

ORDINANCE NO. 2013-

AN ORDINANCE AMENDING BLOOMINGTON
CITY CODE CHAPTER 6

BE IT ADOPTED by the City Council of the City of Bloomington, Illinois:

SECTION 1. That Bloomington City Code Chapter 6, Section 7A shall be and the same is hereby amended to read as follows: (additions are indicated by underlining; deletions are indicated by strikeouts):

SEC. 7A CLASSIFICATION.

All licenses shall be classified as follows:

(1) Class "CA" (Clubs - All Types of Alcoholic Liquor) primary licenses authorize the retail sale on the specified premises of all types of alcoholic liquor for consumption only on the premises of Clubs as the same are herein defined.

(2) Class "CB" (Clubs - Beer and Wine Only) primary licenses authorize the retail sale on the specified premises only of beer and wine for consumption only on the premises.

(3) Class "EA" (Entertainment/Recreational Sports Venue – All Types of Alcoholic Liquor) primary licenses authorize the retail sale on the specified premises of all types of alcoholic liquor for consumption only on the premises. "EA" licenses shall be issued and renewed at premises that primarily function as an entertainment or recreational sports venue in that gross revenues from the sale of admission to entertainment events, or admission fees and/or rental of recreational sports equipment, exceed the gross sales of alcohol. For purposes of the application of this Section:

(a) entertainment venues shall include premises that host musical or theatrical performances, art exhibitions or oral presentations;

(b) recreational sporting venues shall include premises where such recreational sports as golf and bowling occur;

(c) video gaming shall not be included within the definition of entertainment or recreational sports; and

(d) revenues from video gaming shall not be counted as gross revenues from entertainment or from recreational sports for purposes of determining whether an entertainment or recreational sports license shall be issued, revoked or renewed.

(4) Class "EB" (Entertainment/Recreational Sports Venue – Beer and Wine Only) primary licenses authorize the retail sale on the specified premises of beer and wine only for consumption only on the premises. "EB" licenses shall be issued and renewed at premises that

primarily function as an entertainment or recreational sports venue in that gross revenues from the sale of admission to entertainment events, or admission fees and/or rental of recreational sports equipment, exceed the gross sales of alcohol. For purposes of the application of this Section:

- (a) entertainment venues shall include premises that host musical or theatrical performances, art exhibitions or oral presentations;
- (b) recreational sporting venues shall include premises where such recreational sports as golf and bowling occur;
- (c) video gaming shall not be included within the definition of entertainment or recreational sports; and
- (d) revenues from video gaming shall not be counted as gross revenues from entertainment or from recreational sports for purposes of determining whether an entertainment or recreational sports license shall be issued, revoked or renewed.

(5) ~~(3)~~ Class "F" primary licenses authorize the activities enumerated in Section 1L(2) through (7) of this Chapter.

(6) ~~(4)~~ Class "GPA" (Convenience Store - All Types of Alcohol) primary licenses authorize the retail sale of all types of alcoholic liquor only in the original package for consumption off of the premises at retail grocery convenience stores, as those premises are defined in Section 1(g) of this Code, at which motor vehicle fuels are sold.

(7) ~~(5)~~ Class "GPB" (Convenience Store - Beer and Wine Only) primary licenses authorize the retail sale of beer and wine only in the original package for consumption off of the premises at retail grocery convenience stores, as those premises are defined in Section 1(j) of this Code, at which motor vehicle fuels are sold.

(8) ~~(6)~~ Class "LA" (Limited - All Types of Alcoholic Liquor) primary licenses authorize the retail sale of all types of alcoholic liquor by civic, charitable, fraternal, educational, patriotic, festival and/or religious organizations on premises in nonresidential locations for a maximum period of sixty (60) days with the following conditions. Only civic, charitable, fraternal, educational, patriotic and/or religious organizations which have been in active and continuous existence for a period of one (1) year prior to the date of making the application or those which are incorporated under the laws of the State of Illinois will be eligible to receive an "LA" license. No organization shall be issued more than three (3) LA licenses in any twelve (12) month period. The license shall only apply to catered functions and special events sponsored by the organization.

(9) ~~(7)~~ Class "LB" (Limited - Beer and Wine Only) primary licenses authorize the retail sale of beer and wine of alcoholic liquor by civic, charitable, fraternal, educational, patriotic, festival and/or religious organizations on premises in nonresidential locations for a maximum period of sixty (60) days with the following conditions. Only civic, charitable, fraternal,

educational, patriotic and/or religious organizations which have been in active and continuous existence for a period of one (1) year prior to the date of making the application or those which are incorporated under the laws of the State of Illinois will be eligible to receive an "LB" license. No organization shall be issued more than three (3) "LB" licenses in any twelve month period.

