

The City Council of the City of Mattoon held a Regular City Council meeting in the Council Chambers of City Hall on May 20, 2025. Mayor Hall presided and called the meeting to order at 6:30 p.m.

Mayor Hall led the Pledge of Allegiance.

The following members of the Council answered roll call physically present in person: YEA Commissioner Erica Butler, YEA Commissioner Jim Closson, YEA Commissioner Dave Cox, YEA Commissioner David Phipps and YEA Mayor Rick Hall.

Also physically present were City personnel: City Manager Kyle Gill, City Attorney Daniel C. Jones, Finance Director/Treasurer Beth Wright, Arts & Tourism Director Angelia Burgett, Public Works Director David Clark, Fire Chief Jeff Hilligoss, Police Chief Sam Gaines, Code Enforcement Alex Benishek and City Clerk Susan O'Brien.

CONSENT AGENDA

Mayor Hall seconded by Commissioner Cox moved to approve the consent agenda consisting of Regular Meeting minutes of May 6, 2025, bills and payroll for the first half of May 2025.

<u>Bills and payroll for the first half of May, 2025</u>			
<u>General Fund</u>			
Payroll		\$	356,113.58
Bills		\$	618,265.86
	Total	\$	974,379.44
<u>Hotel Tax Administration</u>			
Payroll		\$	5,649.32
Bills		\$	27,821.54
	Total	\$	33,470.86
Bills	<u>Festival Mgmt Fund</u>	\$	12,975.96
	Total	\$	12,975.96
Bills	<u>Mobile Equipment Fund</u>	\$	81,883.00
	Total	\$	81,883.00
Bills	<u>Insurance & Tort Jdgmnt</u>	\$	1,359.00
	Total	\$	1,359.00
Bills	<u>Capital Project Fund</u>	\$	132,194.56
	Total	\$	132,194.56
Bills	<u>Broadway East Bus Dist</u>	\$	23,908.22
	Total	\$	23,908.22
Bills	<u>Remington Rd & I-57 Bus Dist</u>	\$	106,062.17
	Total	\$	106,062.17

Payroll	<u>Water Fund</u>	\$	45,737.17
Bills		\$	<u>65,902.00</u>
	Total	\$	111,639.17

	<u>Sewer Fund</u>		
Payroll		\$	39,185.46
Bills		\$	<u>30,422.48</u>
	Total	\$	69,607.94

	<u>Health Insurance Fund</u>		
Bills		\$	<u>3,579.99</u>
	Total	\$	3,579.99

	<u>Motor Fuel Tax Fund</u>		
Bills		\$	<u>7,393.63</u>
	Total	\$	7,393.63

Mayor Hall declared the motion carried by the following omnibus vote: YEA Commissioner Butler, YEA Commissioner Closson, YEA Commissioner Cox, YEA Commissioner Phipps, YEA Mayor Hall.

PRESENTATIONS, PETITIONS AND COMMUNICATIONS

This portion of the City Council meeting is reserved for persons who desire to address the Council. The Illinois Open Meetings Act mandates that the City Council may NOT take action on comments received on matters that have not been identified on this agenda, but the Council may direct staff to address the topic or refer the matter for action on the agenda for another meeting. Persons addressing the Council are requested to limit their presentations to three minutes and to avoid repetitious comments. We would also ask you to state your name and address for the record as well as stand when speaking.

Mayor Hall opened the floor for comments from the Public in person and online. Ms. Brenda Wofford, 1112 Unique Court, requested the Council to consider her request for a special use to have an Air BnB at her residence after the Planning Commission rejected the request due to neighborhood opposition. Council and CECD Director Benishek discussed the matter.

There were no other comments from those in person and online.

NEW BUSINESS

Mayor Hall seconded by Commissioner Phipps moved to adopt Ordinance No. 2025-5495, approving the amendments to the municipal code under Chapter 114 Liquor Control, defining video game parlors, non-video gaming establishments, establishing microbrewery, winery and distillery licensing, extension of Sunday hours; and approving the amendments to the municipal code under 35.01 Fees and Charges for fees associated with the licenses.

CITY OF MATTOON, ILLINOIS

ORDINANCE NO. 2025-5495

AN ORDINANCE TO MODERNIZE THE LIQUOR CONTROL & LICENSURE PROCESS OF THE CITY OF MATTOON

WHEREAS, the City of Mattoon has multiple waiting lists for new liquor licenses; and

WHEREAS, the City of Mattoon is investing in traveling sports tourism through the development of the Emerald Acres Sports Connection, which is estimated to attract more than 500,000 visitors to Mattoon on an annual basis; and

WHEREAS, to meet the need of aspiring entrepreneurs it has been determined that our liquor control ordinances should be updated to reflect modern standards and to attract new cultural businesses such as wineries and microbreweries to our community; and

WHEREAS, the City of Mattoon seeks to limit the spread of video gaming establishments in our community, while not restricting new entrepreneurial liquor dispensing businesses that could positively benefit the culture of our community.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL FOR THE CITY OF MATTOON, COLES COUNTY, ILLINOIS, as follows:

Section 1. Recitals. The facts and statements contained in the preamble to this Ordinance are found to be true and correct and are hereby adopted as part of this Ordinance.

Section 2. Chapter 114 Liquor Control of the Code of Ordinances of the City of Mattoon is hereby repealed and replaced as follows:

CHAPTER 114: LIQUOR CONTROL

General Provisions

- 114.01 Short title
- 114.02 Adoption of state liquor control act
- 114.03 Definitions
- 114.04 Public possession, consumption of alcoholic liquor
- 114.05 Publication and availability of regulations

Licenses and Permits

- 114.15 Local Liquor Control Commissioner and powers
- 114.16 License or permit required
- 114.17 Applications
- 114.18 Application fee and conditions to granting license or permit
- 114.19 Insurance
- 114.20 Grant of license or permit by Commissioner
- 114.21 Restriction of license or permit
 - 114.21.1 Prohibited license holders
- 114.22 Classifications of licenses
 - 114.22.1 Caterer retail permit

- 114.22.2 Outdoor café liquor permit
- 114.23 Payment of fees; disposition
- 114.24 Term
- 114.25 Limitation of number of licenses
 - 114.25.1 Downtown restricted numbers
- 114.26 Record of licenses and permits
- 114.27 Permit for new location
- 114.28 Nature of license or permit; privilege of renewal
- 114.29 Assignment of renewal privilege
- 114.30 Suspension or revocation of license or permit

Sales and Operation

- 114.40 Restrictions on establishment, use and operation of premises
 - 114.40.1 License or permit to be posted
 - 114.40.2 Product sampling
- 114.41 Consumption on premises
- 114.42 Zoning
 - 114.42.1 Drive up window
- 114.43 Curb service
- 114.44 Peddling
- 114.45 Sanitary conditions
- 114.46 Employees; employing minors
- 114.47 Advertising restrictions
- 114.48 Sales to minors, habitual drunkards, mental incompetents
- 114.49 Persons under 21 years frequenting licensed establishments
- 114.50 Possession of alcoholic liquor by underage persons
- 114.51 Misstatement of age
- 114.52 Gambling
- 114.53 Hours
- 114.54 Adult entertainment provision
- 114.55 Burgess-Osborne Auditorium
- 114.99 Penalty

GENERAL PROVISIONS

§ 114.01 SHORT TITLE.

This chapter shall be known, may be cited, and is hereafter designated as "The City of Mattoon Liquor Control Ordinance."

§ 114.02 ADOPTION OF STATE LIQUOR CONTROL ACT.

Because of the controlling nature of "An Act Relating to Alcoholic Liquors," enacted by the General Assembly of the State of Illinois, approved January 31, 1934, over and with respect to the subject matter of this chapter, and to eliminate any inconsistencies therewith except as modified herein, each and every part of said Act of the General Assembly commonly known and hereafter referred to as "Liquor Control Act," as the same is or may be hereafter amended, which relates in any manner to the sale at retail of alcoholic liquors, is hereby adopted and made a part of this chapter by reference thereto, to the same extent and with the same legal effect as if fully set forth herein, and any applicable and adopted provisions of said Liquor Control Act shall be deemed a violation of this chapter and be subject to the penalties herein fixed.

§ 114.03 DEFINITIONS.

Unless explicitly stated below or the context otherwise requires, words and phrases are used in this chapter in the sense given them by definition contained in Section 2 of Article I of said Liquor Control Act and in Rules and Regulations of Illinois Liquor Control Commission, hereby adopted by reference thereto and made a part of this section.

CATER RETAILER. A person or business who serves alcoholic liquors for consumption as an incidental part of food service that serves prepared food items. Prepared meals and alcoholic liquors are sold at a package price agreed upon under contract.

DISPENSE. The opening of a sealed container of an alcoholic beverage or the placing of an alcoholic beverage into a glass, cup or other container immediately prior to or as an incident to the sale of the alcoholic beverage.

LICENSEE. Any person, firm, corporation, club or association which has a current license for the sale of alcoholic beverages issued by the City of Mattoon, Coles County, Illinois, under Chapter 114 of the City of Mattoon, Illinois Code of Ordinances.

OUTDOOR CAFÉ. A use of public sidewalk by a food service establishment for the serving of food and beverages. The use will be characterized by the outdoor use of tables, chairs and umbrellas.

