

Council Bill/General Ordinance No. 3038-2021

Sponsor: _____

A GENERAL ORDINANCE

AMENDING Chapter 4 of the Moline Code of Ordinances (Alcoholic Liquor) to create a self-pour option and an exception to the prohibition of self-service of alcoholic liquors to allow for the self-pour of beer and mead in specially licensed establishments.

WHEREAS, the City is an Illinois municipal corporation processing home rule powers under Section 6 of Article VII of the Illinois Constitution; and

WHEREAS, the City has the power by general ordinance or resolution to determine the number, kind, and classification of licenses, for sale at retail of alcoholic liquor not inconsistent with the Liquor Control Act and to establish such further regulations and restrictions upon the issuance of and operations under local licenses not inconsistent with law as the public good and convenience may require, 235 ILCS 5/4-1; and

WHEREAS, the City has determined that it is desirable and in the City's best interests to regulate the retail sale of alcoholic liquor in the manner set forth herein.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MOLINE, ILLINOIS, as follows with the foregoing recitals incorporated herein as if fully set forth herein:

Section 1 – Section 4-3104 of the Moline Code of Ordinances is hereby amended as follows (additions in **bold and underline**; deletions in ~~**bold and strikethrough**~~):

SEC. 4-3104. NUMBER OF LICENSES.

The total number of liquor licenses and options to be issued at any time is limited to:

License Class or Option	Number
[...]	[...]
<u>Option 10: Self-Pour</u>	<u>1</u>

[...]

In the event any one of the Class C, Class CC, ~~or Class CCC~~, **or Option 10** licenses provided for herein shall lapse, be revoked or terminated in any manner, or the Class C, Class CC, ~~or Class CCC~~, **or Option 10** licensed establishment has closed or relocated, the maximum number of licenses or options in that classification shall be automatically reduced, without further action by the Mayor and City Council.

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Section 2 – Section 4-3208 of the Moline Code of Ordinances is hereby amended as follows (additions in **bold and underline**):

SEC. 4-3208. LICENSE FEES.

[...]

(e) The fees for the various classes of licenses to be issued pursuant to this division shall be as follows:

[...]

Options	Description	Application Fee	Annual Fee	Class Eligible
[...]	[...]	[...]	[...]	[...]
<u>Option 10</u>	<u>Self-Pour</u>	<u>N/A</u>	<u>N/A</u>	<u>B</u>

Section 3 – Chapter 4, Division 3 of the Moline Code of Ordinances is hereby amended to create a new Section 4-3327 as follows (additions in **bold and underline**)

SEC. 4-3327 OPTION 10. SELF-POUR

(a) The following classes of licenses are eligible for the self-pour option: Class B.

(b) Option 10 shall allow an eligible licensee to offer customers beer or mead through a customer-operated self-pour device.

(c) An Option 10 licensee must comply with the following requirements:

(1) Customers must purchase their alcohol from a customer-operated self-pour device via a programmable, pre-authorized access card.

(i) The licensee must require valid proof of identification and verify the age and identity of the customer before issuing an access card.

(ii) The access card must restrict the total number of ounces the customer may purchase without a manager’s permission.

(iii) The licensee must be able to deactivate the access card to prevent violations of the City Code.

(iv) The licensee must deactivate the access card at checkout or the end of the business day.

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- (2) A BASSET trained employee must actively and passively monitor customer-operated self-pour devices and the consumption of customer-operated self-pour beer and mead at all times. The employee must remain stationed within a reasonable distance and within the sightline of the customer-operated self-pour devices and monitor the service of alcohol guarding against over-service and underage service, as well as any other applicable regulations.
- (3) A customer using a self-pour device may pour no more than 16 ounces of beer or four ounces of mead per pour. Only customers 21 years of age or older may operate a self-pour device.
- (4) The licensee must provide constant video monitoring of the customer-operated self-pour devices at all times during which the licensed establishment is open to the public. The licensee must keep recorded footage from the video monitoring for at least 90 days and must provide the footage to any authorized law enforcement agent upon request.

Section 4 – Section 4-4106 of the Moline Code of Ordinances is hereby amended as follows (additions in **bold and underline**):

SEC. 4-4106. SELF SERVICE.

[...]

- (b) The restrictions imposed pursuant to Section 4-4106(a) above concerning the disallowance of self-service of alcoholic liquor shall not apply to licensees or agents or employees thereof as follows:

- (1) Upon proper identification and verification of an individual (as required elsewhere in this Code or by Illinois state law), any person who is twenty-one (21) years of age or older who is occupying a separately compartmentalized and separately accessed suite at a sporting or entertainment event where such suites are used, which event takes place in a facility of any sort where the gross seating capacity of such facility is eight thousand (8,000) persons or more, may be furnished with a key to a locked container (such as a refrigerator or a cabinet) located entirely within the suite, for the purposes of serving alcoholic liquor to himself or other suite guests who are twenty-one (21) years of age or older for consumption in the suite only.

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To ensure compliance with the age requirements of this section, at least one (1) employee of the licensee must physically frequent such suite not less than once each hour to monitor and require such compliance; provided, however, that such monitoring requirement is only effective when suite holders or other individuals are present at the suite portion of the licensee.

(2) Customers on the premises of an Option 10 licensed establishment pursuant to Section 4-3327.

Section 5 – All ordinances and parts of ordinances in conflict with this Ordinance are hereby repealed to the extent necessary to give effect to the provisions of this Ordinance.

Section 6 – This Ordinance and every provision thereof shall be considered severable. If any word, phrase, clause, sentence, paragraph, provision, section, or part of this Ordinance is found to be void, unconstitutional, or otherwise unenforceable, all remaining portions of this Ordinance not so declared void, unconstitutional, or unenforceable shall remain in full force and effect.

Section 7 – The Ordinance will be in full force and effect upon passage, approval, and publication in pamphlet form in the manner provided by law.

CITY OF MOI NE, ILLINOIS

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Shaypita
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December 14, 2021

Date

Passed: December 14, 2021

Approved: January 11, 2022

Attest: *Jessica L. Park*
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