

CHAPTER 4
LIQUOR REGULATIONS

SECTION:

- 3-4-1: Definitions
- 3-4-2: Control Commission
- 3-4-3: License Required
- 3-4-4: License Application
- 3-4-5: Form of License
- 3-4-6: Restriction on License
- 3-4-7: Payment of Fees
- 3-4-8: Classification of Fees
- 3-4-9: Disposition of Fees
- 3-4-10: Consumption on Premises
- 3-4-11: License Register
- 3-4-12: Transfer and Renewal
- 3-4-13: Notice of Change of Location
- 3-4-14: Peddling
- 3-4-15: Sanitary Conditions
- 3-4-16: Diseased Employees
- 3-4-17: Restricted Areas
- 3-4-18: Restricted Location
- 3-4-19: Hours of Operation/Restricted Hours
- 3-4-20: Clear View from Street
- 3-4-21: Revocation of License
- 3-4-22: Quota of License
- 3-4-23: Special Event Liquor License
- 3-4-24: Beer Garden

3-4-1: DEFINITIONS: The terms used in this Chapter have the following meanings:

ALCOHOLIC LIQUOR: Any spirits, wine, beer, ale or other liquor containing more than one-half of one percent (.05%) of alcohol by volume which is fit for beverage purposes.

BEER GARGEN: Is an open air, roofed or unroofed area adjacent to or accessory to a retail establishment where beer and other alcoholic liquors are served and sold. An eligible retail establishment must maintain a liquor license, in good standing, from the Village of East Alton.

RETAIL SALE: The sale for use or consumption, and not for resale.

SALE: The term sale, shall include not only the disposition for money, but shall include trade, barter, giving away or other disposition of such liquor.

RESTAURANT: Any public place kept, used, maintained, advertised and held out to the public as a place where meals are served, and where meals are actually and regularly served, without sleeping accommodations, such space being provided with adequate and sanitary kitchen, 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 guest.

HOTEL: Every building or other structure kept, used, maintained, advertised and held out to the public to be a place where food is actually served and consumed, and sleeping accommodations are offered for adequate pay to travelers and guests, whether transient, permanent, or residential, in which twenty-five (25) or more rooms are used for the sleeping accommodations of such guest, such sleeping accommodations and dining rooms being conducted in the same building or buildings, structure or structures being provided with adequate sanitary kitchen, dining room equipment and capacity.

CLUB: A corporate organized under the laws of this State, not for pecuniary profit, solely for the promotion of some common object other than the sale or consumption of alcoholic liquors, kept, used and maintained by its members through the payment of annual dues, and owning, hiring or leasing a building or a space in a building, of such extent and character as may be suitable and adequate kitchen and dining room space and equipment and maintaining a sufficient number of servants and employees for cooking, preparing and serving food and meals for its members and their guests; provided, that such club files with the Local Liquor Control Commissioner at the time of its application for a license under this Chapter two (2) copies of a list of names and residences of its members, and similar files within ten (10) days of the election of any additional member his name and address; and, provided further, that its affairs and management are conducted by a board of directors, executive committee, or similar body chosen by the members at their annual meeting and that no member or any officer, agent or employee of the club is paid, or directly or indirectly receives, in the form of salary or other compensation, any profits from the distribution or sale of alcoholic liquor to the club or the members of the club or its guests introduced by members beyond the amount of such salary as may be fixed and voted at any annual meeting by the members or by its board of directors or other governing body out of the general revenue of the club.

COCKTAIL LOUNGE: Any public place kept, used, maintained, advertised and held out to the public as a place operated in connection with, but separate and apart from a restaurant, hotel, motel as described in this Section. (1963 Code, 33.01)

3-4-2: CONTROL COMMISSION: The President shall appoint two (2) members of the Board of Trustees of the Village consisting of the Chairman of the Finance Committee and the Chairman of the Police Committee, to assist him in the exercise of the powers and the performance of the duties enjoyed upon him as Liquor Control Commissioner, under the Illinois Revised Statutes, in such case made and provided. In all cases, applications for licenses under this Chapter shall be presented to the Board of Trustees for approval, which shall require a two-thirds (2/3) vote of the members thereof. (1963 Code, 33.02)

3-4-3: LICENSE REQUIRED: No person shall sell or offer for sale at retail in the Village, any alcoholic liquor without having a retail liquor dealer's license, or in violation of the terms of such license. (1963 Code, 33.03)

3-4-4: LICENSE APPLICATION: Applications for such license shall be made to the President in writing, signed by the applicant, if an individual, or by a duly authorized agent thereof, if a club or corporation, verified by oath or affidavit, 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 corporation, 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 nominees, the name and address of such person.