PERMITTEE. Any person, firm, corporation, club or association which has a current permit for the sale of alcoholic beverages issued by the City of Mattoon, Coles County, Illinois, under Chapter 114 of the City of Mattoon, Illinois Code of Ordinances.

PREPARED FOOD. Any food or beverage prepared on the restaurant and/or retail food establishment's premises using any cooking or food preparation technique. Prepared food shall not include any raw uncooked meat, fish or eggs unless provided for consumption without further food preparation nor shall it include alcoholic beverages unless they are brewed on the premises. Prepared food shall not include any prepackaged food items that only require re-heating, or heating in a microwave or similar appliance.

PREMISES SPECIFIED. The premises specifically described in the application and license. Only one location is permitted by each license.

RESTAURANT. Any public place kept, used, maintained, advertised and held out to the public as a place where meals are served, without sleeping accommodations, such space being provided with adequate and sanitary kitchen and dining room equipment and capacity and having employed

therein a sufficient number and kind of employees to prepare, cook and serve suitable food for its guests and which during the preceding three-month period has generated more than 50% of its total gross revenues from the sale of prepared food.

RENTAL HALL BUSINESS. A business organized in such a way that it provides a place available for rental by member of the general public. The building housing the business must be designed to accommodate a minimum of 250 persons safely. Such a business is typified by wedding celebrations, parties, or dances by private clubs or individuals. In this type of business, the lessor or licensee is paid a fee by the lessee for use of the hall and for providing alcoholic liquor.

SERVE. The delivery of a prepared alcoholic beverage to a customer of the licensee.

SPECIAL EVENT. A “charity benefit”, wedding reception, anniversary reception, or other such event during which a particular organization, person, or family has contracted with the licensee for the licensee’s premises or a specifically segregated portion of his or her premises, to be available exclusively for the special event to the exclusion of the general public.

SPECIFICALLY SEGREGATED. A portion of a licensee’s premises separated from the remainder of the licensee’s premises by physical barricades, ropes, walls, or other devices which are effective to prevent persons attending the special event from frequenting the balance of the licensee’s premises and persons frequenting the balance of the licensee’s premises from moving freely into the area segregated for the special event.

Video Gaming Parlor: an establishment operating video gaming terminals, where operation of said video gaming terminals is no longer a minor source of income, as it comprises more than a third (33 1/3%) of total revenues. The establishment of the business and sale of alcoholic liquor is incidental to the purpose of video gaming as the business could not survive without the operation of Video Gaming Terminals.

Video Gaming Terminal: means any electronic video game machine that, upon insertion of cash, electronic cards or vouchers, or any combination thereof, is available to play or simulate the play of a video game, including but not limited to video poker, line up, and blackjack, as authorized by the Board utilizing a video display and microprocessors in which the player may receive free games or credits that can be redeemed for cash. The term does not include a machine that directly dispenses coins, cash, or tokens or is for amusement purposes only.

§ 114.04 PUBLIC POSSESSION, CONSUMPTION OF ALCOHOLIC LIQUOR.

(A) Public possession. It shall be unlawful for any person to carry or possess any alcoholic liquor other than in the original package with the seal unbroken on any public street, parkway, park, public or private school grounds or public place whatsoever, with the exception of that space occupied by a properly licensed outdoor café.

(B) Public consumption of alcoholic liquor. It shall be unlawful to drink any alcoholic liquor on any public street, parkway, park, public or private school grounds or public place, with the exception of that space occupied by a properly licensed outdoor café, that space occupied by a licensee with a Class T (Special Use) permit, or that space occupied by a properly licensed caterer or Class T licensee at a location approved by the Local Liquor Control Commissioner.

Penalty, see § [114.99](#)

§ 114.05 PUBLICATION AND AVAILABILITY OF REGULATIONS.

This chapter shall be published in book or pamphlet form. The City Clerk hereby is authorized by the City Council to make such publication, and have printed not less than 100 copies of the same,

three of which shall at all times be kept on file in the office of the City Clerk and be available for public use and examination in the Clerk's office.

LICENSES AND PERMITS

§ 114.15 LOCAL LIQUOR CONTROL COMMISSIONER AND POWERS.

(A) The Mayor shall be the Local Liquor Control Commissioner and shall have the powers, functions and duties conferred and imposed by applicable provisions of Sections 2, 3, 4 and 5 of Article N of the Liquor Control Act, Section 20 of Article VI, and of other applicable provisions of said Liquor Control Act, hereby adopted by reference thereto and made a part of this section.

(B) The phrase "provisions of this Act," as used in said Section 3, Article IV of the Liquor Control Act, shall be construed to include provisions of this chapter.

§ 114.16 LICENSE OR PERMIT REQUIRED.

(A) It shall be unlawful for any person, either by himself, herself, or agent, or any person acting as an agent, barkeeper, clerk or servant of another, to sell, display, or offer for sale at retail in the city any alcoholic liquor, without first having obtained a license or permit so to do as hereinafter provided, and it shall likewise be unlawful for any such person to sell or offer for sale any alcoholic liquor, in violation of the terms and conditions of such license or permit.

(B) The word "person," as used in this section, means any individual, partnership, club, association or corporation.

§ 114.17 APPLICATIONS.

Applications for a license or permit shall be made in writing to the Local Liquor Control Commissioner, signed by the applicant, if an individual; by all partners, if a partnership; or by a duly authorized officer thereof, if a club or corporation; verified by affidavit, and shall be submitted and filed with the Local Liquor Control Commissioner, and shall contain the following information and statements:

(A) The name, age and address of the applicant in the case of an individual; in the case of a co-partnership, the persons entitled to share in the profits thereof; and in the case of a corporation; for profit, or a club, the date of incorporation, the objects for which it was organized, the names and addresses of the officers and directors, and if a majority in interest of the stock of such corporation is owned by one person or his or her nominees, the name and address of such person;

(B) The citizenship of the applicant, his or her place of birth and if a naturalized citizen, the time and place of his or her naturalization;

(C) The character of business of the applicant; and in case of a corporation, the objects for which it was formed;

(D) The length of time that the applicant has been in business of that character, or in the case of a corporation, the date on which its charter was issued;

(E) The amount of goods, wares and merchandise on hand at the time application is made;

(F) The location and description of the premises or place of business which is to be operated under such license, and that the licensee owns said premises or has a lease thereon for the full term

for which the license is requested. In the event the applicant has a lease for the premises, a photostatic copy of the lease shall be attached to the application;

(G) A statement whether applicant has made similar application for a similar other license or permit on premises other than described in this application, and the disposition of such application;

(H) A statement that applicant has never been convicted of a felony and is not disqualified to receive a license or permit by reason of any matter or thing contained in this chapter, the laws of this state, or the ordinances of this city.

(I) Whether a previous license or permit by any state or subdivision thereof, or by the federal government has been revoked, and the reasons therefore;

(J) A statement of the length of time the applicant has resided in the city and in the State of Illinois prior to the submission of the application;

(K) A statement that the applicant will not violate any of the laws of the State of Illinois or of the United States, or any ordinance of the city, in the conduct of his or her place of business; and

(L) In addition to the foregoing information, such application shall contain such other and further information as the Local Liquor Control Commissioner may by rule or regulation, not inconsistent with law, prescribe.

§ 114.18 APPLICATION FEE AND CONDITIONS TO GRANTING LICENSE OR PERMIT.

(A) For a new liquor license or permit (with exception of a class "T" license), an applicant shall deliver, along with a completed application, a non-refundable fee in the amount of \$100. If the application is approved, the fee will be credited toward the cost of the license.

(B) Applications are valid for a period of six months from the date they are filed with the City Clerk. If the applicant is unable to meet the license or permit requirements within the application period, the application fee is forfeited and a new application must be completed (with a new application fee) before the applicant will be reconsidered for a liquor license or permit. Allowance is made for special circumstances, however. If the applicant can show evidence that the six-month limit is a hardship and if they contact the Local Liquor Control Commissioner within the initial six-month application period, they can be granted, in writing by the Local Liquor Control Commissioner, an extension of not more than six additional months.

(C) Renewals are not subject to the six-month application period and are not required to submit the \$100 application fee.

(D) Before a new liquor license or permit may be issued, the following requirements must be met:

(1) A valid, signed application must be completed and filed with the City Clerk.

(2) An Application fee of \$100 must be remitted (for all except a new Class A and B1 - the application fee is \$5,000, new Class D2 - the application fee is \$2,500 and Class T has no application fee).

(3) Applicant must complete the waiver for background check and personal history form.

(4) The background check must not reveal any history that would not allow the applicant to hold a liquor license or permit in the city.

(5) Applicant must own a business that is open to the public, a business that is preparing to open to the public, or provide a letter of intent of a business opening and show significant progress toward that opening.

(6) Provide a license and permit bond in the amount of \$500 payable to the city.

(7) Provide proof of ownership/control of the property in the form of a purchase contract or lease agreement.

(8) Any valid license for the property that has been issued to another license holder must be surrendered.

(9) All fees for the license or permit must be paid according to the conditions stated herein.

§ 114.19 INSURANCE.

