

CITY OF BLOOMINGTON

2024 - 067

**AN ORDINANCE AMENDING THE BLOOMINGTON CITY CODE UPDATING CHAPTERS 6
(ALCOHOLIC BEVERAGES) AND 7 (AMUSEMENTS) PERTAINING TO LICENSES
ADMINISTERED BY THE CITY CLERK**

**Adopted by the City Council
of the City of Bloomington
on August 26, 2024**

Published in pamphlet form by the authority of the City Council of the
City of Bloomington, McLean County, Illinois, on August 27, 2024.

STATE OF ILLINOIS)
) ss.
COUNTY OF MCLEAN)

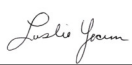
CERTIFICATE

I, Leslie Smith-Yocum, certify that I am the duly appointed and qualified municipal clerk of the City of Bloomington, County of McLean, Illinois.


I further certify that on the Corporate Authorities of the above municipality passed and approved Ordinance No. 2024 - 067, entitled, an Ordinance Amending the Bloomington City Code Updating Chapters 6 (Alcoholic Beverages) and 7 (Amusements) Pertaining to Licenses Administered by the City Clerk, which provided by its terms that it should be published in pamphlet form.

The pamphlet form of this Ordinance, including the Ordinance and cover sheet thereof, was prepared, and a copy of the Ordinance was posted in the municipal building, commencing on August 27, 2024, and continuing for at least ten days thereafter. Copies of the Ordinance were also available for public inspection upon request in the office of the municipal clerk.

Dated at Bloomington, Illinois, on 08/27/2024



Leslie Smith-Yocum
City Clerk



ORDINANCE NO. 2024 - 067

AN ORDINANCE AMENDING THE BLOOMINGTON CITY CODE UPDATING CHAPTERS 6 (ALCOHOLIC BEVERAGES) AND 7 (AMUSEMENTS) PERTAINING TO LICENSES ADMINISTERED BY THE CITY CLERK

WHEREAS, the City of Bloomington, McLean County, Illinois (hereinafter “City”) is an Illinois home-rule municipality; and

WHEREAS, the City Council is responsible for overseeing the City Code; and

WHEREAS, the City Council has charged the City Clerk with managing and administering City liquor licenses; and

WHEREAS, the City Clerk in partnership with the Legal and Police Departments requests to amend the Code to add two (2) BYOB (Bring Your Own Beverage) primary liquor license classifications that will enable the City to best manage BYOB and complimentary service of alcohol situations, as well as will ensure appropriate insurance is in place to protect the community; and

WHEREAS, the City Clerk requests to amend the Code to create an All Types of Alcoholic Liquor version of the existing Package Sales - Beer and Wine, On or Off Premises, said creation will allow the Clerk to cleanup current classification issues with existing licensees; and

WHEREAS, the City Clerk desires to amend the Code to clean up language regarding Retail Grocery Convenience stores; and

WHEREAS, the City Clerk further desires to amend the Code by expanding the definition of “venue” and “entertainment venue” to also include sports facilities.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BLOOMINGTON, MCLEAN COUNTY, ILLINOIS:

SECTION 1. That Chapters 6 and 7, and the Schedule of Fees, of the Municipal Code of the City of Bloomington, Illinois, 1960, as amended, are hereby amended to read as set forth in Exhibit A (additions underlined and deletions stricken).

SECTION 2. The Bloomington City Code is hereby further amended by renumbering, redesignating, and reformatting the chapters and subsections as needed to conform to the above-referenced amendments and removals.

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

SECTION 4. This Ordinance is adopted pursuant to Home Rule Authority granted to the City of Bloomington by Article VII, Section 6, of the Illinois Constitution, 1970.

SECTION 5. This Ordinance shall take effect ten days after passage.

PASSED this 26th day of August 2024.

APPROVED this 27th day of August 2024.

CITY OF BLOOMINGTON

Mboka Mwilambwe

Mboka Mwilambwe, Mayor

ATTEST

Leslie Yocum

Leslie Smith-Yocum, City Clerk



EXHIBIT A

Chapter 6 Alcoholic Beverages

§ 6-101 [Ch. 6, Sec. 1] Definitions.

