

CITY OF LINCOLN
REGULAR COMMITTEE OF THE WHOLE MEETING
AGENDA
JANUARY 29, 2019
CITY HALL COUNCIL CHAMBERS
7:00 PM

- 1. Call to Order**
- 2. Pledge of Allegiance**
- 3. Public Participation**
- 4. Request To Permit: Lincoln Park District in conjunction with the Pigs & Swigs to use the City Street for a 5K run Saturday, June 1, 2019**
- 5. Appointment of new Fire Chief with upcoming retirement of Chief Mark Miller**
- 6. Dolan Dalpoas- Land Use Authorization, North Portion of the ALMH Wellness Trail adjoining Hickox Drive, Lincoln, IL**
- 7. Amended changes to the approved Liquor Ordinance 2019-892**
- 8. Announcements**
- 9. Possible Executive Session**
- 10. Adjournment**
- 11. Upcoming Meetings:**
 - City Council: Monday, February 4, 2019 at 7:00pm
 - Committee of the Whole: Wednesday, February 13, 2019 at 7:00pm

REQUEST TO PERMIT

DATE: 1-24-19

We, the undersigned of the City of Lincoln, do hereby respectfully request the Mayor and City Council to permit

the Lincoln Park District in conjunction with
the Pigs n Swigs, to use the City Streets for
a 5K Run June 1, 2019. map attached

If the above request is for use of City property, including streets and/ or alleys, please check one of the two boxes below:

☐ A Certificate of Insurance Liability for the event is attached.

☒ A Certificate of Insurance Liability for the event will be provided to the City no later than 5-1-2019.

If City property is used, a Certificate of Insurance Liability is required listing the City as an additional insured. The City reserves the right to postpone review and consideration of this Request to Permit until a Certificate of Insurance Liability is provided.