(10) ~~(8)~~ Class "MA" (Motel/Hotel Rooms - All Types) primary licenses authorize the retail sale of alcoholic beverages of all types from locked containers in rented motel and hotel rooms for consumption on the premises. The license holder may provide key(s) to registered guests for the locked container(s) in rooms rented by them provided they are over 21 years of age and no one under that age who is not the spouse or child (natural, adopted or foster) of a registered guest will be staying in the room, during the rental period.

(11) ~~(9)~~ Class "MB" (Motel/Hotel Rooms - Beer and Wine Only) primary licenses authorize the retail sale only of beer and wine from locked containers in rented motel and hotel rooms for consumption on the premises. The license holder may provide key(s) to registered guests for the locked container(s) in rooms rented by them provided they are over 21 years of age and no one under that age who is not the spouse or child (natural, adopted or foster) of a registered guest will be staying in the room during the rental period.

(12) ~~(10)~~ Class "O" (Outdoor) - authorizes the retail sale of alcoholic liquor by any person holding a Class R license upon a sidewalk designated in a sidewalk cafe permit adjacent to the licensed premises during the hours of 9:00 a.m. to 12:00 o'clock midnight, Monday through Saturday, and 12:00 noon to 12:00 o'clock midnight on Sunday, provided that a valid sidewalk cafe permit has been issued, pursuant to Article IX of Chapter 38. During the times when alcoholic liquor may be served under the Class O license, the licensee shall: (1) Not allow or permit any customer, employee or other person to remove alcoholic liquor from the area designated in the sidewalk cafe permit or the service premises of the licensee. (2) Not serve, allow or permit any person to be served, be in possession of, or consume alcoholic liquor in the area designated in the sidewalk cafe permit unless that person is utilizing the seating which has been provided in accordance with the site plan approved with the sidewalk cafe permit. (3) Comply with all requirements set forth in Article IX of Chapter 38. (4) Provide table service, which shall include food service, in the sidewalk cafe area during the hours when alcoholic liquor is permitted to be served. The sidewalk cafe area shall be subject to all provisions of this chapter as though the sidewalk cafe area was part of the licensee's service premises during the times permitted by this section for alcoholic liquor sales. Prior to the issuance of a Class O license the licensee shall provide proof of dram shop insurance. The policy shall name the City of Bloomington as an additional insured, and will indemnify and hold it harmless from any action, proceeding or claim of liability asserted against it as a result of the operation of a sidewalk cafe. Failure by the licensee to maintain the insurance required by this section shall result in the revocation of the license.

(13) ~~(11)~~ Class "PA" (Package Sales - All Types of Alcoholic Liquor) primary licenses authorize the retail sale on the specified premises of all types of alcoholic liquor only in original packages for consumption only off of the premises and for consumption if beer and wine on the premises in conjunction with a beer and wine tasting as defined in Section 1.

(14) (12) Class "PB" (Package Sales - Beer and Wine Only) primary licenses authorize the retail sale on the specified premises only of beer and wine in the original packages for consumption only off of the premises and for consumption on the premises in conjunction with a beer and wine tasting as defined in Section 1.

(15) (13) Class "RA" (Restaurant - All Types of Alcoholic Liquor) primary licenses authorize the retail sale on the specified premises of all types of alcoholic liquor for consumption only on the premises. The sale of liquor at a restaurant shall be considered incidental to the principal purpose of the sale of food. "RA" licenses shall be issued and renewed only if the licensee has and maintains gross sales on the premises of all types of alcoholic liquor in an amount less than the gross sales of all types of food. "RA" licenses shall be issued and renewed only if the Liquor Control Commissioner believes the licensee will have and maintain gross sales on the premises of all types of alcoholic liquor in an amount less than the gross sales of all types of tangible items, excluding services and rentals. Restaurants shall keep a record of all alcohol and food items sold on the premises and shall, within fourteen days of receipt of a written request by the Liquor Commissioner, provide to the City Clerk's office audited statements for the period requested, certified by a licensed accountant, showing the proportion of gross revenues derived from sales of alcoholic beverages compared to those derived from sales of food. If, in any quarter, gross sales of alcoholic beverages exceed gross sales of food for any two months, the restaurant liquor license shall be revoked, or shall not be renewed. A restaurant liquor license shall be issued and renewed only at premises kept, used, maintained, advertised and held out to the public as a place where meals are sold and served and where meals are actually and regularly sold and served to the public. A restaurant shall have seating available for patrons as well as adequate and sanitary kitchen and dining room equipment, and shall have employed therein a sufficient number and kind of employees to prepare, cook and serve full meals for its guests.

