitresses within the licensed premises of his or her employer.

O. No person under 21 years of age shall draw, pour, or mix any alcoholic liquor within or upon any licensed premises. Waiters and waitresses must be at least 18 years of age within all licensed premises, except that waiters and waitresses within a premises licensed as a Package and Consumption Sales License premises must be at least 21 years of age.

P. No room or place where alcoholic liquor is sold or dispensed, or any room adjacent thereto, shall be connected by any elevator, lift, dumb waiter, or similar device for carrying, transporting, or elevating food or alcoholic liquor within any room or rooms upon any upper floor of the same premises; provided this provision shall not apply to hotels.

Q. No person except a manufacturer or distributor or importing distributor holding a federal license therefor shall fill or refill in whole or in part any original package of alcoholic liquor with the same or any other kind of quality of alcoholic liquor, and it shall be unlawful for any person to have in his possession for sale at retail any bottles, casks, or other containers containing alcoholic liquor except in original packages.

R. No person shall transport, carry, possess, or have any alcoholic liquor in or about any motor vehicle except in the original package and with the seal unbroken.

S. Any person who shall knowingly possess, sell, ship, transport, or in anywise dispose of any alcoholic liquor under any other than the proper name or brand known to the trade as designating the kind and quality of the contents of the package or other containers of said alcoholic liquor, or who shall cause any such act to be done, shall forfeit said alcoholic liquor and said packages and containers and shall be subject to the punishment and penalties provided for violation of this Article.

T. No licensee shall permit any illegal, disorderly, or immoral practices upon the control premises.

U. No Licensee shall unlawfully discriminate against any person, either with regard to the services that it offers or with regard to its employment practices, and each licensee shall comply fully with all applicable state and federal laws relating to discrimination.

V. Each and every part of "An Act Relating to Alcoholic Liquors" enacted by the General Assembly of the State of Illinois approved January 31, 1934 as amended and regulations promulgated thereunder which relate in any manner to the sale at retail of alcoholic liquors is hereby adopted by reference and made a part of this Article to the same extent and with the same legal effect as if fully set forth herein except where otherwise specifically changed or amended in this Article. Any violation of such applicable and adopted provisions of said Act shall be deemed a violation of this Article and be subject to the penalties herein provided.

W. Bottle clubs and set-up establishments are prohibited. For purposes of this Section, a set-up establishment means any public or private premises not holding a liquor license pursuant to this Ordinance which sells, gives away, serves, pours, stores, or otherwise dispenses and/or glasses mix, ice, water, and soft drinks for the purpose of consumption of alcoholic liquors on the premises.

No individual, partnership, corporation or other person operating as a public accommodation shall permit the consumption of alcoholic liquor on its premises unless licensed under Article 6 of the Revised Code of Ordinances. No person shall possess or consume alcoholic liquor at a public accommodation unless said public accommodation is licensed under Article 6 of the Revised Code of Ordinances. For purpose of this subsection "Public Accommodation" means a refreshment, entertainment, or recreation facility of any kind whose goods, services, facilities, privileges or advantages are extended, offered, sold or otherwise made available to the public. This subsection specifically, but without limitation, prohibits all establishments generically known or referred to as "BYOB" (bring your own booze/bottle/beer) or "Brown Bag" establishments. Each the person who possesses or consumes the alcoholic liquor and the person in control of the public accommodation who knowingly permits the consumption or possession of alcoholic liquor in a public accommodation not licensed under Article 6 of the Revised Code of Ordinances shall be in violation of this subparagraph.

X. No driver or operator of a cab or other vehicle for hire shall stop, stand, or park at any drive-up window or any premises where alcoholic liquor is sold, nor shall any driver or operator of a cab or other vehicle for hire make any purchase of alcoholic liquor while driving or operating said cab (whether on duty or off) unless the cab or vehicle for hire is actually occupied by a fare or customer making a purchase of package liquor for the personal use of said fare or customer.

Y. No sales of alcoholic liquor, excluding certain sales permitted by the “Wine Makers License” classification, shall be made except by personal delivery of the alcoholic liquor at the licensed premises to the customer making the purchase of the liquor; nor shall a customer’s order for alcoholic liquor be made by phone, by internet, by intermediary, nor by any other similar method unless the purchase is completed and actual delivery of the alcoholic liquor is made in person to the customer at the licensed premises.