Name: Lincoln Park District - Jennifer Platter

Address: 1400 Railer Way
Lincoln, IL 62656

Phone: 217-732-8770 Cell: 217-732-9889

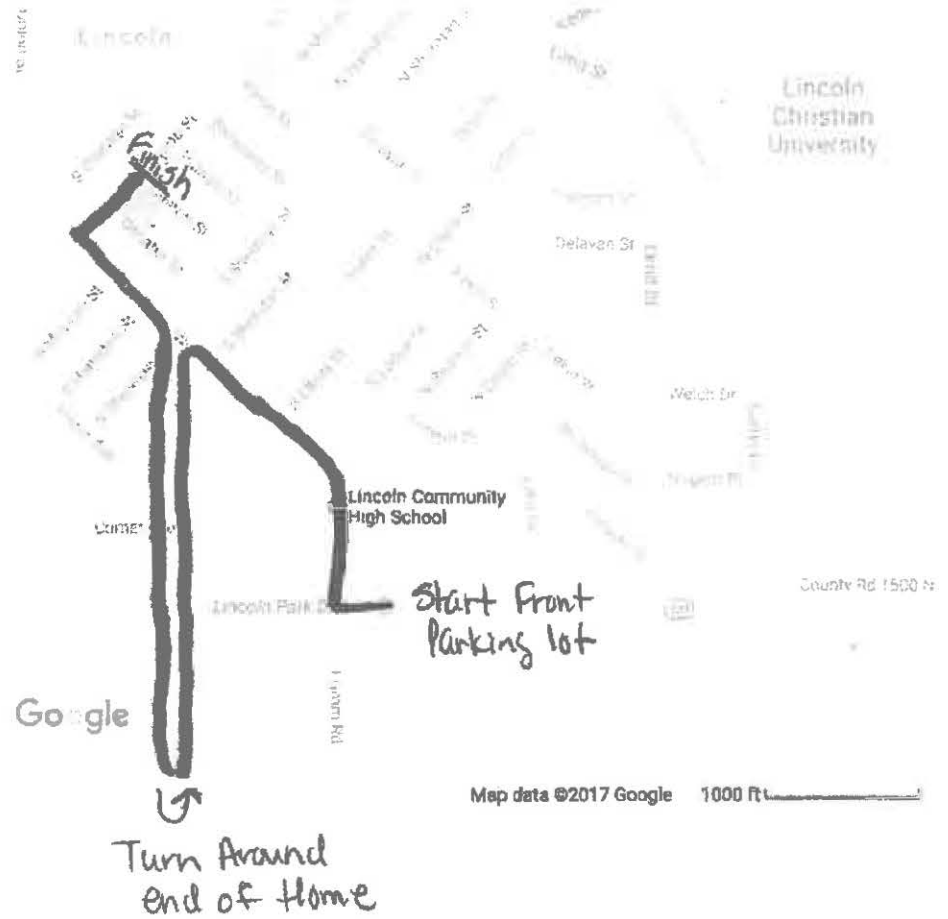
Email: jplatter@lincolnparkdistrict.com

5/10/2017

Google Maps

Google Maps

Railsplitter
Covered Wagon



LAND USE AUTHORIZATION

The City of Lincoln the ("City"), authorizes The Abraham Lincoln Memorial Hospital, an affiliate of Memorial Health System ("User") to use that portion of the land owned by the City which is identified in this Use Authorization, at the location designated in this Use Authorization, under the following terms and conditions:

LOCATION: North Portion of the ALMH Wellness Trail adjoining Hickox Drive, Lincoln, IL

USE: Wellness Trail

TIME OF USE: The User and the Community it serves may use the Location on the following days at these specified times: Unlimited.

TERM: This Use Authorization shall commence upon the date of last signature below and shall continue in full effect until unless terminated. This Use Authorization may be terminated at any time and for any or no reason by either Party upon thirty (30) days written notice to the other Party.

USE RESTRICTIONS: The User's use of the Location is subject to the following restrictions:

- (i) the User shall assume the responsibility for maintenance of the portion of the Location User is using;
- (ii) the User, prior to using the Location, will furnish the City with evidence that the activities of the User are insured under a comprehensive public liability policy insuring against any injury or property damage claims arising as a consequence of the User's use of the Location; and
- (iii) the User, by signing this Use Authorization, agrees to indemnify and hold harmless the City as to any liabilities, losses, or claims arising from User's use of the Location, including, but not limited to, those liabilities, losses, or claims arising from injuries to persons or damage to property.

Dated: January 21, 2019.

CITY:

CITY OF LINCOLN

By: _____

Name: _____

Title: _____

Telephone Number:(217) ____ - ____

User:

THE ABRAHAM LINCOLN
MEMORIAL HOSPITAL

By: Dolan C. Dalpoas

Name: Dolan C. Dalpoas

Title: President and CEO

Address: 200 Stahlhut Drive
Lincoln, IL 62656

Telephone Number: (217) 605-5002

ORDINANCE NO. 2019-892
AN ORDINANCE AMENDING THE CITY OF LINCOLN'S
LIQUOR REGULATIONS

THIS ORDINANCE is made and adopted by the CITY COUNCIL OF THE CITY OF LINCOLN, LOGAN COUNTY, ILLINOIS, at a regular meeting held in the City Council Chambers in said City on the _____ day of _____, 2019, WITNESSETH:

WHEREAS, the CITY OF LINCOLN is a municipal corporation located in Logan County, Illinois; and

WHEREAS, the CITY OF LINCOLN believes in the interest of the free market, unencumbered by a cap of liquor licenses that can be issued at one time; and

WHEREAS, the CITY OF LINCOLN has found the cap of liquor licenses to be issued to be problematic, and thereby potentially prohibiting new businesses from opening their doors in Lincoln due to said cap; and

WHEREAS, the CITY OF LINCOLN believes that if no cap existed, these businesses could open in Lincoln, thereby increasing tax revenue gained from the businesses, and let the market decide how many establishments the City can support; and

WHEREAS, there are currently two classes of liquor licenses that are similar in scope, those being Class B and Class C, with the only difference being Class C rules governs restaurants; and

WHEREAS, the CITY OF LINCOLN believes that the licensees in Class B and Class C should be free to operate their businesses, however believe there should be some reporting requirements for those that participate in video gaming; and

WHEREAS, it is the desire of the CITY OF LINCOLN to consolidate Class B and C licenses, and institute a reporting requirement that each licensee must prove on a yearly basis that thirty percent or less of their revenue comes from gaming; and

WHEREAS, for the purposes of reporting the licensee must provide all documents requested by the liquor commission including, but not limited to, the tax sales receipt forms; and

WHEREAS, the CITY OF LINCOLN understands that new businesses would likely be applying past the renewal date, and the City will prorate any receipts received on their first reporting period; and

