

Council Bill/General Ordinance No. 3028-2023

Sponsor: _____

AN ORDINANCE

AMENDING Chapter 4, "ALCOHOLIC LIQUOR," Article III, "RETAIL LICENSES," Division 3, "PRIVILEGES CONFERRED BY VARIOUS CLASSES OF LICENSES," Section 4-3315, "OPTION 2 EXTENDED HOURS 3 A.M."

WHEREAS, the City of Moline is a home rule unit of government under Article VII, Section 6 of the 1970 Illinois Constitution with the authority to exercise and power and perform any function pertaining to its government and affairs; and

WHEREAS, the Mayor and City Council wish to ensure liquor licensees with extended hours have adequate plans for exterior safety, lighting, surveillance cameras, and trained security; and

WHEREAS, the Mayor and City Council determined that it is in the best interests of the citizens of the City of Moline to amend the Code of Ordinances as provided in this Ordinance.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MOLINE, ILLINOIS, as follows:

Section 1 – The foregoing recitals are hereby incorporated into this Ordinance as though fully set forth in this Section 1.

Section 2 – That Section 4-3315 of the Moline Code of Ordinances shall be amended as follows (additions in **bold and underline**; deletions in ~~**bold and strikethrough**~~; new additions per the July 11, 2023 Committee-of-the-Whole meeting in **bold, underline and blue**; and new deletions per the July 11, 2023 Committee-of-the-Whole meeting in ~~**bold, strikethrough and red**~~):

“SEC. 4-3315. OPTION 2 EXTENDED HOURS 3 A.M.

- (a) The following classes of licenses are eligible for the extended hours option: Class A Consumption on Premises - Incidental Activity (COPIA) and Class B Tavern and BB Producer & Reseller.
- (b) The extended hours option permits Class A licensees and Class B and BB licensees to remain open to 3:00 a.m. daily to serve alcoholic liquor for consumption on the premises only.
- (c) The following shall be considered in determining whether to grant an application for Option 2:
 - (1) The number of off-street parking places available to the licensee;
 - (2) The distance from the licensed premises and any off-street parking to residentially zoned property;
 - (3) The hours live entertainment will be provided;
 - (4) Whether any other licensed premises exists within the vicinity of the licensee;

- (5) Whether conditions exist that are conducive to disturbing the quiet of residential neighborhoods or to producing blight in commercial neighborhoods.

(d) An Option 2 licensee must comply with the following requirements:

(1) Exterior Safety Plan. Every application for an extended hours option must be accompanied by an exterior safety plan meeting the requirements of this subsection (d).

a. The exterior safety plan must prevent the following conditions:

- i. excessive noise caused by patrons leaving or entering the premises;**
- ii. loitering or littering by such patrons;**
- iii. fighting or other criminal activity by such patrons; and**
- iv. the congregation of departing patrons in such numbers that unreasonably impede traffic flow.**

b. The plan shall provide evidence satisfactory to the local liquor control commissioner of:

- i. the installation of adequate exterior lighting;**
- ii. the installation and maintenance of surveillance cameras installed at each building exit utilized by the general public, employed and lighted in such a manner to identify persons entering or exiting the building between the hours of 12:00 a.m. and 5:00 a.m.; and**
- iii. the employment of adequately trained security personnel.**

c. The failure to submit an adequate exterior safety plan as required by this subsection shall be grounds to deny an application for an extended hours option or renewal thereof.

d. The failure to adequately implement or maintain an adequate exterior safety plan under this subsection shall be grounds for suspension or revocation of the extended hours option under Section 4-3402, et seq., or for suspension or revocation of the license for the premises.

e. The existence of the conditions specified in subsection 4-3315(d)(1)(a) shall be prima facie proof that the plan has not been adequately implemented and maintained.

(2) Lighting. For purposes of 4-3315(d)(1)(b)(1), the term “adequate exterior lighting” means lighting that:

- (a) is sufficient to enable the surveillance cameras required under Section 4-3315(d)(1)(b)(ii) to produce easily discernible images within the meaning of Section 4-3315(d)(3)(b);**

- (b) illuminates the front and sides of each entry and exit way used by patrons of the licensee; and**
- (c) complies with all zoning ordinances and other applicable ordinances regarding exterior lighting.**
- (3) Surveillance. The surveillance cameras required under Section 4-3315(d)(1)(b)(ii) shall comply with the following requirements:**

