

MEMORANDUM

June 11, 2020

TO: Mayor John P. Kahl and Members of the City Council

FROM: Scott A. Brunton, City Attorney's Office

SUBJECT: Resolution Authorizing Delivery and Carry Out of Mixed Drinks by Liquor License Holders (for Off-Premise Consumption)

DISCUSSION:

The State recently enacted Public Act 101-631 that amends the Illinois Liquor Control Act to allow for the sale of carry out mixed drinks and cocktails by liquor license holders. This Public Act 101-631 created new Section 6-28.8 of the Illinois Liquor Control Act with an effective period of one year, at which time this new provision will be repealed. This Public Act applies to liquor license holders with a pour license for retail sales of alcoholic beverages for on-site consumption. This Public Act is meant to assist businesses holding liquor licenses during these unusual times related to the COVID-19 pandemic and the related limitations that may be imposed on such liquor license holders in conducting their business operations during the COVID-19 pandemic.

The City seeks to assist local businesses that hold a liquor license to the greatest extent possible during the COVID-19 pandemic period. This Resolution allows for the sale of carry out mixed drinks and cocktails by liquor license holders with licenses for on-site consumption, while also allowing for curbside or home delivery of both carry out mixed drinks and packaged liquor. Liquor license holders will be permitted to sell carry out mixed drinks and to deliver carry out mixed drinks and packaged liquor by curbside and home delivery at no additional cost or application to the City. This Resolution will be valid for the one-year effective period of the new Section 6-28.8 of the Illinois Liquor Control Act.

RECOMMENDATION: Approval of this Resolution.

RESOLUTION NO. 2021-020

East Peoria, Illinois

_____, **2020**

RESOLUTION BY COMMISSIONER _____

**RESOLUTION ESTABLISHING PARAMETERS FOR DELIVERY
AND CARRY OUT OF MIXED DRINKS BY LIQUOR LICENSE HOLDERS
DURING THE COVID-19 PANDEMIC PERIOD**

WHEREAS, since mid-March 2020, the national COVID-19 pandemic has resulted in several Executive Orders being issued by the Governor and directives being issued by State agencies that have closed or limited the sale of alcoholic beverages for on-site consumption by holder of liquor licenses issued by the State and local municipalities; and

WHEREAS, Public Act 101-631 (effective June 2, 2020) was recently enacted to allow curbside and home delivery of carry-out mixed drinks by liquor license holders during this COVID-19 pandemic period; and

WHEREAS, as a means to allow curbside and home delivery of carry-out mixed drinks, Public Act 101-631 created new Section 28.8 in the Illinois Liquor Control Act with an effective period of one year from the effective date of this Public Act; and

WHEREAS, the City seeks to ensure that businesses holding liquor licenses within the City are able to maximize business operations throughout the COVID-19 pandemic period while business operations may be limited by State or Federal action; and

WHEREAS, the City Council thus determines that during these unusual times and under these unusual circumstances related to the COVID-19 pandemic, it is in the best interests of the City, these businesses within the City, and the citizens of the City of East Peoria that certain provisions of the City Code related to business operations by liquor license holders be revised as provided herein; and

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF EAST PEORIA, TAZEWELL COUNTY, ILLINOIS, THAT:

Section 1. For businesses with a liquor license that allow on-site consumption of alcoholic beverages under Class A, C, D, E, V, Z, or AS liquor licenses, such businesses may sell carry out cocktails and mixed drinks (“carry-out mixed drinks”) for consumption off premises as provided herein:

- A “carry-out mixed drink” is any beverage obtained by combining ingredients alcoholic in nature, whether brewed, fermented, or distilled, with ingredients non-alcoholic in nature, such as fruit juice, lemonade, cream, or a carbonated beverage.
- The carry-out mixed drink shall be placed in a sealed container by the liquor license holder at the licensed premises of the liquor license holder.
- "Sealed container" means a rigid container that contains a carry-out mixed drink, and (1) is new, has never been used, (2) has a secured lid or cap designed to prevent consumption without removal of the lid or cap, and (3) is tamper-evident. "Sealed container" does not include a container with a lid with sipping holes or openings for straws or a container made of plastic, paper, or polystyrene foam.
- “Tamper-evident” means a lid or cap that has been sealed with tamper-evident covers, including, but not limited to, wax dip or heat shrink wrap.
- "Original container" means a container that is filled, sealed, and secured by an employee of the liquor license holder at the liquor license holder's location with a tamper-evident lid or cap.
- The sealed container containing the carry-out mixed drink shall be affixed with a label or tag that contains the following information: (1) ingredients, including type and name of the alcohol; (2) the name, license number, and address of the liquor license holder that filled the original container and sold the carry-out mixed drink; (3) the volume of the carry-out mixed drink in the sealed container; and (4) the date the carry-out mixed drink was placed in the sealed container that is less than 7 days before the date of sale.
- No fee or additional license shall be required to prepare or sell carry-out mixed drink as set forth in the Resolution.