WHEREAS, the CITY OF LINCOLN understands that at times licensees will fall beneath the 30% threshold gaming requirement, and in those scenarios the licensees will be fined \$500; and

WHEREAS, if a licensee continues to not meet their thirty percent gaming requirement, then the Liquor Commission of the City of Lincoln can opt to pull that licensee's liquor license (if a licensee is improving year over year the liquor commission may at their discretion not pull the liquor license); and

WHEREAS, the CITY OF LINCOLN desires to treat all the business fairly, and therefore there will not be any grandfathering for existing businesses thereby making all businesses that fall into the Class B license and opt to use the video gaming machines adhere to the reporting requirements; and

WHEREAS, the CITY OF LINCOLN believes that the size of the liquor commission should be increased from its current size of three, to five, mainly based upon the work said commission does and the CITY OF LINCOLN believes that having more input from an increased member size would greatly increase its decision making capacity; and

WHEREAS the CITY OF LINCOLN understands that some members of the Liquor Commission might not be City Employees or Contractors and thereby are not being compensated for their time and the CITY OF LINCOLN believes they should receive some recompense for their time;

NOW, THEREFORE, IT IS HEREBY RESOLVED by the CITY COUNCIL OF THE CITY OF LINCOLN, as follows:

1. The City of Lincoln will amend Title III Chapter 7 Part 5 of the Lincoln City Code consolidating Class B and C of the license Classification, and add language that thirty percent of their yearly revenue must come from sources other than video gaming. (See below Exhibit).

2. Any Classification below Class C, after the consolidation of Class B and C, shall be amended to Class immediately previous to it (Class D becomes C, Class E becomes D, Etc. etc.).

3. The City of Lincoln will amend Title III Chapter 7 Part 6 Subsection D of the Lincoln City Code shall be amended to reflect an unlimited amount of liquor licenses can be issued subject to the approval of the liquor commission. (See below Exhibit)

4. The City of Lincoln will amend Title III Chapter 7 Part 22 of the Lincoln City Code adding subsection D providing for the revocation provisions for those licensees who do not adhere thirty percent threshold for three consecutive years. (See Attached Exhibit).

5. The size of the Liquor Commission shall be increased from three to five and members that are not otherwise being paid by the City of Lincoln shall be paid \$25.00 per meeting.

6. Effective Date. That this Ordinance is effective immediately upon passage of the same.

The vote on the adoption of his Resolution was as follows:

Alderman Parrott _____	Alderman Keller _____
Alderwoman Bauer _____	Alderman Welch _____
Alderman Hoinacki _____	Alderwoman Browne _____
Alderman Fleshman _____	Alderman Dalpoas _____

Ayes: _____

Nays: _____

Absent: _____

Absent: _____

Passed and approved this ____ day of _____, 2019.

CITY OF LINCOLN,

BY: _____

Seth Goodman, Mayor
City of Lincoln, Logan County, Illinois

ATTEST: _____(SEAL)

City Clerk, City of Lincoln,
Logan County, Illinois

EXHIBIT A

3-7-5: CLASSIFICATION OF LICENSES; HOURS AND FEES: Licenses to sell alcoholic liquors at retail shall be of the following classes:

- (A) Class A: Class A package licenses shall entitle the licensee to sell alcoholic beverages in the original package with sales at retail not for consumption on the premises. The license fee for a class A license shall be one thousand two hundred fifty dollars (\$1,250.00) per annum, paid in advance. The hours are to be seven o'clock (7:00) A.M. to twelve o'clock (12:00) midnight on all days except Sundays. Sunday hours shall be eleven o'clock (11:00) A.M. to twelve o'clock (12:00) midnight. (Ord. 250, 12-7-1987; amd. Ord. 547, 6-17-2202)
- (B) Class B: Class B (restaurants, taverns, bar, saloon, lounge, bowling alley, pub) shall entitle licensee to sell alcoholic liquor at retail for consumption on or off the premises. If the licensee participates in video gaming, then they must report yearly to the liquor commission showing proof that thirty percent or more of their revenues come from sources other than video gaming. A licensee not meeting their thirty percent threshold requirement will subject them to a \$500.00 fine. The license fee for a class B license shall be one thousand one hundred twenty-five dollars (\$1,125.00) per annum, paid in advance. The hours of a class B license shall be seven o'clock (7:00) A.M. to two o'clock (2:00) A.M. on weekdays and Saturdays. Sunday hours for a Class B license shall be eleven o'clock (11:00) A.M. to twelve o'clock (12:00) midnight, except New Year's Eve hours shall be extended to two o'clock (2:00) A.M. All patrons will be asked to leave the premises one-half (1/2) hour after closing, at which time only the employees will be allowed to be in the establishment, and no other persons on the licensed premises one-half (1/2) hour after closing shall consume alcoholic beverages. The city police will enforce this regulation by being free to enter the premises after hours. (in regards to restaurants Ord. 628, 2-21-2006)

(Class D becomes C, E becomes D, etc. etc.)