(16) (14) Class "RB" (Restaurant - Beer and Wine Only) primary licenses authorize the retail sale on the specified premises only of beer and wine for consumption only on the premises. The sale of liquor at a restaurant shall be considered incidental to the principal purpose of the sale of food. "RB" licenses shall be issued and renewed only if the licensee has and maintains gross sales on the premises of beer and wine in an amount less than the gross sales of all types of food. "RB" licenses shall be issued and renewed only if the Liquor Commissioner believes that the licensee will have and maintained sales on the premises of beer and wine in an amount less than the gross sales of all types of tangible items, excluding services and rentals. Restaurants shall keep a record of all alcohol and food items sold on the premises and shall, within fourteen days of receipt of a written request by the Liquor Commissioner, provide to the City Clerk's office audited statements for the period requested, certified by a licensed accountant, showing the proportion of gross revenues derived from sales of beer and wine compared to those derived from sales of food. If, in any quarter, gross sales of beer and wine exceed gross sales of food for any two months, the restaurant liquor license shall be revoked, or shall not be renewed. A restaurant liquor license shall be issued and renewed only at premises kept, used, maintained, advertised and held out to the public as a place where meals are sold and served and where meals are actually and regularly sold and served to the public. A restaurant shall have seating available for patrons as well as adequate and sanitary kitchen and dining room equipment, and shall have employed therein a sufficient number and kind of employees to prepare, cook and serve full meals for its guests.

~~(17)~~ ~~(15)~~ Class "S" (Sunday) secondary licenses issued to the holder of any primary license described herein (except Class "W" which is valid on Sunday) extend the authority of primary licenses to Sunday hours as specified in Section 20 of this Chapter.

~~(18)~~ ~~(16)~~ "SA" (Secondary Premises - All Types of Alcohol) authorizes the retail sale of all types of alcoholic liquor by the current holder of a TA, TB, RA, RB, PA or PB license at nonresidential public premises other than the premises covered by the existing license at locations and on days approved by the Liquor Commissioner. All of the terms and conditions of the license holder's primary license shall extend to and apply to the license issued. The license holder must submit proof of adequate Dram Shop Insurance covering the premises licensed under the "SA" license prior to being issued such license. Any violation of the terms of the "SA" license shall be considered a violation of the license holder's primary license and shall subject the license holder to penalties and/or sanctions directed at the primary license.

~~(19)~~ ~~(17)~~ "SB" (Secondary Premises - Beer and Wine Only) authorizes the retail sale of beer and wine by the current holder of a TA, TB, RA, RB, PA or PB license at nonresidential public premises other than the premises covered by the existing license at locations and days approved by the Liquor Commissioner. All of the terms and conditions of the license holder's primary license shall extend to and apply to the license issued. The license holder must submit proof of adequate Dram Shop Insurance covering the premises licensed under the "SB" license prior to being issued such license. Any violation of the terms of the "SB" license shall be considered a violation of the license holders primary license and shall subject the license holder to penalties and/or sanctions directed at the primary license.

~~(20)~~ ~~(18)~~ Class "SPA" (Seasonal Performance – All Types of Alcohol)

(a) Authorizes by secondary license the retail sale of all types of alcoholic liquor at a performance venue designated by the Liquor Commissioner for a specified season by the holder of a current TA, TB, RA, RB, PA or PB license. This license may be issued at the discretion of the Liquor Commissioner. All of the terms and conditions of the license holder's primary license shall extend to the issued seasonal performance license. The license holder must submit proof of adequate Dram Shop insurance covering the premises licensed under the SPA license prior to being issued such license. Any violation of the terms of the SPA license shall be considered a violation of the license holder's primary license and shall subject the license holder to penalties and/or sanctions directed at the primary license.

(b) As used in this and in the succeeding subsection, the term "season" shall mean a defined span of time, not less than 30 days and no more than 1 year, during which a given venue hosts 4 or more performances per month. The length of the performance season for a given venue shall be as defined herein, or as otherwise designated by the Liquor Commissioner.