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

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

(D) The length of time 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.

(G) A statement whether applicant has made similar application for a similar other license 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 by reason of any matter or things contained in this Code or the laws of Illinois.

(I) Whether a previous license by any State or subdivision thereof, or by the Federal Government has been revoked, and the reasons thereof.

(J) A statement that the applicant will not violate any laws of Illinois, or of the United States or any ordinance of the Village in the conduct of his place of business. (1963 Code, 33.04)

3-4-4-1: APPLICATION FEE:

Anyone applying for a liquor license (hereinafter Applicant) must pay a necessary application fee in the amount of ONE HUNDRED DOLLARS (\$100.00) for the Applicant and an additional fee of ONE HUNDRED DOLLARS (\$100.00) for each Co-Applicant to be listed on the license. The application will be reviewed to ensure that the Applicant and/or Co-Applicant meet the aforementioned requirements for issuance of the liquor license. A background check must then be authorized by the Applicant and/or Co-Applicant and conducted through the use of the State of Illinois latent fingerprint examination procedures established for liquor license Applicants and/or Co-Applicants.

3-4-4-2: EFFECTIVE DATE

This Ordinance shall be in full force and take effect from and after its passage, approval and publication as required by law.

3-4-4-3: SAVINGS CLAUSE

Nothing contained herein shall in any manner be deemed to construed to alter, modify, supersede, supplant or otherwise nullify any other Ordinance of the Village or requirements thereof whether or not relating to or in any manner connected with the subject matter hereof, unless expressly set forth herein.

3-4-4-4: SEVERABILITY CLAUSE

If any term, condition, or provision of this Ordinance shall, to any extent, be held to be invalid or unenforceable, the remainder hereof shall be valid in all other respects and continue to be effective and each and every remaining provision hereof shall be valid and shall be enforced to the fullest extent permitted by law, it being the intent of the Board of Trustees that it would have enacted this Ordinance without the invalid or unenforceable provisions. In the event of a subsequent change in applicable law so that the provision which has been invalid is no longer invalid, said provision shall thereupon return to full force and effect without further action by the Village and shall thereafter be binding.

3-4-5: FORM OF LICENSE: Every retail liquor license issued by the Local Liquor Commissioner shall be as per the following terms:

VILLAGE OF EAST ALTON
LIQUOR LICENSE

No. _____ Class _____ \$

WHEREAS
ADDRESS

having paid the necessary fee into the Village Treasury and having otherwise complied with ordinances of the Village of East Alton, Illinois, is hereby granted a license for the sale of

ALCOHOLIC LIQUOR

within the jurisdiction of said Village, subject to all laws and regulations now existing and hereinafter made in relation thereto, for the following period:

From _____ 19____, to _____ 19____. In the witness whereof, I have hereunto set my hand and affixed the seal of said Village this _____ day of _____ 19 ____.

Attest:

Village Clerk

Local Liquor Commissioner

This license not transferable.

(1963 Code, 33.05)

3-4-6: RESTRICTION ON LICENSE: No liquor license shall be issued to:

(A) A person who is not a resident of the Village.

- (B) A person who is not of good character and reputation in this community.
- (C) A person who is not a citizen of the United States.
- (D) A person who has been convicted of a felony under the laws of Illinois.
- (E) A person who has been convicted of being the keeper or is keeping a house of ill fame.
- (F) A person who has been convicted of pandering or other crime or misdemeanor opposed to decency and morality.
- (G) A person whose license issued under this Chapter has been revoked for cause.
- (H) A person, who, at the time of application for renewal of any license issued hereunder, would not be eligible for such license upon a first application.
- (I) A co-partnership, unless all of the members of such co-partnership shall be qualified to obtain a license.
- (J) A corporation, if any officer, manager or director thereof or any stockholders owning in the aggregate more than five percent (5%) of the stock of such corporation, would not be eligible to receive a license hereunder for any reason other than citizenship and residence within the Village.
- (K) A person whose place of business is conducted by a manager or agent unless the manager or the agent possesses the same qualifications required of the licensee.
- (L) A person who has been convicted of a violation of any Federal or State law concerning the manufacture, possession or sale of alcoholic liquor, subsequent to 1934, or shall have forfeited his bond to appear in court to answer charges for any such violation.
- (M) A person who does not own the premises for which a license is sought, or who does not have a lease thereon for the full period for which the license is to be issued.
- (N) Any law enforcing public official, President of the Village, any member of the Board of Trustees, or any President, Chairman or member of the County Board of Madison County; and no such official shall be interested in any way, either directly or indirectly, in the manufacture, sale or distribution of alcoholic liquor.
- (O) Any person, association or corporation not eligible for a State retail liquor dealer's license. (1963 Code, 33.06)
- (P) No individual or partnership can hold more than two (2) license.