Evidence of dram shop liability insurance covering the entire period of the license in the form of a certificate of insurance issued by an insurance company licensed to do business in the State of Illinois. The certificate shall insure applicant and owner or lessor of the premises in such amounts as may be required by the Illinois Liquor Control Act, or in an amount of not less than \$ 1,000,000, whichever amount is greater. The certificate shall be submitted to the Local Liquor Commissioner upon application for or renewal of the liquor license.

§ 114.20 GRANT OF LICENSE OR PERMIT BY COMMISSIONER.

Subject to the limitations and restrictions herein set forth and all other lawful limitations and restrictions, the Local Liquor Control Commissioner may from time to time grant licenses or permits for the retail sale of alcoholic liquor within the corporate limits of the city to the person required to obtain a license or permit under § 114.16 hereof and eligible to hold a license or permit under this chapter, provided, however, that proper and prescribed application therefore be made in writing and be supported by sufficient evidence to satisfy the Local Liquor Control Commissioner of the eligibility of applicant to hold a license or permit.

§ 114.21 RESTRICTION OF LICENSE OR PERMIT.

No license or permit shall be issued to any such person declared to be ineligible to license or permit under the applicable provisions of Sections 2, 8, 8a or 21 of Article VI of said Liquor Control Act of the State of Illinois, hereby adopted by reference thereto and made a part of this section.

§ 114.21.1 PROHIBITED LICENSE HOLDERS.

(A) Any law enforcing public official. The City of Mattoon shall follow Illinois state statute and the Liquor Control Act of 1934.

(B) A person who is indebted to the city or other governmental entity for payment of any other fines, fees, charges, bills or taxes, which he or she is obligated to pay but have remained unpaid for more than 45 days.

(C) Any premises or for any locations where it is determined to be detrimental to the general character of the surrounding neighborhood and the projected impact of the premises upon the surrounding neighborhood of the city as a whole would be considered detrimental.

(D) Any premises that is a nuisance property.

(E) Any store owner or other place of business when the majority of customers are less than 21 years of age or when the principal business transacted consists of schoolbooks, school supplies, food, lunches or drinks for such customers.

(F) A person who is not of good character and reputation in the community in which he or she resides.

§ 114.22 CLASSIFICATIONS OF LICENSES.

Such licenses shall be and hereby are divided into six major classifications:

(A) Class A licenses – Tavern License - as follows:

(1) Class A license shall authorize the sale of alcoholic liquor at retail in original package forms or by the drink on the premises specified, for consumption on or off said premises. Sales in original package form shall be secondary to sales for consumption on the premises of the licensee and shall not for any 30-day period exceed 50% of the total sales of alcoholic beverages for the licensed establishment.

(a) Prior to the issuance of any new Class A licenses, a \$5,000 fee shall be deposited with the City Treasurer's office. This fee shall be a one-time application fee payable at the time of application and only refundable if the license is ultimately denied by the City Liquor Commissioner. This fee shall not apply to a change in ownership of an entity or the transfer of a license between entities with the same ownership.

(2) Not more than 17 such licenses shall be issued and outstanding. No such license shall be issued to a hotel, restaurant or bowling alley. In the event that a licensee holding a Class A license applies for and is issued a Class R license at any time after the effective date of this chapter for the same premises for which the Class A license was issued, the total number of Class A licenses authorized to be issued and outstanding shall be reduced accordingly.

(3) All licensees holding a Class A license on the effective date of this chapter, who could qualify for a Class R license shall have the option of continuing as a Class A license, or as a Class R license, provided that all other requirements to be a licensee are met.

(A-NVG) Class A-NVG – Tavern Non-Video Gaming License - as follows:

(1) Class A-NVG license shall authorize the sale of alcoholic liquor at retail in original package forms or by the drink on the premises specified, for consumption on or off said premises. Sales in original package form shall be secondary to sales for consumption on the premises of the licensee and shall not for any 30-day period exceed 50% of the total sales of alcoholic beverages for the licensed establishment.

(a) No Video-Gaming-Terminals shall be permitted on the premises.

(b) Prior to the issuance of any new Class A-NVG licenses, a \$5,000 fee shall be deposited with the City Treasurer's office. This fee shall be a one-time application fee payable at the time of application and only refundable if the license is ultimately denied by the City Liquor Commissioner. This fee shall not apply to a change in ownership of an entity or the transfer of a license between entities with the same ownership.

(2) The total amount of such licenses shall not be limited in number and may be granted upon the sole discretion of the liquor commissioner. No such license shall be issued to a hotel, restaurant or bowling alley.

(3) All licensees holding a Class A License on the effective date of this chapter, who could qualify for a Class A-NVG license shall have their license automatically transferred to an A-NVG license, provided that all other requirements to be a licensee are met.

(B) Class B Licenses as follows:

(1) Class B-1 – Package License - shall authorize the sale of alcoholic liquor at retail in original package forms on the premises specified, but not for consumption on the premises where sold. Not more than twelve (12) such licenses shall be issued and outstanding.

(a) Prior to the issuance of any new Class B-1 licenses, a \$5,000 fee shall be deposited with the City Treasurer's office. This fee shall be a one-time application fee payable at the time of application and only refundable if the license is ultimately denied by the City Liquor Commissioner. This fee shall not apply to a change in ownership of an entity or the transfer of a license between entities with the same ownership.

(2) Class B-2 - Bowling and Hotel - license shall authorize the sale of alcoholic liquor at retail by a hotel or bowling alley, for consumption on the premises specified where sold. Not more than five such licenses shall be issued and outstanding.

(3) Class (B2-NVG) - Bowling and Hotel Non-Video Gaming - license shall authorize the sale of alcoholic liquor at retail by a hotel or bowling alley, for consumption on the premises specified where sold. The total amount of such licenses shall not be limited in number and may be granted upon the sole discretion of the liquor commissioner. No Video-Gaming-Terminals shall be permitted on the premises.

(C) Class C licenses shall authorize the sale of alcoholic liquor at retail by the drink by a club for consumption on the premises where sold. A Class C license shall be issued only to a club, and applicant therefore must have the qualifications as provided by the laws of the state and this chapter relating to alcoholic liquors.

(D) Class D licenses as follows:

(1) Class D-1 – Food, Beer, & Wine - license shall authorize the retail sale of beer and wine, only, upon the licensed premises to the general public for consumption in an enclosed structure on the premises only. The principal business of the license shall be the service of food and shall follow the public health department regulations and guidelines for operation of a business with the service of food being the principle business. The licensed premises shall seat not less than 25 customers at any one time. Not more than nine such licenses shall be issued and outstanding.

(a) The Local Liquor Control Commissioner may require the applicant of a Class D-I license or a licensee with a Class D-I license to submit reasonable proof, from time to time, that the licensee is in fact operating a business with the principal business of service of food, and which during the preceding three-month period has generated more than 50% of its total gross revenues from the sale of prepared food.

(2) Class D-2 – Convenience license - shall authorize the retail sale of beer and wine, only, upon the licensed premises in original packaged forms, but not for consumption on the premises where sold. The principal business of the licensee shall be a retail sale of groceries and/or convenience store items. The total amount of such licenses shall not be limited in number and may be granted upon the sole discretion of the liquor commissioner.

(a) Prior to the issuance of any new Class D-2 licenses, a \$2,500 fee shall be deposited with the City Treasurer's office. This fee shall be a one-time application fee payable at the time of application and only refundable if the license is ultimately denied by the City Liquor Commissioner. This fee shall not apply to a change in ownership of an entity or the transfer of a license between entities with the same ownership.

(E) Class R licenses as follows:

(1) Class R – Restaurant License - shall authorize the sale of alcoholic liquor by the drink on the premises specified, for consumption on the premises. The principal business of the licensee shall be the business of conducting a “restaurant”, which shall meet public health kitchen code regulations. The number of such licenses to be issued is not limited.

(2) The Local Liquor Control Commissioner may require the applicant for a Class R license or a licensee with a Class R license to submit reasonable proof, from time to time, that the licensee is in fact operating a restaurant, and which during the preceding three-month period has generated more than 50% of its total gross revenues from the sale of prepared food.

(3) No gaming terminals shall be permitted on the premises until three months of revenues have been submitted to the City of Mattoon and the requirements of 114.22 (E)(2) have been satisfied pertaining to total gross revenues from the sale of prepared food.

(F) Class T – Temporary Licenses - shall authorize the retail sale of alcoholic liquor at a picnic, outing, festival or other such special occasion, including, but not limited to “special events” as defined in this chapter, for consumption on the premises or within an area specifically designated in such licenses. Class T licenses shall be designated as Class T-1, T-2, or T-3 and shall be issued as follows:

(1) Class T-1 Special Event Nonprofit license may be issued to an educational, civic, service, charitable or other not-for-profit organizations. The provision that alcoholic liquor may not be consumed on public property shall not apply to such premises designated in the area specifically designated for the Class T-1 license; provided, however, that no alcoholic beverage may be sold or consumed in an area within ten feet of any public street open to vehicular traffic unless in a location currently designated as a Festival District. A licensee holding an event on public property shall provide a certificate of general liability insurance with combined single limits of not less than \$1,000,000 along with the required certificate of dram shop insurance. Each such certificate of insurance shall show the city as an additional insured. The time and days of operation shall be specifically requested in the application and shall be specifically provided for in the T-1 license and the licensee shall not sell alcoholic beverages at any other times except for those provided and allowed in the T-1 license.