Z. During a temporary event or festival event licensed under Section 6.5 of Article 6, no person shall serve for consumption or consume on the premises of the event any alcoholic liquor or other beverage, except within or from a paper, plastic, or styrofoam cup or container; no person during a temporary or festival event licensed under Section 6.5 shall serve or consume upon the premises of the event any alcoholic liquor or other beverage within or from a glass bottle, cup, or mug or a metal can, cup, or mug or similar type container upon the premises of the event.

Except as otherwise provided herein, any person who violates or refuses to comply with the provisions of this Section 6.17 shall be subject to the provisions of Section 22.6 of the Revised Code. In addition, Licensees shall be subject to the authority of the Local Liquor Commissioner.

SECTION 6.18: GIFTS OF ALCOHOL FOR COMMERCIAL PURPOSES

No licensee nor any other individual, partnership or corporation or other person shall give away any alcoholic liquor for commercial purposes or in connection with the sale of nonalcoholic products or to promote the sale of non-alcoholic products.

No licensee nor any other individual, partnership or corporation or other person shall advertise or promote in any way, whether on or off licensed premises, any of the practices prohibited under the subsection above. This includes, but is not limited to, advertisements using the word “free” or “complimentary” and includes sampling, test marketing or tasting.

This subsection does not prohibit a licensee from giving a “sampling” to patrons or customers at the licensed premises of the licensee; and this subsection does not prohibit an individual, partnership, corporation or other person from serving invited guests alcoholic liquor without charge or other consideration at an open house or other social event for purposes of commemorating a special event or occasion during a time that the site of the event is not otherwise held out to the public for commercial purposes and no sales nor promotions of sale of non-alcoholic products are occurring; provided no individual, partnership, corporation or person shall have more than one (1) open house or social event during any calendar year and said open house or social event shall not advertise either prior to or during the event any licensee nor any alcoholic liquor.

SECTION 6.19: LIABILITY OF LICENSEE FOR ACTS OF MANAGER EMPLOYEES AND OTHER NAMED PERSONS

Every act or admission of whatsoever nature constituting a violation of any provision of this Article or of the Illinois Liquor Control Act by any officer, director, manager, or other agent or employee of the licensee shall be deemed to be the act of the licensee. The licensee shall be punishable in the same manner as if the act or admission had been done or admitted by the licensee personally.

SECTION 6.20: (DELETED) LIQUOR ADVISORY BOARD

SECTION 6.21: LOCAL LIQUOR CONTROL COMMISSIONER

A. AUTHORITY. The Mayor of the City of Mt. Vernon shall be the Local Liquor Control Commissioner and shall be charged with the administration of the applicable provisions of the Illinois Liquor Control Act of this Article and of Ordinances, Resolutions, rules and regulations relating to alcoholic liquor as may be adopted. The Local Liquor Control Commissioner shall have such powers and duties as provided within the Illinois Liquor Control Act and shall have such powers and duties as hereinafter specified:

1. To receive applications; investigate applications; and grant, renew or deny liquor licenses.
2. To enter or to authorize any law enforcing officer to enter at any time upon any premises licensed under this Article to determine whether any of the provisions of this Article, the Ordinances of the City of Mt. Vernon, laws of the State of Illinois, or the Illinois Liquor Control Act, or any rules or regulations adopted by it, have been or are being violated and at such time to examine the premises of the licensee in connection herewith.
3. To receive complaints from any citizen of the City that any of the provisions of this Article or any rules or regulations adopted pursuant thereto have been or are being violated and to act upon such complaints in the manner hereinafter provided.
4. To receive local license fees and pay the same forthwith to the City Treasurer.
5. To examine, or cause to be examined, under oath any applicant for a local license or for a renewal thereof or any licensee under this Article upon whom notice of suspension or revocation of license has been served; to examine or cause to be examined the books and records of any applicant or licensee under this Article; to authorize any law enforcing officer to require any applicant or licensee to furnish said officer with a complete, current list of all employees of said applicant or licensee including the names and addresses of all employees; and to hear testimony and take proof for their information in the performance

of their duties and for such purposes to issue subpoenas. For the purpose of obtaining any of the information desired by the Commissioner under this Article, he may authorize his agent to act in his behalf.