RETAIL GAS STATION GROCERY CONVENIENCE STORE

Any place kept, used, maintained, advertised, and held out to the public as a place where at least five of the following seven categories of products can be purchased at retail: dairy products, baked goods, frozen foods, groceries, snack foods, health, and beauty aids, and where a maximum of 15% of the total public selling space is devoted to the display of alcoholic beverages offered for sale. "Public selling space" includes all of the area between the floor and ceiling of the premises which is open, accessible, and/or visible to members of the general public, including the interior of any cooler or other refrigeration units or storage cases accessible and/or visible to the general public and any area with restricted public access, such as the area behind sales counters, from which sales are made to members of the general public.

VENUE

A theater, opera house, performing arts center, auditorium, concert/music hall, event/banquet hall, pool hall, sports arena/stadium/facility, arcade/gaming center, miniature golf course, amusement park, skating rink, bowling alley, shooting gallery, challenge park, virtual reality facility, salon, boutique, places with permanent stages, or places with dance floors larger than 99 square feet.

§ 6-105. [Ch. 6, Sec. 4A] Notice and hearing on application for creation of license; inspection of premises.

E. The Liquor Commission shall not be required to conduct a hearing on applications for Bring Your Own Beverage license (Class "BYOB-1" and "BYOB-2"), catering licenses (Class "W"), secondary premises licenses (Class "SA" and "SB"), or nonprofit licenses (Class "NPA" and "NPB"). The Mayor, on behalf of the Commission, or two members of the Liquor Commission, in the Mayor's absence, may grant such licenses with or without a hearing before the Commission and may issue an "BYOB-1," "BYOB-2," "SA," "SB," "NPA" or "NPB" license upon receipt of an application therefor and proof of adequate dram shop insurance. The City Clerk may issue catering licenses as provided in § 6-114 of this Code.

§ 6-112 [Ch. 6, Sec. 7A] Classification.

A. All licenses shall be classified as follows:

(1) Class "BYOB-1" (Bring Your Own Beverage – Restaurant License) primary licenses authorizing the consumption of alcoholic liquor brought onto the premises by a patron over the age of twenty-one (21) for on premises consumption at a restaurant that does not otherwise possess a City liquor license.

(a) For purposes of this section, a restaurant shall be defined as a 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.

(b) The following conditions shall apply:

[1] BYOB-1 shall be permitted in conjunction with the purchase and consumption of a meal;

[2] BYOB-1 shall be limited to no more than one 750 milliliter bottle of wine, 36 ounces of beer, or three (3) ounces of spirits per patron;

[3] BYOB-1 shall be limited to the licensed premises;

[4] BYOB-1 licensees may provide glassware and ice to patrons, and may uncork, pour, serve, or otherwise control the consumption of the alcoholic liquor;

[5] Any employee responsible for serving alcoholic liquor or checking identification must be appropriately trained in accordance with state law and local ordinance;

[6] Upon application, BYOB-1 licensees shall provide to the City a bond and certificate of insurance reflecting coverage for dram shop or equivalent liability for BYOB service;

[7] Possession and/or consumption of alcoholic liquor by any person under age twenty-one (21) is prohibited; and

[8] Video gaming shall be prohibited in establishments that possess a BYOB-1 license.

(2) Class "BYOB-2" (Bring Your Own Beverage – Non-Restaurant/Complimentary Service License) primary licenses authorizing the consumption of alcoholic liquor brought onto the premises by a patron over the age of twenty-one (21) for on premises consumption at a business that is not a restaurant and does not otherwise possess a City liquor license. Class BYOB-2 also authorizes the complimentary service of alcoholic liquor to patrons over the age of twenty-one (21).

(a) For purposes of this section, complimentary service shall be defined as alcoholic liquor provided to patrons over the age of twenty-one (21) free of charge subject to the conditions set forth in subsection (b).

(b) The following conditions shall apply:

[1] BYOB-2 shall be permitted in conjunction with the purchase or consumption or potential purchase or consumption of the goods or personal services offered by the business in its normal course of operations;

[2] BYOB-2 shall be limited to no more than one 750 milliliter bottle of wine, 36 ounces of beer, or three (3) ounces of spirits per patron;

[3] BYOB-2 and complimentary service shall be limited to the licensed premises;

- [4] BYOB-2 shall only be available to businesses or premises with occupancy of no more than 50 patrons;
- [5] BYOB-2 licensees may provide glassware and ice to patrons, and may uncork, pour, serve, or otherwise control the consumption of the alcoholic liquor;
- [5] Any employee responsible for serving alcoholic liquor or checking identification must be appropriately trained in accordance with state law and local ordinance;
- [6] Upon application, BYOB-2 licensees shall provide to the City a bond and certificate of insurance reflecting coverage for dram shop or equivalent liability for BYOB service;
- [7] Possession and/or consumption of alcoholic liquor by any person under age twenty-one (21) is prohibited; and
- [8] Video gaming shall be prohibited in establishments that possess a BYOB-2 license.