Section 2. For businesses with a liquor license that allow on-site consumption of alcoholic beverages under Class A, C, D, E, V, Z, or AS liquor licenses, the business may provide for the home delivery or curbside delivery of carry-out mixed drinks as provided herein:

- The carry-out mixed drink shall be transferred to the purchaser by an employee of the liquor license holder, and the employee shall (1) be at least 21 years of age, (2) be properly trained regarding the delivery of liquor to a purchaser, and (3) verify the age of the purchaser upon delivery of the carry-out mixed drink to the purchaser.
- The liquor license holder shall not permit delivery of the carry-out mixed drink by any third-party or entity who is not an employee of the liquor license holder.

- If the age or intoxication level of the purchaser cannot be verified at the delivery point by the employee of the liquor license holder, the sale of the carry-out mixed drink shall be canceled by the employee.
- If by curbside delivery, the employee of the liquor license holder shall place the carry-out mixed drink in the trunk or rear compartment of the purchaser's vehicle and shall not place the carry-out mixed drink in the passenger area of the vehicle.
- If by home delivery, the employee of the liquor license holder transporting the carry-out mixed drink shall place the carry-out mixed drink in the trunk or rear compartment of the transporting vehicle and shall not place the carry-out mixed drink in the passenger area of the transporting vehicle.
- No fee or additional license shall be required to provide carry-out mixed drinks by curbside delivery or home delivery as set forth in the Resolution

Section 3. For businesses with a liquor license that permit sale of alcoholic liquor in original packages for off-premises consumption (not for on-site consumption), the business may provide for the home delivery or curbside delivery of packaged liquors as provided herein:

- The liquor license holder shall have a valid liquor license issued by the City that allows sales of packaged liquors for off-site consumption.
- The packaged liquor shall be transferred to the purchaser by an employee of the liquor license holder, and the employee shall (1) be at least 21 years of age, (2) be properly trained regarding the delivery of liquor to a purchaser, and (3) verify the age of the purchaser upon delivery of the packaged liquor to the purchaser.
- The liquor license holder shall not permit delivery of the packaged liquor by any third party who is not an employee of the liquor license holder.
- If the age or intoxication level of the purchaser cannot be verified at the delivery point by the employee of the liquor license holder, the sale of the packaged liquor shall be canceled by the employee.
- If by curbside delivery, the employee of the liquor license holder shall place the packaged liquor in the trunk or rear compartment of the purchaser's vehicle and shall not place the packaged liquor in the passenger area of the vehicle.
- If by home delivery, the employee of the liquor license holder transporting the packaged liquor shall place the package liquor in the trunk or rear compartment of the transporting vehicle and shall not place the packaged liquor in the passenger area of the transporting vehicle.
- No fee or additional license shall be required to provide packaged liquor by

curbside delivery or home delivery as set forth in the Resolution.

Section 4. Any provisions of Section 3-3-4.14 of the City Code that are in conflict with this Resolution shall be suspended during the duration of the one-year effective period of this Resolution as set forth herein. Further, except as expressly set forth in this Resolution, this Resolution shall not otherwise affect any other provisions of the City's Liquor Control Regulations.

Section 5. This Resolution shall be in full force and effect immediately upon its passage and shall remain in effect until the expiration of the one-year period for Section 28.8 of the Illinois Liquor Control Act as provided in Public Act 101-631, except to the extent that its provisions are revised or revoked by future action by the City Council.

Section 6. All ordinances, resolutions, and other, or parts thereof, in conflict herewith, are to the extent of such conflict hereby superseded during the effective period of this Resolution.

Section 7. If any section, paragraph, clause, or provision of this Resolution shall be held invalid, the invalidity of such section, paragraph, clause, or provision shall not affect any of the other provisions of this Resolution.

Section 8. Upon passage of this Resolution, the City Clerk is hereby directed to provide a copy of this Resolution or its contents to liquor license holders within the City.

APPROVED:

Mayor

ATTEST:

City Clerk