(2) A Class T-2 Special Event license may be issued for special events to licensees holding other classifications of licenses for premises which the licensee otherwise owns or has a right to use and which is contiguous to and which extends no further than 100 feet from the business premises for which the licensee holds an existing license. The provision that alcoholic liquor may not be consumed on public property shall not apply to such premises designated in the area specifically designated for the Class T-2 license; provided, however, that no alcoholic beverage may be sold or consumed in an area within ten feet of any public street open to vehicular traffic unless in a location currently designated as a Festival District. A licensee holding an event on public property shall provide a certificate of general liability insurance with combined single limits of not less than \$1,000,000 along with the required certificate of dram shop insurance. Each such certificate of insurance shall show the city as an additional insured. The license fee for a Class T-2 license shall be in the amount of \$100 for each 24-hour period or fraction thereof.

(3) A Class T-3 Off-Premise Special Event license may be issued a special use permit for licensees to allow for the transfer of alcoholic beverages from an existing licensed retail premises to a designated site for a special event with approval by the Local Liquor Commissioner. A licensee holding an event on public property shall provide a certificate of general liability insurance with combined single limits of not less than \$1,000,000 along with the required certificate of dram shop insurance. Each such certificate of insurance shall show the city as an additional insured. The

license fee for a Class T-3 license shall be in the amount of \$100 for each 24-hour period or fraction thereof.

(4) Class T-1 and T-2 licenses shall be issued for a specific period of time not to exceed three consecutive days.

(5) No applicant or licensee shall be issued more than six Class T-1 or six Class T-2 licenses in anyone calendar year.

(6) A Class T license, if issued, shall not in any manner be regarded as to relieve the license holder from complying with all other requirements of law.

(7) When a picnic, outing, festival or other similar special event is held out of doors pursuant to any category of Class T license, the license holder shall:

(a) Use only paper or plastic products to serve alcoholic liquor or food;

(b) Provide fencing or a barricade with at least two means of ingress and egress around the area designated in the license;

(c) Monitor each means of ingress and egress so as to provide adequate crowd control;

(d) Prevent alcoholic liquor from being removed from the designated area by patrons, invitees or customers of the licensee;

(e) Remove as quickly as feasible, and not longer than 24 hours after the ending time of the event, all refuse, litter, debris, garbage and the like from the property used for the event in the abutting public right-of-way. Failure to comply with this division (F)(6)(e) may be deemed a public nuisance and the licensee prosecuted under applicable provisions of the City of Mattoon, Illinois Code of Ordinances relating to public nuisances. Failure to comply with this division (F)(6)(e) may preclude the issuance of Class T license to the licensee at any time in the future and shall be considered by the Local Liquor Control Commissioner in determining whether the Local Liquor Commissioner should issue subsequent Class T licenses.

(f) Any portion of a Class T-1 and T-2 licensed event held outside shall cease operations at midnight or at a time communicated by the Liquor Commissioner in writing prior to the event license approval.

(8) Festival District as follows:

(a) The Liquor Commissioner, by special order, may designate a particular geographic area as a Festival District for a period of time not to exceed three consecutive days, with an alcoholic beverage consumption period of time determined by the Liquor Commissioner. The Liquor Commissioner may declare an end to a Festival District at any time.

(b) During such time that a geographic area is designated as a Festival District, open containers of alcohol may be carried out of a licensed premises and possessed or consumed on the public way within that designated area, so long as the individual is of legal age to possess and consume alcohol and the individual is in compliance with all rules and regulations related to the Festival District that are promulgated by the Liquor Commissioner, including but not limited to wearing any required wristbands, displaying any required credentials, or utilizing any required beverage containers required within the Festival District.

(c) A Festival District location shall be presented to the Liquor Commissioner officially in writing at least 30 days before the formal start date in order for vendors to have adequate time to submit applications. Variations to this division (F)(8) may be considered by the Liquor Commissioner on a case- by-case basis.

(d) In order to participate in the Festival District, any vendors possessing a valid license for onsite consumption that wish to operate within the designated Festival District area shall submit an application to the Liquor Commissioner in the form designated by the Liquor Commissioner, pay any associated fee or fees as designated by rule of the Liquor Commissioner, and at all times comply with any rules and regulations promulgated by the Liquor Commissioner. All alcohol purchased must be dispensed by a server aged 21 or older.

(e) The Liquor Commissioner shall provide a clearly drawn map of the area designated as a Festival District to be publicly displayed in a digital format at least 48 hours prior to the enactment of the Festival District. No open containers of alcohol purchased within a Festival District shall be allowed outside of the boundaries of said district.

1. Visible physical signage shall be posted at all Festival District boundaries for attendees.
2. Festival District maps shall be given to all businesses selling alcohol within the Festival District.
3. Festival District maps shall be displayed physically at all businesses selling alcohol within the Festival District for the entirety of its duration.
 - a. Businesses selling alcohol that do not display this map to customers shall be considered in violation of this section.

(f) The Liquor Commissioner may promulgate fees, rules, and regulations implementing this section.

(g) Alcoholic beverages for consumption in the Festival District must be contained in plastic or paper cups only. Possession of an open alcoholic beverage in a container other than a plastic or paper cup from a participating licensee within a Festival District shall be subject to penalty as per § 114.99.

(G) Class H license shall authorize the licensee to sell alcoholic liquor at retail, by the drink or pitcher only, for consumption on the premises only, in the course of a rental hall business. In the course of this business, the licensee is totally responsible for control of patron in the business premises and the licensee's employees must dispense all alcoholic liquor. At all times that the premises are used for the sale of alcoholic liquor, the licensee or a manager acting for the licensee must be on the premises.

(H) Class MWD license - Microbrewery, Winery, or Distillery License - shall authorize the manufacture and retail sale for consumption of beer, cider, spirits, and wine on the premises. This license further authorizes the sale of alcohol brewed or manufactured on the licensed premises in its original package form for the purposes of off premise consumption. Alcohol brewed or manufactured by another company off premise is not allowed for the purposes of off premise consumption, but is allowed for the purposes of on site consumption provided alcohol brewed or manufactured on the licensed premises is also available for the same purpose. Businesses or organizations granted this licensure shall be permitted the ability to host tours to members of the public and are hereby granted Continuous Product Sampling Status by right. There shall be no limitations to the amount of available Class MWD licenses.

(1) Licensee shall not operate video gaming terminals or a video gaming parlor on the premises.

(2) The initial fee for a Class MWD license shall be \$1,400. This figure shall be refunded in the event that an application for such a license is denied.

(3) A business holding a Class MWD license must have brewing facilities on site or within a reasonable distance within the corporate limits of the City of Mattoon.

(I) Class VGPS – Video Gaming Parlor Supplementary - liquor license shall authorize and allow the retail sale and serving of alcoholic beverages, including beer, wine and liquor, for consumption on the licensed premises only, in a video gaming parlor subject to the following conditions:

Qualification: Businesses which currently possess any classification of liquor license that derive more than 34% of their annual gross revenue from video gaming activities shall be required to obtain a Class VGP supplementary license in addition to their current liquor license classification. No existing businesses shall be “grandfathered” into an exemption from this requirement. Licensed fraternal establishments or 501c3 organizations shall be exempt from the need to acquire a VGP Supplementary Liquor License.

1. Businesses that derive 34% or more of their annual gross revenue from video gaming activities that do not obtain a Class VGP supplementary license shall be considered in violation of this chapter.
2. Annual License Fee: The initial annual fee for a Class VGP supplementary license shall be \$10,000.
3. Businesses currently operating Video Gaming Parlors as defined in this chapter at the time of implementation of this ordinance shall adhere to the requirements of this section by June 30th, 2025.

(M) Should any section of this ordinance amended on the date of adoption be declared illegal or unconstitutional, all ordinance excluded by such a ruling shall remain in effect.

§ 114.22.1 CATERER RETAIL PERMIT.

(A) Upon approval of application and payment of application fees as set forth in §§ 114.17 and 114.18, a Caterer Retail Permit shall be issued to a caterer retailer, as defined by § 114.03 and shall allow the permit holder to serve alcoholic liquors as an incidental part of a food service that serves prepared food items. The issuance of the Caterer Retail Permit shall be subject to the following conditions:

- (1) All restrictions contained in § 114.17 shall apply to all Caterer Retail Permit applications with the exception of § 114.17(F).
- (2) All application procedures contained in § 114.18 shall apply for an applicant for a Caterer Retail Permit with the exception of § 114.18(D)(7) and (8).
- (3) All applicants for a Caterer Retail Permit shall comply with the requirement for a bond as contained in § 114.19.
- (4) All holders of Caterer Retail Permit may renew their permits pursuant to the terms and conditions of § 114.28.
- (5) All caterer retailers shall provide a written list of catered events, including the location and hours, no less than ten working days prior to the catered event on a form provided by the Local Liquor Control Commissioner.
- (6) All applicants shall submit proof of dram shop insurance with their completed application.
- (7) No holder of a Caterer Retail Permit shall sell, offer for sale or dispense any alcoholic liquor during the following hours;

Monday through Saturday 1:00 a.m. until 6:00 a.m.