3-4-7: PAYMENTS OF FEES: License fees are payable quarterly in advance. Each license shall terminate on April 30 next following its date of issue. The fee to be paid shall be reduced in proportion to the full calendar months, which have expired in the year prior to the issuance of the license. (1963 Code, 33.07)

3-4-8: CLASSIFICATION OF FEES: Such licenses shall be, and are hereby divided into

eight (8) classes: (1963 Code, 33.08; Amd. Ord. 809; 11-21-72)

(A) Class A Licenses, which authorize the retail sale and consumption on the premises as well as other retail sales of such liquor. The annual fee for such license is Seven Hundred dollars (\$700.00).

(B) Class B Licenses, which authorize the retail sale of alcoholic liquor, but not for consumption on the premises where sold. The annual fee for such license is Six Hundred dollars (\$600.00).

(C) Class C Licenses, which authorize the retail sale and consumption of alcoholic liquor in clubs. The annual fee for such license is Two Hundred dollars (\$200.00).

(D) Class D Licenses, which authorize the retail sale and consumption on the premises and known as a cocktail lounge. The annual fee for such license is Seven Hundred dollars (\$700.00). (1963 Code, 33.08)

(E) Class E Licenses, which authorize the retail sale and consumption on the premises, wherein the tavern and a package liquor store, which authorizes the retail sale of alcoholic liquor but not for consumption, are located on the premises where sold, as foresaid, are a combination and operated by one person or firm on the same premises. The annual fee for said license is Seven Hundred dollars (\$700.00). (Ord. 809; 11-21-72)

(F) Class F Licenses, Beer and Wine only, the annual fee for such license is Seven Hundred dollars (\$700.00).

(G) Class G Licenses, Banquet and Catering, which authorizes the retail sale and consumption of alcohol on the premises; and, to dispense alcohol to event participants at catered, offsite events within the Corporate Limits of the Village of East Alton. The Licensee may not use this license to sell alcohol offsite to the general public at other than catered events. Such off site catered events shall be of no longer than 24 hours duration. The annual fee for such license is Seven Hundred dollars (\$700.00).

(H) Class H Licenses, Single Pour, which is a special authorization allowing businesses that possess a Class B Liquor License the authority for the retail sale and consumption on the premises. The location for consumption will meet the legal requirements of the Village and State of Illinois in regards to location and access by the general public including the forbidding of minors. The annual fee for the designation will be One Hundred Dollars (\$100.00).

3-4-9: DISPOSITION OF FEES: All such fees shall be paid to the President at the time the application is made, and shall immediately be turned over to the Treasurer. In the event the license applied for is denied, the fee shall be returned to the applicant. If the license is granted the fee shall be deposited in the general corporate fund or in such other fund as shall have been designated by the Board of Trustees. (1963 Code, 33.09)

3-4-10: CONSUMPTION ON PREMISES: No person not having a Class A, C, D, E, F, G or H license shall sell, offer for sale or permit any alcoholic liquor to be consumed on the premises where sold. (1963 Code, 33.10; Amd. 1975 Code)

3-4-11: LICENSE REGISTER: The President shall keep a list, or cause a list to be kept, containing a full and complete record of all such licenses issued by him; and shall furnish the Clerk, Treasurer and Chief of Police with a copy thereof. Upon the issuance of any new license, or the revocation of any old license, the President shall give written notice of such action to each of these officers within forty-eight (48) hours. (1963 Code, 33.11)

3-4-12: TRANSFER AND RENEWAL: A License shall be purely a personal privilege, effective for not to exceed one year after issuance, unless sooner revoked as in this Chapter provided, 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 shall not descend by the laws of testate or intestate devolution, but it shall cease upon the death of the licensee, and the trustee of any insolvent or bankrupt licensee, when such estate consist in part of alcoholic liquor, may continue the business of the sale or manufacture of alcoholic liquor, under the order of the probate court, and may exercise the privileges of the deceased, insolvent or bankrupt licensee after the death of such decedent, or such insolvency or bankruptcy, until the expiration of such license, but no longer than six (6) months after the death, insolvency or bankruptcy of such licensee. A refund shall be made of that portion of the license fee paid for any period in which the licensee shall be prevented from operating under such license with the provisions of this Section.