3-7-6: NO VEST INTEREST CREATED; CHANGES IN LOCATION; LIMITATIONS OF NUMBER ISSUED

- (D) There are no limitations on the amount of liquor licenses, regardless of the class, that can be granted. Each License is subject to the approval of the liquor commission and the licensee acknowledges they are subject to revocation without due cause being shown.

3-7-22:

REVOCATION OF LICENSE:



The mayor shall have power to grant licenses and to revoke for cause any or all licenses issued to persons for the sale of alcoholic liquors within the city, and he shall revoke any retail liquor dealer's license for any violation of any of the provisions of this chapter or for any violation of any state law pertaining to the sale of alcoholic liquor. (1960 Code, Secs. 2.14.040, 2.14.210)

Any license issued under this chapter may be suspended or revoked by the local liquor commissioner for any one of the following reasons:

(A) Violation of the laws of the state or of the United States, or of any of the provisions of this chapter.

(B) The willful making of any false statement as to a material fact in application for a license.

(C) Permitting any illegal, disorderly or immoral practices upon licensed premises.

(D) Not being in compliance for the reporting requirements of the licensee's respective license for three consecutive years.

Upon the filing of any written complaint against a licensee alleging any of the aforesaid causes for revocation, the local liquor control commissioner may cause such licensee to appear before the local liquor control commissioner and may examine witnesses in regard to the complaint, and in the event of such a hearing, the licensee may appear and bring in witnesses to testify thereon.

The mayor as local liquor control commissioner may suspend for not more than thirty (30) days, as provided in 235 Illinois Compiled Statutes 5/4-4, or revoke for cause any liquor dealer's license for any violation of any provision pertaining to the sale of alcoholic liquor, as provided and in the manner provided in 235 Illinois Compiled Statutes 5/7-5. (Ord. 67, 11-21-1977)

Any appeals taken to the Illinois state liquor control commission from decisions made by the Lincoln liquor control commission shall be heard by the Illinois state liquor control commission strictly on the record, pursuant to 235 Illinois Compiled Statutes 5/7-9. (Ord. 536, 9-4-2001)

ORDINANCE NO.
AMENDMENT TO ORDINANCE NO. 2019-892
AN ORDINANCE AMENDING THE CITY OF LINCOLN'S
LIQUOR REGULATIONS

THIS ORDINANCE is made and adopted by the CITY COUNCIL OF THE CITY OF LINCOLN, LOGAN COUNTY, ILLINOIS, at a regular meeting held in the City Council Chambers in said City on the ____ day of _____, 2019, WITNESSETH:

WHEREAS, the CITY OF LINCOLN is a municipal corporation located in Logan County, Illinois; and

WHEREAS, the CITY OF LINCOLN believes in the interest of the free market, unencumbered by a cap of liquor licenses that can be issued at one time; and

WHEREAS, the CITY OF LINCOLN has found the cap of liquor licenses to be issued to be problematic, and thereby potentially prohibiting new businesses from opening their doors in Lincoln due to said cap; and

WHEREAS, the CITY OF LINCOLN believes that if no cap existed, these businesses could open in Lincoln, thereby increasing tax revenue gained from the businesses, and let the market decide how many establishments the City can support; and

WHEREAS, there are currently two classes of liquor licenses that are similar in scope, those being Class B and Class C, with the only difference being Class C rules governs restaurants; and

WHEREAS, the CITY OF LINCOLN believes that the licensees in Class B and Class C should be free to operate their businesses, however believe there should be some reporting requirements for those that participate in video gaming; and

WHEREAS, it is the desire of the CITY OF LINCOLN to consolidate Class B and C licenses, and institute a reporting requirement that each licensee must prove on a yearly basis that **thirty** percent or **more** of their **yearly** revenue comes from **sources other than gaming**; and