Sunday 1:00 a.m. until 9:00 a.m.

(B) A copy of the Caterer Retail Permit shall be displayed in accordance with § 114.31.

(C) Each Caterer Retail Permit shall be for a period of one year, or otherwise is determined by this chapter by suspension or revocation, and shall commence on July 1 and terminate on June 30.

§ 114.22.2 OUTDOOR CAFÉ LIQUOR PERMIT.

Upon approval of application and payment of application fees as set forth in §§ 114.17 and 114.18, a Class R restaurant license holder may operate an outdoor café where alcohol may be served. The liquor licensee shall:

(A) Not allow or permit any customer, employee or other person to remove alcoholic liquor from the area designated in the outdoor café permit or the service premises of the licensee.

(B) Not serve, allow or permit any person to be served, be in possession of, or consume alcoholic liquor in the area designated in the outdoor café permit unless that person is utilizing the seating which has been approved in accordance with the site plan approved with the outdoor café permit.

(C) Provide table service, which shall include food service, in the outdoor café area during the hours when alcoholic liquor is permitted to be served.

(D) The outdoor café area shall be subject to all provisions of this chapter and § 99.55 as though the outdoor café was part of the licensee's service premises during the times permitted by this section for alcoholic liquor sales.

(E) Prior to issuance of an Outdoor Café Liquor Permit the licensee shall provide proof of dram shop insurance. The policy shall name the city 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 an outdoor café. Failure by the licensee to maintain the insurance requested by this section shall result in the revocation of the license.

(F) This permit shall expire December 31 of each year.

§ 114.23 PAYMENT OF FEES; DISPOSITION.

(A) All license and permit fees except Class T-2 license may be paid in two installments of 50% each. The first installment to be paid on or before the first day of July and the second installment to be paid on or before the first day of January of the following year. In the event that a payment is made after the due date for such payment, a penalty in the amount of 10% of the amount due shall be assessed if paid during the first 30 days after the due date. If the payment due is not paid within 30 days after the applicable due date, the Local Liquor Control Commissioner shall hold a hearing to determine whether such license or permit shall be renewed. The hearing shall be pursuant to notice and the cost of the hearing shall be assessed against the licensee or permittee.

(B) All such application fees paid to the Local Liquor Control Commissioner at the time application is made shall be forthwith turned over to the City Treasurer. If the license or permit is granted, then the additional license or permit fee shall also be turned over to the City Treasurer to be deposited in the general corporate fund, or in such other fund as shall have been designated by the City Council by proper action of that body.

§ 114.24 TERM.

Each such license or permit shall terminate at the end of the semi-annual period of the calendar year next following its issuance, unless sooner revoked. The fee to be paid shall be reduced in proportion to the full calendar months which have expired in the semi-annual period prior to the issuance of the license or permit.

§ 114.25 LIMITATION OF NUMBER OF LICENSES.

So that the health, safety and general welfare of the people of the city shall be protected and persons under 21 years of age shall be prevented from purchasing alcoholic liquors, all lawful licenses of any class issued and in force on and after the effective date of this chapter shall be renewed or re-issued upon strict compliance with the laws and ordinances in force in the city at the time of the application for such renewal or re-issue. No requirement of this section affect the right of the surviving spouse or children of a deceased licensee to procure a license for the location of the deceased licensee in continuance of deceased's business.

§ 114.25.1 DOWNTOWN RESTRICTED NUMBERS.

(A) A maximum of ten Class A and five Class B-1 retail liquor licenses shall be permitted within the area which is described as follows:

Beginning at the intersection of 21st Street and Richmond Avenue extending east to the intersection of Richmond Avenue and 6th Street, then extending south to the intersection of Charleston Avenue and 6th Street, then extending west along Charleston Avenue to the intersection of Charleston Avenue and 21st Street and then extending north the intersection of 21st Street and Richmond Avenue.

(B) Should any of the ten Class A or five Class B-1 retail liquor licenses referenced in this division become available for issuance due to the death of the licensee; termination of a partnership or corporation, or bankruptcy of a licensee, or due to the revocation of a license or for any other reason, the number of Class A or B-1 retailer's licenses issued or available in the above described area shall be reduced until there are no more than a total of ten Class A or five Class B-1 retailer's licenses issued or available in the above described area. No Class A or Class B-1 retailer's licenses shall be transferred to locations within the above described area which would increase the total number of Class A or Class B-1 retailer's licenses issued or available in that area to a number of in excess of ten or five. Nothing in this section shall be construed to prevent a Class A or Class B-1 retailer's license in existence and located within the above described area on the effective date of this section from transferring to another location within the above described area.

§ 114.26 RECORD OF LICENSES.

The Local Liquor Control Commissioner shall keep or cause to be kept a complete record of all such licenses or permits issued by him or her, and shall furnish the City Clerk a copy thereof. Upon the issuance of any new license, or the revocation of any old license, or the suspension of any license, the Local Liquor Control Commissioner shall give written notice thereof to the City Clerk within 48 hours of such action, and shall keep such record and give such notice as required by the Liquor Control Act hereby adopted by reference thereto and made a part of this section.

§ 114.27 PERMIT FOR NEW LOCATION.

The location described in the license and application may be changed only upon a written permit to make such change issued by the Local Liquor Control Commissioner, and only then if the proposed new location is a proper one for the retail sale of alcoholic liquor under the ordinances of the city and the laws of the State of Illinois. Such permit fee shall be \$25.

§ 114.28 NATURE OF LICENSE OR PERMIT; PRIVILEGE OF RENEWAL.

(A) A license or permit issued under this chapter shall be good for a period of not to exceed the end of the semi-annual period of the calendar year next following its issuance, unless sooner revoked as herein provided, and shall permit the sale of alcoholic liquor on or in the premises described in the application, license or permit, and only under the conditions and restrictions imposed in this chapter on the particular class of license or permit described herein.

(B) A license or permit issued under this chapter shall be purely a personal privilege and shall not constitute property, nor shall it be subject to attachment, garnishment, or execution, nor shall it be alienable or transferable, voluntarily or involuntarily, or subject to being encumbered or hypothecated. Such license or permit shall not descend by the laws of estate or intestate devolution, but shall cease upon the death of the licensee or permittee; provided, that executors or administrators of the estate of any deceased licensee or permittee and the trustee of any insolvent or bankrupt licensee or permittee, when such estate consists in part of alcoholic liquor, may continue the business of the sale of alcoholic liquor under order of the appropriate court, and may exercise the privileges of the deceased or insolvent or bankrupt licensee or permittee after the death of such decedent, or such insolvency or bankruptcy, until the expiration of the license or permit, but no longer than six months after the death, bankruptcy or insolvency of such licensee or permittee. Upon the death of a licensee or permittee, if the executor or administrator does not continue the business under such license or permit, there shall be a refund made of that portion of the license or permit fee paid for any period in which the executor or administrator may not operate.

(C) There shall be no refund of any license or permit fee paid hereunder except as above provided, but any licensee or permittee hereunder shall have and be given the right to a renewal or reissue of such license at the same place upon compliance with the ordinances now in force in the city, or which may hereafter be enacted, governing the issuance of such licenses, and provided that the renewal privilege herein provided for shall not be construed as a fixed right which shall in any case prevent the City Council from decreasing the number of licenses to be issued within its jurisdiction.

§ 114.29 ASSIGNMENT OF RENEWAL PRIVILEGE.

(A) A licensee or permittee hereunder may assign or convey the privilege or right of renewal or re-issue of a license or permit provided for herein to another person, firm or corporation, in accordance with the procedure hereinafter set forth, who, upon full compliance with the ordinances then in force in the city, governing the issuance of such licenses or permits, shall be entitled to a renewal or re-issue of such license or permit in his, her, their, or its own name, and which holder of a license or permit, in turn, may assign or convey such privilege or right to renewal or re-issue of such license or permit upon the same terms and conditions as the original owner and holder thereof could do hereunder; provided, however, that the privilege or right of renewal, and re-issue provided in this chapter shall apply only so long as the license or permit in each case shall have been kept in force continually and uninterruptedly in the name of the licensee, permit or his or her successor in interest, and nothing herein provided shall be deemed to restrict the right of the Local Liquor Control Commissioner to revoke any such license or permit.

(B) All such assignments shall be in writing, signed by the licensee or permit, and shall be filed with the Local Liquor Control Commissioner of the city, who shall keep, or cause to be kept, a true and complete record of all such assignments. Upon the filing of any such assignment, the Local Liquor Control Commissioner shall endorse thereon the time of filing, and upon compliance by the assignee with all the laws and ordinances then in force in the city pertaining to the qualifications of an applicant for such license or permit and the surrender of the old license or permit for cancellation, there shall (unless the old license or permit shall have been revoked add not thereafter restored) be issued to the assignee named in such assignment, a license or permit for the same place as that specified in the old license or permit, in lieu of the one so surrendered, for the unexpired portion of the period covered by the license or permit so surrendered; upon condition, however, that such new license or permit shall be issued only upon the payment of a fee to the issuing officer of \$25.