Any licensee may renew his license at the expiration thereof, provided he is then qualified to receive a license, and the premises for which such renewal license is sought are suitable for such purposes; and provided further that the renewal privilege herein provided for shall not be constructed as a vested right, which shall in any case prevent the President and Board of Trustees from decreasing the number of licenses to be issued within its jurisdiction. (1963 Code, 33.13)

3-4-13: NOTICE OF CHANGE OF LOCATION: A retail liquor dealer's license shall permit the sale of alcoholic liquor only in the premises described in the application and license. Such location may be changed only upon written permit to make such change issued by the President. No change of location shall be permitted unless the proposed new location is a proper one for the retail sale of alcoholic liquor under the laws of this State and this Chapter. (1963 Code, 33.15)

3-4-14: PEDDLING: No person shall peddle alcoholic liquor in the Village. (1963 Code, 33.14)

3-4-15: SANITARY CONDITIONS: All premises used for the retail sale of alcoholic liquor, or for the storage of such liquor for sale, shall be kept in a clean and sanitary condition, and shall be kept in full compliance with the ordinances regulating the condition of premises used for the storage or sale of food for human consumption. (1963 Code, 33.15)

3-4-16: DISEASED EMPLOYEES: No person shall employ in any premises used for retail sale of alcoholic liquor any person who is afflicted with, or who is a carrier of, any contagious, infectious or venereal disease. No person who is afflicted with or is a carrier of any such disease shall work in or about any premises, or engage in any way in the handling, preparation or distribution of liquor. (1963 Code, 33.16)

3-4-17: RESTRICTED AREAS: It is hereby determined that the following described portions of the Village are residential in character:

All of Bowman's Subdivision and Second Subdivision;
All of Silver Ridge; all of Blinn Addition;
All of Bowman's first, second, third, fourth and fifth additions to the Blinn Addition;
All of Washington Heights, except lots fronting Alton-Edwardsville Road;
All of Blinn Heights, except lots fronting Alton-Edwardsville Road;
All of Sterling Addition except lots fronting Alton-Edwardsville Road;
All of Virginia Subdivision; except the property now known as 407 East Main may henceforth be used for the sale of alcoholic beverages provided all other laws, rules and regulations of the Village of East Alton and State of Illinois are complied with. (Said street address consists of lots numbered 19, 29, 21, 22, 23 and 24 of Virginia Subdivision to the Village of East Alton, Illinois.) (07/19/94)
All of Hoehn-Cooper Addition;
All of East Washington Heights; all of Maryland Park;
All of Altwood, except lots fronting Alton-Edwardsville Road;
All of Hollawood;
All of Wilshire Addition;
All of Wilshire Wood Addition; All of Wilshire Woods Annex Addition;
All of Amherst Addition;
All of Oakhurst Addition;
All of Fairfax Addition;
All of Maryland Park Second Addition;
All of Reuter Addition except East Gate Shopping Center;
All of Victory Garden Addition except property abutting Route 3;
All of VanPreter Addition;
All of Wickenhauser Addition;
All of East Alton Acres, except the lots facing on Berkshire Boulevard;
All of Rosewood Annex, except Shopping Center at 9th and Airline.

No person shall sell, or offer for sale at retail, any alcoholic liquor within any such portion of the Village, unless the owners of at least two-thirds (2/3) of the frontage feet along the street and streets adjacent to such place of business for which a license is sought, or for a distance of two hundred feet (200') in each direction from such proposed place of business, shall file with the President their written consent to the use of such place for the sale of alcoholic liquors. (1963 Code, 33.17)

3-4-18: RESTRICTED LOCATION: No license shall be issued to any person for the sale at retail of any alcoholic liquor within one hundred feet (100') of any church, school, hospital, funeral home, home for aged or indigent persons or veterans, their wives or children or any military or naval station. This prohibition shall not apply to hotels offering restaurant service, regularly organized clubs, or to restaurants, food shops or other places where the sale of alcoholic liquors is not the principal business carries on, if such place of business so exempted shall have been established for such purpose prior to the adoption of the restrictions of this Section. (1963 Code, 33.18)

3-4-19: HOURS OF OPERATION/RESTRICTED HOURS

(A) No person shall sell, or offer for sale at retail, any alcoholic liquor in the Village between the hours of one o'clock (1:00) A.M. and six o'clock (6:00) A.M. on any day; or on Sunday between the hours of two o'clock (2:00) A.M. and six o'clock (6:00) A.M.