6. To require fingerprints of any applicant for the local license or for a renewal thereof (except as prohibited by law): for purposes of obtaining fingerprints under this Subsection, the Local Liquor Control Commissioner shall collect a fee and forward the fee to the appropriate policing body who shall submit the fingerprints and the fee to the Illinois Department of State Police.
7. Suspend or revoke any license issued by him if he determines that the licensee has violated any provisions of this Article or of any ordinance or Resolution enacted by the City of Mt. Vernon or of any provision of the State Liquor Control Act or any applicable rule or regulation issued by the Local Liquor Control Commissioner which is not inconsistent with law. Notwithstanding any other language herein, a license may be revoked for a first offense. If a suspension is imposed then said suspension may be up to thirty (30) days for each offense. In lieu of a suspension, the commissioner may impose a fine of not more than Five Thousand Dollars (\$5,000.00) for each violation, although the maximum fine that may be imposed upon any licensee for the period of the license shall not exceed Fifty Thousand Dollars (\$50,000.00) each license year. A separate offense shall be deemed to have been committed upon each day that a violation occurs or continues.
8. To issue a written order immediately and summarily closing a licensed premises for not more than seven (7) days without notice or hearing to the licensee if the Local Liquor Control Commissioner has reason to believe that the continued operation of the specified licensed premises will immediately threaten the welfare of the community, provided said written order shall state the reasons for said order and shall advise the licensee of a date and time for hearing to give the licensee an opportunity to be heard on the matter.

B. **RECORDS.** The local Liquor Control Commissioner shall cause to be maintained a complete record of all licenses issued pursuant to this Article. A copy of each license shall be maintained by the City Clerk.

C. **HEARINGS UPON APPLICATIONS.** Applicants for a license, applicants for renewal of a license and applicants for a transfer of a license to another location shall be entitled to a public hearing before the Local Liquor Control Commissioner upon full, complete and strict compliance with all provisions of this Article relating to applications for same. The applicant shall be given written notice at least three (3) days prior to said hearing. Upon completion of the public hearing, the Local Liquor Control Commissioner shall either grant or deny the application and shall make findings of fact in support of the decision.

D. HEARINGS UPON NON-APPLICATION MATTERS. Except as hereinafter provided, no license holder shall receive a written reprimand, nor shall a license be suspended or revoked or a fine imposed except at a public hearing before the Local Liquor Control Commissioner. The licensee shall be given written notice of the charge at least three (3) days prior to said hearing affording an opportunity to appear and defend.

A licensed premises may be immediately and summarily closed for not more than seven (7) days without notice or hearing upon the issuance of a written order stating the reason(s) for closing if the Local Liquor Control Commissioner has reason to believe that the continued operation of the specific licensed premises will immediately threaten the welfare of the community. Within said seven days, a hearing shall be held giving the licensee the opportunity to be heard on the matter.

Upon completion of any public hearing, the Local Liquor Control Commissioner shall make findings of fact. If the commissioner determines that any licensee has violated any provision of this Article or any state law pertaining to the sale of alcoholic liquor, the Commissioner may impose such penalties and take such action as is authorized by this article.

If the Local Liquor Control Commissioner determines that a reprimand, suspension, fine or revocation is warranted, he shall issue a written order after the hearing stating the reasons for the determination and shall cause a copy of such order to be served upon the licensee by personal service or by certified mail to the address of the licensee appearing of record, with the date of deposit in the United States mail being the date of service. In the event a fine is imposed, the order shall specify the date by which the fine shall be paid. If the fine is not paid by the specified date, such shall constitute cause to suspend or revoke the license. A copy of each order issued by the Commissioner shall be maintained in the office of the City clerk.

In making the determination to reprimand, suspend, revoke, or impose a fine or in determining the length of a suspension imposed, the Local Liquor Control Commissioner may consider the nature of the violation, past violations of the licensee, and the facts and circumstances surrounding the violation as presented at the public hearing.