WHEREAS, for the purposes of reporting the licensee must provide all documents requested by the liquor commission including, but not limited to, the tax sales receipt forms; and

WHEREAS, the CITY OF LINCOLN understands that new businesses would likely be applying past the renewal date, and the City will prorate any receipts received on their first reporting period; and

WHEREAS, the CITY OF LINCOLN understands that at times licensees **who participate in gaming may have more than 70% of their yearly revenue in gaming**, and in those scenarios the licensees will be fined \$500; and

WHEREAS, if a licensee continues to **violate** their thirty percent gaming requirement, then the Liquor Commission of the City of Lincoln can opt to pull that licensee's liquor license (if a licensee is improving year over year the liquor commission may at their discretion not pull the liquor license); and

WHEREAS, the CITY OF LINCOLN desires to treat all the business fairly, and therefore there will not be any grandfathering for existing businesses thereby making all businesses that fall into the Class B license and opt to use the video gaming machines adhere to the reporting requirements; and

WHEREAS, the CITY OF LINCOLN believes that the size of the liquor commission should be increased from its current size of three, to five, mainly based upon the work said commission does and the CITY OF LINCOLN believes that having more input from an increased member size would greatly increase its decision making capacity; and

WHEREAS the CITY OF LINCOLN understands that some members of the Liquor Commission might not be City Employees or Contractors and thereby are not being compensated for their time and the CITY OF LINCOLN believes they should receive some recompense for their time;

NOW, THEREFORE, IT IS HEREBY RESOLVED by the CITY COUNCIL OF THE CITY OF LINCOLN, as follows:

1. The City of Lincoln will amend Title III Chapter 7 Part 5 of the Lincoln City Code consolidating Class B and C of the license Classification, and add language that thirty **percent or more** of their yearly revenue must come from sources other than video gaming. (See below Exhibit).

2. Any Classification below Class C, after the consolidation of Class B and C, shall be amended to Class immediately previous to it (Class D becomes C, Class E becomes D, Etc. etc.).

3. The City of Lincoln will amend Title III Chapter 7 Part 6 Subsection D of the Lincoln City Code shall be amended to reflect an unlimited amount of liquor licenses can be issued subject to the approval of the liquor commission. (See below Exhibit)

4. The City of Lincoln will amend Title III Chapter 7 Part 22 of the Lincoln City Code adding subsection D providing for the revocation provisions for those licensees who do not adhere thirty percent threshold for three consecutive years. (See Attached Exhibit).

5. The size of the Liquor Commission shall be increased from three to five and members that are not otherwise being paid by the City of Lincoln shall be paid \$25.00 per meeting.

6. Effective Date. That this Ordinance is effective immediately upon passage of the same.

The vote on the adoption of his Resolution was as follows:

Alderman Parrott	_____	Alderman Keller	_____
Alderwoman Bauer	_____	Alderman Welch	_____
Alderman Hoinacki	_____	Alderwoman Browne	_____
Alderman Fleshman	_____	Alderman Dalpoas	_____

Ayes: _____

Nays: _____

Abstain: _____

Absent: _____

Passed and approved this ____ day of _____, 2019.

CITY OF LINCOLN,

BY: _____

Seth Goodman, Mayor
City of Lincoln, Logan County, Illinois

ATTEST: _____ (SEAL)

City Clerk, City of Lincoln,
Logan County, Illinois

EXHIBIT A

3-7-5: CLASSIFICATION OF LICENSES; HOURS AND FEES: Licenses to sell alcoholic liquors at retail shall be of the following classes:

- (A) Class A: Class A package licenses shall entitle the licensee to sell alcoholic beverages in the original package with sales at retail not for consumption on the premises. The license fee for a class A license shall be one thousand two hundred fifty dollars (\$1,250.00) per annum, paid in advance. The hours are to be seven o'clock (7:00) A.M. to twelve o'clock (12:00) midnight on all days except Sundays. Sunday hours shall be eleven o'clock (11:00) A.M. to twelve o'clock (12:00) midnight. (Ord. 250, 12-7-1987; amd. Ord. 547, 6-17-2202)
- (B) Class B: Class B (restaurants, taverns, bar, saloon, lounge, bowling alley, pub) shall entitle licensee to sell alcoholic liquor at retail for consumption on or off the premises. The license fee for a class B license shall be one thousand one hundred twenty-five dollars (\$1,125.00) per annum, paid in advance. The hours of a class B license shall be seven o'clock (7:00) A.M. to two o'clock (2:00) A.M. on weekdays and Saturdays. Sunday hours for a Class B license shall be eleven o'clock (11:00) A.M. to twelve o'clock (12:00) midnight, except New Year's Eve hours shall be extended to two o'clock (2:00) A.M. All patrons will be asked to leave the premises one-half (1/2) hour after closing, at which time only the employees will be allowed to be in the establishment, and no other persons on the licensed premises one-half (1/2) hour after closing shall consume alcoholic beverages. The city police will enforce this regulation by being free to enter the premises after hours. (in regards to restaurants Ord. 628, 2-21-2006)
- (C) Class C: Class C (wine cellar, craft beer, and spirits) shall entitle the licensee to sell wine by the glass or carafe for consumption on the premises and by the bottle for consumption on or off the premises, craft or microbrew beer by the glass for consumption on the premises, craft beer for consumption on or off the premises, and craft spirits by the bottle for consumption on or off the premises. The licensee shall prohibit anyone from leaving the licensed premises with a partial bottle of alcohol that has been opened on the licensed premises. The license fee for a class C license shall be seven hundred dollars (\$700.00), payable in advance. The hours of a class C license shall be seven o'clock (7:00) A.M. to twelve o'clock (12:00) midnight weekdays and Saturdays. The Sunday hours for a class C license shall be eleven o'clock (11:00) A.M. to twelve o'clock (12:00) midnight, except New Year's Eve hours shall be extended to two o'clock (2:00) A.M. (Ord. 2015-833, 6-1-2015; amd. Ord. 2016-847, 1-19-2016)
- (D) Class D: Class D licenses shall be known as a microbrewery and brewpub license and shall authorize the manufacture by a microbrewery or brewpub of less than fifty thousand (50,000) gallons of beer, and the storage and sale of such beer, per year to distributors, retailers, and to nonlicensees, in accordance with the provisions of 235 Illinois Compiled Statutes 5/1-1 et seq., cited as the liquor

control act. Said licensee to receive one retailer's license for the premises in which he actually conducts such business, permitting only the sale of beer manufactured on such premises, but no such person shall be entitled to more than one retailer's license. The annual fee for such a license shall be six hundred fifty dollars (\$650.00) paid in advance. The hours for such a license shall be seven o'clock (7:00) A.M. to twelve o'clock (12:00) midnight on all days except Sundays. Sunday hours shall be eleven o'clock (11:00) A.M. to twelve o'clock (12:00) midnight, except New Year's Eve hours shall be extended to two o'clock (2:00) A.M. (Ord. 547, 6-17-2002; and Ord. 2016-847, 1-19-2016)

(E) Class E: Class E (caterers) shall be known as a caterer license and shall authorize the sale of alcoholic liquors for consumption on the licensed premises and shall be limited to serving of invited guests at private catered functions. Such licenses shall be issued only to individuals or entities defined as "caterers", which shall mean individuals or entities preparing and serving meals or food items for consumption on the licensed premises for private functions, such as weddings, receptions, dinners, and banquets, and which are not open to the general public at regularly established business hours. Additionally, to qualify as a "caterer", the license holder must have a minimum of sixty five percent (65%) of their sales revenues from the sale of food. The service of alcoholic liquor by a person holding a class F license shall be by employees of the licensed caterer only and shall be served only on the premises licensed to conduct such catered functions. The service of alcoholic liquor shall only take place during a catered function at the licensed premises. If such licensed premises, in any licensed year, from May 1 through April 30, serves alcohol at more than twenty five (25) catered functions, then such licensee shall be required to obtain a class B license as set forth under this section for the following year, commencing the following May 1. The license fee for a class E license shall be five hundred dollars (\$500.00) per annum, paid in advance. The hours of a class F license shall be seven o'clock (7:00) A.M. to two o'clock (2:00) A.M. weekdays and Saturdays. The Sunday hours for a class E license shall be between eleven o'clock (11:00) A.M. to twelve o'clock (12:00) midnight, except New Year's Eve hours shall be extended to two o'clock (2:00) A.M. All patrons will be asked to leave the premises one-half ($\frac{1}{2}$) hour after closing, at which time only the employees of the caterer will be allowed to be in the establishment, and no persons on the licensed premises one-half ($\frac{1}{2}$) hour after closing shall consume alcoholic beverages. The city police will enforce this regulation by being free to enter the premises after hours. Alcoholic liquor may only be served by a class E license holder during a catered function, and a caterer shall not be permitted to maintain a bar or offer alcohol for sale at retail except during such catered functions. (Ord. 653, 9-4-2007)