(B) No person shall keep open for business or admit the public to any premises in or on which alcoholic liquor is sold at retail during the hours within which the sale of liquor is prohibited. In the case of restaurants, clubs, hotels, bowling alleys, and ice skating rinks, such establishments may be kept open during such hours, but no alcoholic liquor may be sold to or consumed by the public during such hours. (1963 Code 33.19)

3-4-20: CLEAR VIEW FROM STREET: In premises in which the sale of alcoholic liquor for consumption upon the premises is licensed (other than restaurant, hotel or club), no screen, blind, curtain, partition, article or thing shall be permitted in the windows or upon the doors of such licensed premises, nor inside such premises which shall prevent a clear view into the interior of such licensed premises from the street, road or sidewalk at all times; no booth, screen partition, or other obstruction, nor any arrangement of lights or lighting shall be permitted in or about the interior of such premises which shall prevent a full view of the entire interior of such premises from the street, road or sidewalk and the premises must be so located that there shall be a full view of the entire interior of such premises from the street, road or sidewalk. All rooms where alcoholic liquor is sold for consumption upon the premises shall be continuously lighted during business hours by natural light or artificial white light so that all parts of the interior of the premises shall be clearly visible. If the view into any licensed premises required by the foregoing provisions shall be willfully obscured by the licensee, or by him willfully suffered to be obscured or in any manner obstructed, such license shall be subject to revocation in the manner provided in this Chapter. In order to enforce the provisions of this Section the President shall have the right to require the filing with him of plans, drawings and photographs showing the clearness of the view as above required. (1963 Code, 33.21)

3-4-21: REVOCATION OF LICENSE: The President may revoke any retail liquor dealer's license for any violation of any provisions of this Chapter, or for any violation of any State law pertaining to the sale of alcoholic liquor. (1963 Code, 33.22)

3-4-22: QUOTA OF LICENSE: The quota of liquor license in the Village of East Alton, Illinois, shall be as follows:

- (A) Class A – twenty (20);
- (B) Class B – ten (7);
- (C) Class C – one (1);
- (D) Class D – one (1);
- (E) Class E – one (1);
- (F) Class F – one (1);
- (G) Class G – one (1);
- (H) Class H – ten (7) Only issued to businesses in possession of Class B Liquor License.

3-4-23: SPECIAL EVENT LIQUOR LICENSE: No Person shall hereafter keep, maintain, conduct or operate any Beer Garden, or outside sale and consumption of an alcoholic liquor as defined in this ordinance without first obtaining a Special Event Liquor License.

3-4-23-1: DEFINITIONS:

ALCOHOLIC LIQUOR: Any spirits, wine, beer, ale or other liquor containing more than one-half of one percent (.05%) of alcohol by volume which is fit for beverage purposes.

BEER GARGEN: Is an open air, roofed or unroofed area adjacent to or accessory to a retail establishment where beer and other alcoholic liquors are served and sold. An eligible retail establishment must maintain a liquor license, in good standing, from the Village of East Alton.

3-4-23-2: APPLICATION:

(A) Applications for a Special Event Liquor License shall be submitted on the Village of East Alton Application Form within 15 days prior to the event. The board may grant an exception for applications submitted prior to the Friday preceding the Village of East Alton Board Meetings.

(B) The fee for a Special Event Liquor License shall be \$125.00 per day.

3-4-23-3: RESTRICTION:

No Beer Garden or outside sale and consumption of alcohol shall be permitted within 100 feet of residentially zoned property unless approved by all owners of residential property within 100 feet or by authorization by the Liquor Commissioner.

3-4-23-4: GRANTING:

The application shall be referred to the East Alton Liquor Commissioner for review and approval.

3-4-23-5: CONDITIONS:

Special Event Liquor Licenses shall not be permitted, maintained, or operated except on conformity with the following regulations;

- A. Open air, roofed or unroofed areas which are not at ground level, such as a decks or porches, must comply with all applicable safety and building codes.
- B. The Village Board maintains the right to require a fence, wall or dividing structure be established on a case by case basis. This requirement shall be based on the location of the establishment, adjoining land use, lot and building size, and proximity to residential properties and streets.
- C. The Special Event Liquor License venue shall not exceed that maximum capacity as prescribed by the International Fire Code and the East Alton Zoning regulations.