E. WRITTEN ORDER. The written order of the Local Liquor Control Commissioner required to be issued hereunder shall be issued within five (5) days after a written transcript of the public hearing is received by the Local Liquor Control Commissioner from the certified court reporter or certified shorthand reporter if either party orders said transcript and in any event, a written order shall be issued within thirty (30) days from date of the public hearing.

F. HEARING PROCEDURES. All hearings before the Local Liquor Control Commissioner shall be subject to the following procedures:

1. The licensee shall be entitled to a three (3) day written notice of the hearing.
2. Witnesses shall be sworn, but in all other respects hearings shall be informal and the strict rules of evidence shall not apply.
3. A complete record of all evidence, testimony, and comments before the commissioner shall be taken by a certified court reporter or certified shorthand reporter.
4. Review of the proceedings before the Local Liquor Control Commissioner shall be limited to a review of the official record of the proceedings. No new or additional evidence shall be admitted or considered.
5. Except as otherwise provided herein, appeals shall be in accordance with Section 7-9 of the Illinois Liquor Control Act, although no matter shall proceed to appeal to the Illinois Liquor Control Commission unless and until a hearing has been conducted by the Local Liquor Control Commissioner.
6. Initial costs and hourly fees for the certified court or shorthand reporter's attendance at the formal hearings before the Local Liquor Control Commissioner shall be paid by the City of Mt. Vernon; said costs and hourly fees shall be assessed against the licensee if a reprimand, fine, suspension or revocation is issued or imposed.
7. All costs of preparing and transcribing an official record on appeal to the Illinois Liquor Control Commission shall be borne by the licensee requesting a review of the official proceedings and shall be paid prior to the date of the appeal hearing.

SECTION 6.22: HOUSE RULES

Licensee shall be permitted to enact "house rules" regulating conduct of patrons; however, said house rules shall be reasonable, shall be consistent with the provisions of this Article, and shall be subject to the approval of the Local Liquor Control Commissioner. No house rules shall unlawfully discriminate against any individual.

SECTION 6.23: STATUS OF ANNEXED TERRITORY

Effective September 1, 2014, all property within the corporate limits of the City as to which the sale at retail of alcoholic liquor has been previously permitted by local referendum or by petition and all other property within the corporate limits of the City zoned or hereafter zoned Class B-1, Primary Business District; Class B-2, Secondary Business District; Class B-3, Interchange Business District; Class B-PL, Planned Business District; or Class IPCA-PUD, Industrial Park Conservation Area, including territory hereafter annexed to the City of Mt. Vernon, shall be property upon which the

sale at retail of alcoholic liquor shall be permitted. However, as to such property as to which sale at retail of alcoholic liquor is permitted only by reason of the zoning classification, the sale of alcoholic liquor at retail shall not be permitted upon such property upon the property being rezoned to a zoning classification not listed above, nor shall the sale of alcoholic liquor at retail be permitted as a nonconforming use upon such property after such rezoning. All property upon which the sale at retail of alcoholic liquor is permitted shall be subject to all provisions of Article 6 of the Revised Code of Ordinances, including without limitation, the requirement that a license be obtained under Section 6.3 herein.

SECTION 6.24: EFFECTIVE DATE

The provisions of this Article shall immediately be effective and applicable to all existing applicants for licenses, licensees, and licenses; and to all licensed premises; and to any proceedings or procedures affecting same. Except nothing hereunder shall revoke or alter the classifications of valid outstanding licenses on the effective date of this Article or the rights attendant to said classification; provided all licenses or renewal licenses issued after the effective date of this Article shall be in accordance with the classifications established hereunder and subject to all restrictions and regulations of such classification.

SECTION 6.25: SEVERABILITY

If any section, subsection, subdivision, paragraph, sentence, clause, or phrase in this Article or any part thereof or application thereto to any person, firm, corporation, licensee, or circumstance if for any reason held to be unconstitutional or invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity of effectiveness of the remaining portions of this Article or any part thereof. It is hereby declared to be the legislative intent of the City Council that this Article would have been adopted had such unconstitutional or invalid provision, clause, sentence, paragraph, section, or part thereof not been included.