 - a. The cameras shall be video surveillance cameras of sufficient number, type, placement and location to view and record all activity in the front and on all sides of each entry and exit way used by patrons of the licensee for a distance of 15 feet, as measured from the point of entry or exit;**
 - b. The cameras shall be sufficiently light sensitive, record at a minimum of 15 frames per second, and provide sufficient image resolution (supported by additional lighting, if necessary) to produce easily discernible images to the reasonable satisfaction of the liquor control commissioner;**
 - c. The images recorded by each camera shall be capable of being viewed through use of current digital technology;**
 - d. The images recorded by each camera shall be capable of being transferred to a portable form of media, including but not limited to, a USB flash drive;**
 - e. The cameras must have an audio recording capability disabled;**
 - f. The cameras shall be maintained in good working condition;**
 - g. At a minimum, the cameras shall be in operation and recording continuously between the hours of 12:00 a.m. and 5:00 a.m.;**
 - h. All recordings made by the required cameras shall be:**
 - i. indexed by date and time;**
 - ii. shall be preserved by the licensee for at least 72 hours; and**
 - iii. upon request, shall be made available by the licensee for inspection by the police department or the local liquor control commissioner ~~or other authorized government personnel~~, in accordance with state law and police department policies.**
 - i. At all times between the hours of 12:00 a.m. and 5:00 a.m., the licensee shall have on staff or otherwise available without undue delay a person capable of operating the required cameras to produce any requested recorded image(s) and to transfer those**

images to a portable form of media, including but not limited to, a USB flash drive; and

j. All recordings made by the required cameras shall be stored by the licensee on the licensed premises in a locked receptacle located in a controlled access area accessible only to authorized personnel or shall otherwise be secured in a manner accessible only to authorized personnel. The licensee shall enter into a log book all instances of requests for, access to, and dissemination and use of any recorded material made or captured by the required video surveillance cameras, including the date and time such entry was made, the reason why such entry was made, and the name of the person making the request or accessing, disseminating or using the recorded material. The licensee shall make copies of the log book available, upon request, for inspection by the local liquor control commissioner, the police department ~~or as required by law~~ and in accordance with state law and police department policies; and

k. The licensee shall post signage, in a conspicuous manner and at appropriate locations, notifying the public that video surveillance cameras are in operation.

(4) Security. For purposes of Section 4-3315(d)(1)(b)(iii), the term “adequately trained security personnel” means security personnel meeting and complying with all of the following minimum requirements. The licensee must maintain on file, for a period of at least two years, any proof of compliance, certification, log or records required under this Section 4-3315(d)(4) and make such documents for inspection by the police department, local liquor control commissioner or other authorized government personnel upon request.

a. Each person providing security at the licensed establishment must successfully complete the Beverage Alcohol Sellers and Servers Education and Training (BASSET) program or Training for Intervention Procedures for Servers of Alcohol (TIPS) program approved by the Illinois Liquor Control Commission, and such person must provide proof of compliance with this requirement to the licensee;

b. Each person providing security at the licensed establishment must promptly notify the police department via the city’s 9-1-1 emergency telephone system of any illegal activity reported to or observed by the person or the licensee on or within sight of:

i. the licensed premises;

- ii. the adjacent public sidewalk, street, highway, or other public thoroughfare;
 - iii. any private property owned, leased, or rented by the licensee that is located immediately next to the licensed establishment; or
 - iv. any private property owned, leased, or rented by the licensee that is separated from the licensed establishment by a public sidewalk, street, highway or other public thoroughfare.
 - c. Each person providing security at the licensed establishment shall enter into a log book of all incidents of illegal activity reported or required to be reported to the police department, including:
 - i. the date and time the incident was reported to the police department;
 - ii. a brief summary of the incident;
 - iii. the name of the person reporting the incident; and
 - iv. if a cell phone was used to report the incident, the cell phone's telephone number.
 - d. Each person providing security at the licensed establishment must be trained by the licensee to report and record all incidents of illegal activity in a log book in conformity with the requirements of these Sections 4-3315(d)(4)(b) and 4-3315(d)(4)(c), and such person must certify in writing that such training was received; and
 - e. Each person providing security at the licensed establishment must:
 - i. be trained by the licensee not to exceed the establishment's legal maximum occupancy;
 - ii. be trained by the licensee in the fundamentals of the licensed establishment's fire safety, emergency preparedness and emergency evacuation procedures; and
 - iii. certify in writing that such training was received."

Section 3 – Superseder. The specific terms and conditions of this Ordinance shall prevail against other existing ordinances of the City to the extent of any conflicts.

Section 4 – Effective Date. This ordinance shall be in full force and effect from and after passage, approval, and if required by law, publication in the manner provided for by law. New applicants for licenses under this Section shall be immediately subject to the terms of this ordinance as amended. Current license holders as of the effective date of this amended ordinance shall be subject to the terms of this ordinance as amended upon renewal of their license.

Council Bill/General Ordinance No. 3028-2023
Page 6 of 6

CITY OF MOLINE, ILLINOIS

DocuSigned by:
S. Kaypat

Mayor 1B8EFE254D4...

July 18, 2023

Date

Passed: July 18, 2023

Approved: July 25, 2023

Attest: DocuSigned by:
Jessica L. N. P...

1A0D238469817C City Clerk