(F) Class F: Class F (recurring event) shall be known as a recurring event license and shall authorize the sale of beer only, for consumption on the licensed premises, and shall be limited to serving of individuals attending such recurring events. A class F license shall be applicable only to individuals or entities that conduct recurring events of at least ten (10) during the license year of May 1 through April

30, but not more than fifty (50) such events, all of which must be open to the public. To qualify for a recurring event license, the license holder must establish that it holds recurring events on the licensed premises as herein set forth, and the holder shall be authorized to serve beer only to the patrons of such events, only on the days of the events, with the beer to be served only by employees of the licensee. The license fee for a class F license shall be five hundred dollars (\$500.00) per annum, paid in advance for recurring events numbering at least ten (10), but not more than twenty five (25) per license year, and seven hundred fifty dollars (\$750.00) per annum, paid in advance for recurring events numbering at least twenty six (26), but not more than fifty (50), per license year. Such fee shall be paid at the time of the application, at which time the applicant must disclose the number of anticipated recurring events and pay the appropriate fee. If an individual or entity applies for a license and pays the annual fee for up to twenty five (25) events but, during the license year, goes over twenty five (25) events, such licensee shall immediately pay the additional license fee of two hundred fifty dollars (\$250.00) to the city of Lincoln, which must be paid prior to the twenty sixth such recurring event. The hours of a class F license shall be only the days of a scheduled recurring event from one o'clock (1:00) P.M. on the day of the event until twelve o'clock (12:00) midnight on the day of said event when such events occur on a day other than Sunday. When such recurring event is on a Sunday, the hours during which they will be permitted to sell beer will be from one o'clock (1:00) P.M. until eleven o'clock (11:00) P.M. on the day of the event. All patrons attending such recurring events shall be required to leave the licensed premises one-half ($\frac{1}{2}$) hour after the expiration of the time for authorized sales of beer, at which time only the employees of the license holder will be allowed to be on the licensed premises, and no person on the licensed premises shall be permitted to consume beer or any other alcoholic beverages after one-half ($\frac{1}{2}$) hour following the time for sales of beer to cease. No beer or other alcoholic beverage may be brought onto the licensed premises at any recurring event, and only beer purchased from the licensee shall be permitted on the licensed premises during such recurring events. Beer may only be sold by a class F license holder during a recurring event, during the hours as herein set forth, and a class F license holder shall not be permitted to maintain a bar or serve alcohol or beer for sale at retail except during such recurring event during the hours as herein set forth. The city police of the city of Lincoln will enforce the hours and the terms of this license by being free to enter upon the licensed premises, both during and after the allowable hours of sale. (Ord. 671, 3-17-2008)

- (G) Temporary Permit: The liquor commissioner shall have the discretionary power to issue a temporary permit for the sale of beer and wine only, and only during the hours allowed under a license as in this chapter allowed; provided, such beer and wine shall be consumed on the premises of any banquet, bazaar, fair, or any similar private or public assembly where food or drink is sold, served or dispensed, except that wine sold at such events by wine growers or vineyards may be sold in its original package, only as to those wines produced by such wine growers or vineyards, in addition to the serving of such wine on the premises.

Such temporary permit shall be issued upon written application containing the same information required in an application for a license hereunder. Such temporary permit shall be for a period of not more than ten (10) days. The liquor commissioner can refuse, upon good cause, to issue any such temporary permit in his or her sole discretion. The fee for such temporary permit shall be twenty dollars (\$20.00) for each day or fraction thereof of the period for which such permit is issued and shall be paid at the time the application is made. The applicant shall execute and file with the application a bond to the city in the penal sum of one thousand dollars (\$1,000.00), conditioned as required in the bond for a license hereunder. The liquor commissioner shall have the power to revoke for cause any or all temporary permits issued under the terms of this chapter. The temporary permits shall not be subject to the provisions of section 3-7-4 or 3-7-12 of this chapter. (Ord. 563, 4-7-2003; amd. Ord. 653, 9-4-2007; Ord. 671, 3-17-2008)

(H) Club Permits: Any "club", as defined in this chapter, shall be entitled to obtain a permit and not a license for the sale of alcoholic liquors for consumption only, on premises permanently occupied by any such club. All clubs desiring such a permit shall pay an annual permit fee of three hundred fifty dollars (\$350.00) per annum.