- D. All electrical wiring shall comply with the National, State, and Village of East Alton building and construction codes.
- E. No person shall leave the premises of the Licensed Special Event in possession of open alcohol. The event or patrons shall not trespass onto adjoining private or public properties.
- F. All combustible rubbish shall be stored in non-combustible covered containers.
- G. Any noise emanating from the Licensed Special Event shall not violate the regulations of the Village of East Alton Ordinances or other regulations pertaining to noise. Music, bands and amplified sounds must cease between the hours of 11:00PM to 7:00AM

3-4-23-6: DISCRETION:

The Village of East Alton shall have discretion to refuse the granting of any license or transfer thereof if, in its judgment, the granting of transfer of such license shall be against the public interest, either because of the unsuitability of the location, undesirability or unreliability of the applicant or applicant's manager or because of the failure of applicant or applicant's manager to observe the provisions of the Village of East Alton Ordinances in the prior conduct in regards to previous events or liquor license violations.

3-4-23-7: INSURANCE:

The Special Event Liquor License will not be issued without proof of adequate Dram Shop Insurance, Commercial Insurance and/or Property Insurance.

The application will not be accepted without proof of dram shop insurance to the maximum limit that has been secured for the licensed special event.

3-4-23-8: PENALTIES:

- A. Any person who violates, disobeys or refuses to comply with or who resists the enforcement of any provisions of this Ordinance shall, upon conviction, be subject to a fine of not less than \$150.00 nor more than \$1000.00.
- B. **Any violations of this Ordinance may result in the suspension or revocation of the businesses yearly liquor license, as well as immediate termination of the Special Event License.**

3-4-23-9 PROCEDURAL:

- A. **EFFECTIVE DATE:** This Ordinance shall be in full force and take effect from and after its passage, approval and publication as required by law.
- B. **SAVINGS CLAUSE:** Nothing contained herein shall in any manner be deemed to construed to alter, modify, supersede, supplant or otherwise nullify any other Ordinance of the City or requirements thereof whether or not relating to or in any manner connected with the subject matter hereof, unless expressly set forth herein.

- C. SEVERABILITY CLAUSE: If any term, condition, or provision of this Ordinance shall, to any extent, be held to be invalid or unenforceable, the remainder hereof shall be valid in all other respects and continue to be effective and each and every remaining provision hereof shall be valid and shall be enforced to the fullest extent permitted by law, it being the intent of the Board of Trustees that it would have enacted this Ordinance without the invalid or unenforceable provisions. In the event of a subsequent change in applicable law so that the provision which has been invalid is no longer invalid, said provision shall thereupon return to full force and effect without further action by the Village and shall thereafter be binding.

3-4-24: BEER GARDEN: Retail liquor establishments that possess a Village of East Alton Liquor License of class A,C,D,E,F in good standing are authorized in the use of an outdoor beer garden only after;

- A. They owner or business manager has submitted in writing the plan and location of the facility to be used.
- B. The East Alton Liquor Commissioner has reviewed the application to determine the impact to residentially zoned properties within 200 feet of the planned facility.
- C. An inspection by the East Alton Zoning Department to ensure that the structure complies with local and state building codes and the International Fire Codes. The areas of review include but are not limited to;
1. Open air, roofed or unroofed areas which are not at ground level, such as decks or porches, must comply with all applicable safety and building codes.
 2. The Village Board maintains the right to require a fence, wall or dividing structure be established on a case by case basis. This requirement shall be based on the location of the establishment, adjoining land use, lot and building size, and proximity to residential properties and streets.
 3. The Beer Garden venue shall not exceed the maximum capacity as prescribed by the international Fired Cod and the East Alton Zoning Regulations.
 4. All electrical wiring shall comply with the National, State and Village of East Alton building and construction codes.

3-4-24-1: REMOVAL OF ALCOHOLIC BEVERAGES: No person shall leave the premises of the Beer Garden in possession of open alcohol. The event or patrons shall not trespass onto adjoining private or public property.

3-4-24-2: RUBBISH: All combustible and non-combustible rubbish shall be stored in non-combustible covered containers.

3-4-24-3: NOISE: Any noise emanating from the Beer Garden shall not violate the regulations of the Village of East Alton Ordinances or other regulations pertaining to noise.