(C) If a licensed or permitted business suspends operation, the licensee or permittee has 30 days in which to notify the Local Liquor Control Commissioner of their intent. If the Local Liquor Control Commissioner is not contacted within 30 days from the close of business, the liquor license or permit held at that address may be voided and surrendered to the City Clerk at the discretion of the Local Liquor Control Commissioner. After being contacted by the licensee or permittee, the Local Liquor Control Commissioner may extend the validity of the license or permit, in writing, for a reasonable period not to exceed six months.

§ 114.30 SUSPENSION OR REVOCATION OF LICENSE OR PERMIT.

The Local Liquor Control Commissioner may revoke or suspend any license or permit for the sale of alcoholic liquor at retail for any violation of any provision of this chapter, or other valid ordinances or resolutions enacted by the City Council, or any applicable rule or regulation established by the Local Liquor Control Commissioner which is not inconsistent with law, or for any violation of any state law pertaining to the sale of alcoholic liquor, or any applicable rule or regulation established by the Illinois Liquor Control Commission which is not inconsistent with law, according to the power and manner provided by Sections 5 and 6 of Article VII of the Liquor Control Act of the State of Illinois; and such revocation or suspension may be in addition to any fine or penalty imposed for the violation. Any appeal of a decision of the Local Liquor Control Commissioner to the Illinois Liquor Control Commission shall be heard "on the record," and shall only involve a review of the official record of proceedings before the Local Liquor Control Commissioner, with no additional evidence being offered.

SALES AND OPERATION

§ 114.40 RESTRICTIONS ON ESTABLISHMENT, USE AND OPERATION OF PREMISES.

It shall be unlawful to establish, maintain, use or operate the licensed premises contrary to or in violation of license granted or contrary to or in violation of the prohibitions, impositions and requirements of Sections 8, 8a, 9, 10, 12b, 18, 20, 21 or 22 of Article VI of said Liquor Control Act of the State of Illinois, or of other applicable provisions thereof, hereby adopted by reference thereto and made a part of this section.

Penalty, see § [114.99](#)

§ 114.40.1 LICENSE OR PERMIT TO BE POSTED.

Every license or permit issued under the provisions of this code shall be framed and hung in plain view in a conspicuous place on the licensed premises or at the catered event and the same shall be visible to customers.

§ 114.40.2 PRODUCT SAMPLING.

(A) A Class B-1 or D-2 liquor licensee may hold a product sampling event at its licensed retail location once per month. For the purpose of this section a PRODUCT SAMPLING EVENT is defined as an event encompassing no more than eight continuous hours at which wine, beer or spirits is dispensed to consumers. Up to three samples, consisting of no more than:

- (1) One-quarter ounce of distilled spirits;
- (2) One ounce of wine; or
- (3) Two ounces of beer may be served to one consumer at any event for which the license holder makes no charge and receives no monetary consideration.

(B) The license holder must comply with the then current policy of the Illinois Liquor Control Commission, and the Mayor must be notified by the license holder, in writing, five days in advance of the product sampling event, of the time, date and location of the event.

(C) The product sampling event will take place within the licensed premises as specified in the original license application. The product sampling event will not conflict with or otherwise violate this or any other ordinance of the city.

(D) A Class B-1 liquor licensee that has constructed a sampling area, with the express written consent of the Liquor Commissioner, may be granted Continuous Product Sampling Status during their regular operating hours.

(1) For the purpose of this section a SAMPLING AREA shall be defined as: a location on the premises of a business possessing a Class B-1 liquor license that is designated entirely for tasting events, with an area of at least 100 square feet and also contains seating.

(2) Continuous Product Sampling Status shall follow the regular product sampling ordinance outlined within this section with the following exception(s):

(a) Continuous Product Sampling Status licensees may hold product sampling events in perpetuity during the regular operating hours of their business, during times when products of such a nature are able to be purchased pursuant to § 114.53.

(3) Continuous Product Sampling Status shall not be permitted for customers visiting a B-1 liquor licensees if patronizing the establishment for drive-through services.

(4) The Liquor Commissioner may revoke Continuous Product Sampling Status from any licensee at any time when the granting of such a status is deemed detrimental to public health and safety.

§ 114.41 CONSUMPTION ON PREMISES.

It shall be unlawful for anyone not having a Caterer Retail Permit, Class A, Class B-2, Class C, Class D-1, Class R, Class H or Class T license or their Non-Video Gaming equivalent licensure to sell, or offer for sale, alcoholic liquor for consumption on the premises where sold, or to permit the same to be consumed on the premises where sold.

Penalty, see § [114.99](#)

§ 114.42 ZONING.

Nothing herein contained shall be construed to permit the sale of alcoholic liquors in any place where the conduct of such business is prohibited under the terms and provisions of zoning ordinances of the city.

§ 114.42.1 DRIVE UP WINDOW.

(A) Drive-up windows maintained and operated on premises duly licensed for the sale of alcoholic liquors within the corporate limits of the city shall be adequately lighted during business hours by natural or artificial white light so that all persons or vehicles transacting business at such windows shall be clearly visible. From sunset until closing time, said drive-up windows shall be directly lighted by no less than two, 300-watt incandescent lamps or their equivalent, spaced at least eight feet apart, located directly over or near said drive-up window, with light rays so directed as to most effectively light the outside area immediately adjacent to said window. Existing drive-up window liquor sales will be grandfathered in this provision until ownership has changed or the business has been out of operation for more than six months.

(B) In order to enforce this section, the city shall have the right to require the filing with it of plans, drawings and photographs showing the lighting as above required. This division shall constitute an additional regulation of premises licensed for the sale of alcoholic liquors.

(C) Only "package sales" are permitted at drive-up windows.

(D) Only a licensee having a Class B-1 license shall maintain and operate a drive-up window at which alcoholic liquors are sold.

§ 114.43 CURB SERVICE.

No curb service for the sale of alcoholic liquor shall be carried on in connection with premises for which a license has been granted for the sale of alcoholic liquor for consumption upon the premises, either upon the public street, or private property, contiguous to such premises so licensed.

§ 114.44 PEDDLING.

It shall be unlawful to peddle alcoholic liquor within the corporate limits of the city.

Penalty, see § [114.99](#)

§ 114.45 SANITARY CONDITIONS.

All premises used for the retail sale of alcoholic liquor or for the storage of such alcoholic liquor for such sale, shall be kept in a clean and sanitary condition, and shall be kept in full compliance with the ordinances regulating the condition of the premises used for the storage or sale of food for human consumption.

§ 114.46 EMPLOYEES; EMPLOYING MINORS.

(A) It shall be unlawful to employ in any premises used for the retail sale of alcoholic liquor any person who is afflicted with, or who is a carrier of any contagious, infectious, or venereal disease; and it shall be unlawful for any person who is afflicted with, or a carrier of any such disease, to work in, or about any such premises or to engage in any way in the handling, preparation or distribution of such liquor; provided, the Coles County Health Department may require such employee to submit to a physical examination, if such officer suspects such employee of being afflicted as herein set forth.

(B) (1) With the exception of division (B)(2) hereof, it shall be unlawful and a violation of this chapter for any licensee or permittee to allow or to employ any person under the age of 21 years to dispense or sell alcoholic liquor in any place licensed under this chapter.

(2) It shall be unlawful and a violation of this chapter for any licensee or permittee to employ or permit any person, under the age of 18 years, to serve any alcoholic liquor or beverage. This division is limited to Caterer Retail Permit, Class R, Class D-1, Class D-2 and Class H licensees.

(C) Manager of a liquor establishment.

(1) Anything stated in this chapter to the contrary notwithstanding, any corporation, limited liability company, association, trust, partnership or other similar entity, which is granted a liquor license by the city shall identify and designate a bona fide manager of the facility licensed to sell alcoholic liquors by the city.

(2) Each licensee shall submit to the city the name and address of such manager and upon the effective date of any change in said manager, the licensee shall notify the city of the new manager's name and address. Failure to give notice of a change in manager could result in the suspension or revocation of said liquor license.

Penalty, see § [114.99](#)

§ 114.47 ADVERTISING RESTRICTIONS.

No licensee shall advertise any alcoholic liquor by means of a sign or lights in any form hanging over or on any public street, sidewalk, or other public property, within the city, provided that this section shall not apply to existing installations.

§ 114.48 SALES TO MINORS, HABITUAL DRUNKARDS, MENTAL INCOMPETENTS.

It shall be unlawful for any licensee or permittee, or any officer, associate, members, representative, agent or employee of any licensee or permittee to sell, give or deliver alcoholic liquor to any person under the age of 21 years, or to any intoxicated person or to any person known by him or her to be an habitual drunkard, spendthrift, insane, mentally ill, mentally deficient or person in need of mental treatment. Any person, after purchasing or otherwise obtaining alcoholic liquor, shall not sell, give, or deliver such alcoholic liquor to another person under the age of 21 years, except in performance of a religious ceremony.

Penalty, see § [114.99](#)

§ 114.49 PERSONS UNDER 21 YEARS FREQUENTING LICENSED ESTABLISHMENTS.