(I) Separate Application For Each Class Of Liquor Licenses: Separate applications must be filed for separate classes of licenses by any applicant desiring to carry on more than one licensed business, and a separate license or permit must be obtained for such location by applicant desiring to carry on a licensed business at more than one location.

(J) Expiration: All such licenses and permits shall expire on April 30 next following the date of issue, but in any case where the period from the date of issue to April 30 next following is less than one full year, the license and permit fee shall be reduced in proportion to the full calendar months which have expired in the license year prior to the issuance of such license. (Ord. 250, 12-7-1987; amd. Ord. 547, 6-17-2002; Ord. 653, 9-4-2007; Ord. 671, 3-17-2008)

(K) Yearly Sales Summary: Anyone holding a license pursuant to any of the previous subsections of this section shall, on or before January 30 of each year, submit to the city of Lincoln liquor commission, without request by said liquor commission, a detailed summary of its sales for the preceding calendar year itemizing the amount of sales from liquor and the amount of sales from food at such licensed premises. If the information provided to the city of Lincoln liquor commission pursuant to this section indicates that the license holder currently holds an incorrect license, based on the prior year's sales, such license holder shall be required to obtain the correct license during the application process for any license to be effective as of May 1 of such year. (Ord. 628, 2-21-2006; amd. Ord. 653, 9-4-2007; Ord. 671, 3-17-2008)

(L) Video Gaming Terminals: No licensee or applicant whose place of business obtained an initial license or permit, class B or lower, for the sale of alcohol who operates a video gaming terminal and fails to derive at least thirty percent (30%) or more of its gross annual revenues from sources other than video gaming terminals then they are subject to a fine of \$500.00. After three consecutive years of non-compliance then the licensee or applicant is subject to having their liquor license revoked as outlined in 3-7-22.

3-7-6: NO VEST INTEREST CREATED; CHANGES IN LOCATION; LIMITATIONS OF NUMBER ISSUED

- (D) There are no limitations on the amount of liquor licenses, regardless of the class, that can be granted. Each License is subject to the approval of the liquor commission and the licensee acknowledges they are subject to revocation without due cause being shown.

3-7-22: REVOCATION OF LICENSE:  

The mayor shall have power to grant licenses and to revoke for cause any or all licenses issued to persons for the sale of alcoholic liquors within the city, and he shall revoke any retail liquor dealer's license for any violation of any of the provisions of this chapter or for any violation of any state law pertaining to the sale of alcoholic liquor. (1960 Code, Secs. 2.14.040, 2.14.210)

Any license issued under this chapter may be suspended or revoked by the local liquor commissioner for any one of the following reasons:

- (A) Violation of the laws of the state or of the United States, or of any of the provisions of this chapter.
- (B) The willful making of any false statement as to a material fact in application for a license.
- (C) Permitting any illegal, disorderly or immoral practices upon licensed premises.
- (D) Not being in compliance for the reporting requirements of the licensee's respective license for three consecutive years.

Upon the filing of any written complaint against a licensee alleging any of the aforesaid causes for revocation, the local liquor control commissioner may cause such licensee to appear before the local liquor control commissioner and may examine witnesses in regard to the complaint, and in the event of such a hearing, the licensee may appear and bring in witnesses to testify thereon.

The mayor as local liquor control commissioner may suspend for not more than thirty (30) days, as provided in 235 Illinois Compiled Statutes 5/4-4, or revoke for cause any liquor dealer's license for any violation of any provision pertaining to the sale of alcoholic liquor, as provided and in the manner provided in 235 Illinois Compiled Statutes 5/7-5. (Ord. 67, 11-21-1977)

Any appeals taken to the Illinois state liquor control commission from decisions made by the Lincoln liquor control commission shall be heard by the Illinois state liquor control commission strictly on the record, pursuant to 235 Illinois Compiled Statutes 5/7-9. (Ord. 536, 9-4-2001)