[Subsections 1-5 remain unchanged with the exception of renumbering]

- (6) Class "GPA" (Gas Station Grocery 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~~ gas station grocery convenience stores, as those premises are defined in § 6-101 of this chapter, at which motor vehicle fuels are sold.
- (7) Class "GPB" (Gas Station Grocery 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~~ gas station grocery convenience stores, as those premises are defined in § 6-101 of this chapter, at which motor vehicle fuels are sold.

[Subsections 8-13 remain unchanged with the exception of renumbering]

- (14) Class "PAP" (Packaged Sales – All Types of Alcoholic Liquor, On or Off Premises) primary licenses authorize the retail sale on the specified premises of all types of alcoholic liquor in original packages for consumption on or off the premises where sold. This class of license shall only be available to grocery establishments where the sale of packaged or prepared food is the primary source of revenue for the establishment. This class of license shall not be available for any establishment at which motor vehicle fuels are sold.
- (1544) Class "PBP" (Packaged Sales – Beer and Wine, On or Off Premises) primary licenses authorize the retail sale on the specified premises of beer and wine in original packages for consumption on or off the premises where sold. This class of license shall only be available to grocery establishments where the sale of packaged or prepared food is the primary source of revenue for the establishment. This class of license shall not be available for any establishment at which motor vehicle fuels are sold.

**Chapter 7
Entertainment Venues & Amusements**

§ 7-101 [Ch. 7, Sec. 1] Definitions.

ENTERTAINMENT VENUE

A theater, opera house, performing arts center, auditorium, concert/music hall, event/banquet hall, pool hall, sports arena/stadium/facility, arcade/gaming center, miniature golf course, amusement park, skating rink, bowling alley, shooting gallery, challenge park, virtual reality facility, places with permanent stages, or places with dance floors larger than 99 square feet. The providing of video gaming shall not bring an establishment within the definition of an entertainment venue.

SCHEDULE OF FEES

The following fees are applicable for the respective licenses and fees required under “The City Code of the City of Bloomington, Illinois, or as otherwise established by law.
(Reference to related Chapter-Section of the City Code is listed to right of Fee)

ALCOHOLIC BEVERAGES (CHAPTER 6)

A. Annual License Fee for Each Class of Licenses	(6-7B)
1. For calendar year 2021 and thereafter	(6-7B(a)(4))
(a) <u>BYOB-1:</u>	<u>\$250.00</u>
(b) <u>BYOB-2 and FM:</u>	<u>\$100.00</u>
(c) (a) CA, EA, RA, and TA Class Licenses:	\$2,700.00
(d) (b) CB, EB, RB, and TB Class Licenses:	\$900.00
(e) (c) GPA and PA Class License:	\$1,300.00
(1) Holder of a CA, EA, RA, or TA Class License	\$0.00
(f) (d) GPB and PB Class License:	\$1,000.00
(1) Holder of a CB, EB, RB, or TB Class License	\$300.00
(2) Holder of a CA, EA, RA, or TA Class License	\$0.00
(g) (e) S Class License:	
\$600.00	
(1) Holder of a CA and CB Class License	\$0.00
(h) (f) MA Class License:	
\$1,300.00	
(i) (g) MB Class License:	
\$850.00	
(j) <u>PAP Class License:</u>	<u>\$2,200.00</u>

(k) PBP Class License:	\$1,200.00
2. NPA, NPB, SA, and SB Class Licenses:	(6-7.B(b))
(a) First day License is in effect:-	\$100.00
(b) Subsequent days	\$50.00
(c) up to \$500.00 Total	
3. Annual License Fee for W Class License:	\$100.00 per event
4. SPA and SPB Class Licenses (Per Season):	\$500.00 (6-7.B(d))

B. Miscellaneous Alcoholic Beverage Fees:

1. Application Fee for Creation of New License	(6-3)
(a) (No Fee: NPA, NPB, SA, & SB) <u>All Classes except those mentioned below in (b-d)</u>	\$400.00
(b) (Reduced Fee: W)	\$250.00
(c) <u>Reduced Fee: BYOB-1, BYOB-2, and FM</u>	<u>\$100.00</u>
(d) <u>No Fee: NPA, NPB, SA, & SB</u>	<u>\$0.00</u>
2. Printed License Fee:	\$5.00 (6-9)