It shall be unlawful and a violation of this chapter for any licensee to permit or allow any person under the age of 21 years to frequent any premises licensed under the city Code of Ordinances, with the following exceptions:

(A) Persons under the age of 21 years may frequent the dining room or dining rooms of a restaurant of any licensed establishment provided said individual is in said establishment for the purpose of purchasing prepared food.

(B) Persons under the age of 21 years may frequent licensed establishments, or that portion of a licensed establishment specifically segregated, for the purpose of attending special events when such attendance is denied to the general public and when that person is accompanied by a parent, legal guardian, or other person over the age of 21 years.

Penalty, see § [114.99](#)

§ 114.50 POSSESSION OF ALCOHOLIC LIQUOR BY UNDERAGE PERSONS..

It shall be unlawful and a violation of this chapter for any person to whom the sale, gift or delivery of alcoholic liquor is prohibited because of age, to purchase or accept a gift of alcoholic liquor or have alcoholic liquor in his or her possession.

Penalty, see § [114.99](#)

§ 114.51 MISSTATEMENT OF AGE.

It shall be unlawful and a violation of this chapter for any person under the age of 21 years to represent that he or she is of sufficient age for the purpose of gaining entrance to any licensed premises in violation of this chapter or for the purpose of acquiring by purchase, gift or delivery of alcoholic liquor in violation of this chapter. No person shall transfer, alter or deface an official identification card; carry or use a false or forged identification card; obtain an identification card by means of false information; or, use the identification card of another for the purpose of avoiding the age restrictions of this chapter.

Penalty, see § [114.99](#)

§ 114.52 GAMBLING.

(A) It shall be unlawful for any licensee hereunder to permit or allow anyone to play for money, or other valuable thing, at any game with cards, dice or chips, or with any other article, instrument or thing whatsoever, which may be used for the purpose of playing or betting upon or winning or losing money, or any other thing or article of value, or to bet on any game others may be playing, upon any premises licensed under this chapter. This shall not include the operation of Video Gaming Terminals at locations which are permitted to dispense alcohol for consumption where Video Gaming Terminals are not prohibited.

(B) Failure to maintain adequate fee verification and/or registration (i.e. Video Gaming Stickers) per 35.01 (G)(11) shall result in the mandatory revocation of Video Gaming Terminals on the premises and the automatic transference of the applicable licensure to its Non-Video Gaming equivalent.

(C) All Video Gaming Terminal locations constructed after the passage of this section shall be required to locate in a separate room where the Video Gaming Terminals are not directly visible by patrons of the establishment. Permitted signage to designate the intended purpose of the room shall be limited to "Gaming" or "Video Gaming" written in plain text and shall not contain any imagery or be associated adjacently with imagery or any kind.

Penalty, see § [114.99](#)

§ 114.53 HOURS.

(A) It shall be unlawful for any licensee to sell or offer for sale at retail, serve, dispense, or provide free of charge, any alcoholic liquor in the city between the hours of 1:00 a.m. and 6:00 a.m. of any day except Sunday, when it shall be unlawful to sell or offer for sale, any alcoholic liquor from 1:00 a.m. on Sunday morning until 9:00 A.M. on the same Sunday.

(B) It shall be unlawful to keep open for business, or admit the public to any licensed premises where alcoholic liquor is sold at retail, during the hours the sale of such liquor is prohibited; provided, however, that in the case of restaurants, grocery stores, clubs and hotels, hall rental businesses and other separate business conducted on said premises, such establishment may be kept open during such hours, but no alcoholic liquor may be sold during said hours.

(C) Class A Liquor license holders may be open during the hours of 6:00 a.m. and 12:00 p.m. on Sundays for the purposes of serving food only. No alcoholic liquor may be sold or given during those hours.

Penalty, see § [114.99](#)

§ 114.54 ADULT ENTERTAINMENT PROVISION.

(A) The sale or dispensing of alcoholic liquor is prohibited at premises whereat, or at premises which have any access which leads from said premises to any premises whereat, the following acts or conduct is permitted:

(1) The employment or use of any person in the sale or service of alcoholic liquors or for the entertainment or diversion of others while such person is unclothed or in such attire, costume or clothing as to expose to view or to

show with less than a fully opaque covering any portion of the breast below the top of the areola or any portion of the pubic hair, anus, buttocks, vulva or genitals.

(2) The performance of acts, or simulated acts, of sexual intercourse, masturbation, sodomy, bestiality, oral copulation, flagellation or any sexual acts prohibited by law.

(3) The actual or simulated exhibition, displaying, touching or caressing or fondling of or on the breasts, buttocks, anus or genitals.

(4) The permitting or encouragement of any person to remain in or upon said premises who expose to view any portion of the body described in divisions (1), (2) or (3) hereof.

(5) The showing of film, still pictures, electronic reproduction or other visual reproduction depicting the acts or conduct described in division (2) hereof, or any person being touched, caressed or fondled on the breasts, buttocks, anus or genitals, or scenes wherein artificial devices or inanimate objects are employed to depict, or drawings are employed to portray the activities described in this division.

(B) Obscenity prohibited. The engaging in, or performance of, any act or conduct described in division (A) above on premises as to which a license has been issued under the provisions of this chapter is prohibited.

§ 114.55 BURGESS-OSBORNE AUDITORIUM.

(A) Alcohol shall only be allowed to be served and/or consumed at Burgess-Osborne Auditorium under the following conditions:

(1) When served by a caterer licensed by the city in accordance with § 114.22.1.

(2) When served by a licensed alcohol retailer in accordance with § 114.22(F)(2), (Class T-3 license) subject to approval of the Liquor Control Commissioner.

(B) Alcohol use at Burgess-Osborne Auditorium shall only be allowed for the following events:

(1) Wedding receptions;

(2) Class reunions;

(3) Family reunions;

(4) Corporate meetings and/or corporate holiday parties.

(C) Alcohol use shall be limited to events hosting the families and company employees traditionally associated the type of events listed in division (B) above. Alcohol use shall not be allowed for use under the provisions of divisions (A) and (B) above for events which are open to the public.

(D) Alcohol use allowed under divisions (A), (B) and (C) above shall be confined to the inside of the facility, and shall be prohibited outside.

(E) Alcohol use for events other than those specifically described in divisions (A) through (D) above may be considered for approval, on a case-by-case basis, by the Liquor Commissioner.

§ 114.99 PENALTY.

Any person, firm or corporation violating any provision of this chapter shall be fined not less than \$100 nor more than \$1,000 for each offense; and a separate offense shall be deemed committed on each day during or on which a violation occurs or continues. In addition to any fine imposed, the Liquor Commissioner may also suspend or revoke any license issued under this chapter.

Section 3. Chapter 35 Finance and Revenue, Section §35.01 Fees and Charges (A) Liquor Control of the Code of Ordinances of the City of Mattoon is hereby amended as follows:

§ 35.01 FEES AND CHARGES.

The following lists fees and charges and other information related to permits and licenses required by the city.

(A) Liquor control.

<i>Class of License</i>	<i>Fee</i>
A Tavern License Initial/new license holder fee	\$1,500 \$5,000
A-NVG Tavern License Non-Video Gaming Initial/new license holder fee	\$1,500 \$5,000
B-1 Package License Initial/new license holder fee	\$1,300 \$5,000
B-2 Bowling and Hotel License	\$1,500
B2-NVG Bowling and Hotel License Non-Video Gaming	\$1,500
C Club License	\$500
D-1 Food, Beer, & Wine License	\$800
D-2 Convenience License Initial/new license holder fee	\$1,000 \$2,500
MWD Microbrewery, Winery, or Distillery	\$1,400
R Restaurant License	\$1,500
T-2 Special Event T-3 Off-Premise Special Event	\$100/day
Caterer	\$500
Outdoor Cafe	\$100
VGPS Video Gaming Parlor Supplementary (if applicable)	\$10,000

Section 4. Severability. If any provision of this Ordinance, or the application of any provision of this Ordinance, is held unconstitutional or otherwise invalid, such occurrence shall not affect other provisions of this Ordinance, or their application, that can be given effect without the unconstitutional or invalid provision of its application. Each unconstitutional or invalid provision or application of such provision, is severable.

Section 5. This ordinance shall be effective upon its adoption, publication and approval as provided by law. The Clerk is hereby directed to publish this Ordinance in pamphlet form.

Upon motion by Mayor Hall, seconded by Commissioner Phipps, adopted this 20th day of May, 2025, by a roll call vote, as follows:

AYES (Names):	<u>Commissioner Butler, Commissioner Closson,</u>
	<u>Commissioner Cox, Commissioner Phipps,</u>
	<u>Mayor Hall</u>
NAYS (Names):	<u>None</u>
ABSENT (Names):	<u>None</u>

Approved this 20th day of May, 2025.

/s/Rick Hall
Rick Hall, Mayor
City of Mattoon, Coles County, Illinois

ATTEST:

APPROVED AS TO FORM

/s/Susan J. O'Brien
Susan J. O'Brien, City Clerk

/s/Daniel C. Jones
Daniel C. Jones, City Attorney

Recorded in the Municipality's Records on 05-20, 2025.