(c) The term "season" as applied to the Bloomington Center for the Performing Arts shall mean the period of time from August 1 through May 31 of the succeeding year.

(d) The term “season” as applied to the Illinois Shakespeare Festival performed at Ewing Manor shall be the period from June 1 through August 31. (Ordinance No. 2009-71)

~~(21)~~ (19) Class “SPB” (Seasonal Performance – Beer and Wine Only) authorizes by secondary license the retail sale of beer and wine at a performance venue designated by the Liquor Commissioner for a specified season by the holder of a current TA, TB, RA, RB, PA or PB license. This license may be issued at the discretion of the Liquor Commissioner. All of the terms and conditions of the license holder’s primary license shall extend to the issued seasonal performance license. The license holder must submit proof of adequate Dram Shop insurance covering the premises licensed under the SPB license prior to being issued such license. Any violation of the terms of the SPB license shall be considered a violation of the license holder’s primary license and shall subject the license holder to penalties and/or sanctions directed at the primary license.

(22) Class “ST” (Stadium) primary licenses authorize the retail sale of alcohol throughout a stadium for consumption only on the premises. A Class “ST” license shall also authorize the retail sale of all types of alcoholic liquor in designated private suites for consumption in those designated private suites only. The Class “ST” license shall be issued on the following conditions:

(a) Hours of Operation. Liquor may be sold only on days when a game or event is scheduled. Liquor sales may commence when doors officially open prior to the event. For football or hockey games, all alcohol sales will cease at the commencement of the fourth quarter, or the third period, respectively. For all other events, liquor sales will cease upon the conclusion of the event. Notwithstanding the foregoing, liquor may be served in restaurant areas of the stadium for up to one hour after the conclusion of all events.

(b) Place of Sale. The license holder shall take adequate means to prevent liquor sold in the stadium from being removed from the stadium. The license holder shall take adequate means to prevent liquor sold in the private suites from being removed from the private suites.

(c) Other Conditions:

1. Liquor in plastic or paper cups only. Except for liquor sold in the private suites, all drinks containing alcohol will be sold in plastic bottles, plastic cups, or paper cups only. No glasses, glass bottles, or aluminum bottles or cans of beer will be permitted to be sold in the general interior stadium area. Liquor may be sold in cups, glasses, glass bottles, plastic bottles, aluminum bottles or cans in the private designated suites, but no glasses, glass bottles, aluminum bottles or cans may be removed from the private designated suites.

2. Prevention of consumption of alcohol by minors. The licensee shall employ a sufficient number of persons at events which alcohol is sold to

monitor and prevent the consumption of alcohol by minors and to prevent the removal of alcohol from the stadium. These required monitors may not have as an additional duty the sale of beer or alcohol during the event. There shall be sufficient monitors such that the entire stadium is regularly monitored during the event.

3. Exterior premises clean-up. As a condition of the Class "ST" license, the license holder shall remove all trash and debris from the parking lots and exterior of the premises no later than 10:00 a.m. on the day following a game or other event at which liquor was sold.

~~(23)~~ ~~(20)~~ Class "TA" (Tavern - All Types of Alcoholic Liquor) primary licenses authorize the retail sale on the specified premises of all types of alcoholic liquor for consumption only on the premises.

~~(24)~~ ~~(21)~~ Class "TB" (Tavern - Beer and Wine Only) primary licenses authorize the retail sale on the specified premises only of beer and wine for consumption only on the premises.

~~(25)~~ ~~(22)~~ Class "W" (Catering) primary licenses authorize the holder thereof to provide catering services to private parties pursuant to Section 8 of this Chapter provided, however, that a Class "W" license does not authorize the sale of alcoholic beverages. An additional Sunday license shall not be required.

SECTION 2. Except as provided herein, the Bloomington City Code, as amended, shall remain in full force and effect.

SECTION 3. The City Clerk is hereby directed and authorized to publish this Ordinance in pamphlet form as provided by law.

SECTION 4. This Ordinance is enacted pursuant to the authority granted to the City as a home rule unit by Article VII, Section 6 of the 1970 Illinois Constitution.

SECTION 5. This Ordinance shall take effect immediately upon passage and approval.

PASSED this ____ day of November, 2013.

APPROVED this _____ day of November, 2013.

APPROVED:

TARI RENNER
Mayor

ATTEST:

TRACEY COVERT
City Clerk