Mayor Hall opened the floor for comments. Director Benishek presented the Council with information on the changes to the Liquor Ordinance including opening new enterprises in the community while restricting gaming, current licensures, problems with licensure, video gaming at \$4.4 million users spent last year, no room for growth of other types of liquor licenses, State regulations, lobbying by companies, demographic analysis, gaming profits, reasoning behind the changes, proposed classifications, additional changes, allowing for quality cultural businesses and Sunday brunches. Mayor Hall commented that the liquor licenses had not been reviewed in a long time, State regulations, Council can make changes, and a better ordinance and controlling gaming machines. Council with Director Benishek, Manager Gill and Chief Gaines discussed the various changes including gaming parlor rules, tavern hours and brunch concepts.

Mayor Hall declared the motion carried by the following vote: YEA Commissioner Butler, YEA Commissioner Closson, YEA Commissioner Cox, YEA Commissioner Phipps, YEA Mayor Hall.

Commissioner Cox seconded by Commissioner Phipps moved to adopt Special Ordinance No. 2025-1960, approving an underground gas line right-of-way easement on City property located on Lot 10 in Block 2 in Urban Heights subdivision for the purpose of supplying gas to a communications equipment station; and authorizing the mayor to sign the easement. Part of PIN 06-0-03920-000

CITY OF MATTOON, ILLINOIS

SPECIAL ORDINANCE NO. 2025-1960

**AN ORDINANCE APPROVING A RIGHT-OF-WAY EASEMENT
TO AMEREN ILLINOIS COMPANY d/b/a AMEREN ILLINOIS**

WHEREAS, the City of Mattoon owns Lots 01, 02, 10 & 11 of Block 02 in Urban Heights, for the City's Elevated Water Tank located between 1st Street and First Division Street with the following legal description:

Property Description from Trustee's Deed recorded in the Coles County Recorder's Office in Volume 437, Page 3 as Document Number 343455:

Lot Ten (10) in Block Two (2) in Urban Heights, being a plat of a subdivision of part of Section Eighteen (18), Township Twelve (12) North, Range Eight (8) East of the Third Principal Meridian, Coles County, Illinois.

Part of PIN: 06-0-03920-000

Easement Description, (hereinafter "Easement Area"):

The Southerly 10 feet of the Westerly 150 feet of the above-described property; and

WHEREAS, The City of Mattoon has granted an easement to Bluebird Network L.L.C. for the construction of a fiberoptics and communications equipment station, Special Ordinance No. 2024-1926; and

WHEREAS, Ameren Illinois desires to install a gas supply line to the fiberoptics and communications equipment station; and

WHEREAS, a portion of the work would be located on property owned by City of Mattoon; and

WHEREAS, a Right-of-Way Easement is required to established long-term access rights for maintenance, repair, and/or future replacement of said gas supply.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MATTOON, COLES COUNTY, ILLINOIS, that

Section 1. The facts and statements contained in the preamble to this Ordinance are found to be true and correct and are hereby adopted as part of this Ordinance.

Section 2. The attached Right-of-Way Easement to Ameren Illinois Company d/b/a Ameren Illinois be approved.

Section 3. The City Council authorizes the mayor to sign the attached Easement for a gas line on a portion of 324 N. 1st Street, P.I.N. 06-0-03920-000.

Section 4. This ordinance shall be deemed published as of the day of its adoption and approval by the City Council.

Section 5. This ordinance shall be effective upon its approval as provided by law.

Section 6. The City Clerk shall make and record a duly certified copy of this ordinance with the Clerk and Recorder's Office of Coles County, Illinois.

Upon motion by Commissioner Cox, seconded by Commissioner Phipps, adopted this 20th day of May, 2025, by a roll call vote, as follows:

AYES (Names): Commissioner Butler, Commissioner Closson,
Commissioner Cox, Commissioner Phipps,
Mayor Hall
NAYS (Names): None
ABSENT (Names): None

Approved this 20th day of May, 2025.

/s/Rick Hall
Rick Hall, Mayor
City of Mattoon, Coles County, Illinois

ATTEST:

APPROVED AS TO FORM:

/s/Susan J. O'Brien
Susan J. O'Brien, City Clerk

/s/Dan Jones
Dan Jones, City Attorney

Recorded in the Municipality's Records on 05-20, 2025.

Mayor Hall opened the floor for comments/questions. Manager Gill explained a previous approval of an easement for the communication tower and now have a gas line easement for Ameren's gas line to their communication hub.

Mayor Hall declared the motion carried by the following vote: YEA Commissioner Butler, YEA Commissioner Closson, YEA Commissioner Cox, YEA Commissioner Phipps, YEA Mayor Hall.

Commissioner Phipps seconded by Commissioner Butler moved to adopt Special Ordinance No. 2025-1961, granting a Special Use for a Tier II Short-Term Rental located at 3009 Prairie Avenue. Petitioner: Eric Anderson Parcel 07-2-10804-000

CITY OF MATTOON, ILLINOIS

SPECIAL ORDINANCE NO. 2025-1961

AN ORDINANCE TO GRANT A SPECIAL USE FOR A TIER II SHORT-TERM RENTAL AT 3009 PRAIRIE AVE | Pin #: 07-2-10804-000

WHEREAS, The petitioner Eric Anderson has petitioned the City of Mattoon for a Special Use for a Short-Term Rental; and

WHEREAS, a public hearing was held before the Mattoon Planning and Zoning Commission where no objectors were present; and

WHEREAS, The Planning and Zoning Commission of the City of Mattoon voted unanimously for the approval of said special use; and

WHEREAS, said special use conforms with the quality and character of the community.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL FOR THE CITY OF MATTOON, COLES COUNTY, ILLINOIS, as follows:

Section 1. Pursuant to the abilities of City Council enshrined in Section 32.05 of the Mattoon Code of Ordinances, the City of Mattoon hereby grants the special use for a Tier II “short-term rental” located at 3009 Prairie Avenue.

Section 2. This ordinance shall be deemed published as of the day of its adoption and approval by the City Council.

Section 3. This ordinance shall be effective upon its approval as provided by law.

Upon motion by Commissioner Phipps, seconded by Commissioner Butler, adopted this 20th day of May, 2025, by a roll call vote, as follows:

AYES (Names): Commissioner Butler, Commissioner Closson,
Commissioner Cox, Commissioner Phipps,
Mayor Hall

NAYS (Names): None

ABSENT (Names): None

Approved this 20th day of May, 2025.

/s/Rick Hall
Rick Hall, Mayor
City of Mattoon, Coles County, Illinois

ATTEST:

APPROVED AS TO FORM:

/s/Susan J. O’Brien
Susan J. O’Brien, City Clerk

/s/Dan Jones
Dan Jones, City Attorney

Recorded in the Municipality’s Records on _____ 05-20 , 2025.

Mayor Hall opened the floor for comments/questions. Director Benishek noted the Planning Commission approved this rental unanimously and the petitioner resided next door to the rental.

Mayor Hall declared the motion carried by the following vote: YEA Commissioner Butler, YEA Commissioner Closson, YEA Commissioner Cox, YEA Commissioner Phipps, YEA Mayor Hall.

Commissioner Butler seconded by Commissioner Cox moved to approve Council Decision Request 2025-2601, authorizing the purchase of a 2015 Ford F550 Regular Cab Bucket Truck with boom in the amount of \$20,000 plus trade-ins of surplus equipment (2007 F450 Utility Truck and a 2006 Vermeer Chipper) from Old Route Trucking, L.L.C. for use at the Public Works Department; and authorizing the city manager to sign the invoice.

Mayor Hall opened the floor for comments/questions. Manager Gill noted the need for a low limbing bucket truck, found this one before the budget was finalized, included trade-ins already declared surplus, received a good price, planned in the budget, was brought to Council due to the value of the truck at \$55,000. Commissioner Closson inquired about annual inspections with Manager Gill stating this had been inspected.

Mayor Hall declared the motion carried by the following vote: YEA Commissioner Butler, YEA Commissioner Closson, YEA Commissioner Cox, YEA Commissioner Phipps, YEA Mayor Hall.

COMMENTS BY THE COUNCIL

Mayor Hall called for Council comments. Commissioner Closson inquired whether the railroad clears trash along the railroad or the City. Manager Gill stated the railroad had cleared in the past. Commissioner Cox inquired whether the Wofford request could be heard at the special meeting next week. Mayor Hall directed the consideration to be added to the agenda. Commissioner Phipps welcomed Director Clark back from vacation and complimented Director Benishek on his work on the liquor ordinance.

Mayor Hall seconded by Commissioner Phipps moved to recess to closed session at 7:24 p.m. pursuant to the Illinois Open Meetings Act for the purpose of collective negotiating matters between the City of Mattoon and its employees or their representatives, or deliberations concerning salary schedules for one or more classes of employees under (5ILCS 120 (2)(C)(2)).

Mayor Hall declared the motion carried by the following vote: YEA Commissioner Butler, YEA Commissioner Closson, YEA Commissioner Cox, YEA Commissioner Phipps, YEA Mayor Hall.

Council reconvened at 7:32 p.m.

Commissioner Closson seconded by Commissioner Butler moved to adjourn at 7:33 p.m.

Mayor Hall declared the motion carried by the following vote: YEA Commissioner Butler, YEA Commissioner Closson, YEA Commissioner Cox, NAY Commissioner Phipps, YEA Mayor Hall.

/s/Susan J. O'Brien
City Clerk