

Title 4 Addendum

4-203.05. Licenses held in nonuse status

A LICENSEE WHO HOLDS A LICENSE IN NONUSE STATUS SHALL NOT BE RESPONSIBLE FOR AND SHALL NOT ACCRUE ANY MUNICIPAL LICENSE FEE OR TAX OR MUNICIPAL RENEWAL FEE OR TAX ATTRIBUTED TO THE TIME THAT THE LICENSE IS PROPERLY HELD IN NONUSE STATUS.

4-205.06. Hotel or motel minibars; rules; definitions

1. Access to a minibar in a particular guest room is provided, whether by furnishing a key, magnetic card or similar device, only to a registered guest of legal drinking age, if any, registered to stay in the guest room, and the key, magnetic card or similar device is not furnished to a guest between the hours of 1:00 a.m. and 6:00 a.m. ~~on weekdays and 1:00 a.m. and 10:00 a.m. on Sundays.~~

4. The minibar is not replenished or restocked with spirituous liquor between the hours of 1:00 a.m. and 6:00 a.m. ~~on weekdays and 1:00 a.m. and 10:00 a.m. on Sundays.~~

4-206.01. Bar, beer and wine bar or liquor store licenses; number permitted; fee; sampling privileges

F. AFTER JANUARY 1, 2011, BAR LICENSES AND BEER AND WINE BAR LICENSES SHALL BE ISSUED AND USED ONLY IF THE CLEAR PRIMARY PURPOSE AND ACTUAL PRIMARY USE IS FOR ON-SALE RETAILER PRIVILEGES. THE OFF-SALE PRIVILEGES ASSOCIATED WITH A BAR LICENSE AND A BEER AND WINE BAR LICENSE SHALL BE LIMITED TO A MINOR USE, WHICH IS CLEARLY AUXILIARY TO THE PRIMARY ON-SALE PRIVILEGE. A BAR LICENSE OR A BEER AND WINE BAR LICENSE SHALL NOT BE ISSUED OR USED IF THE ASSOCIATED OFF-SALE USE, BY TOTAL RETAIL LIQUOR SALES, EXCEEDS TEN PER CENT OF THE SALES PRICE OF ON-SALE SPIRITUOUS LIQUORS BY THE LICENSEE AT THAT LOCATION.

G. THE DIRECTOR MAY ISSUE A BEER AND WINE STORE LICENSE TO THE HOLDER OF A BEER AND WINE BAR LICENSE SIMULTANEOUSLY AT THE SAME PREMISES. AN APPLICANT FOR A BEER AND WINE BAR LICENSE AND A BEER AND WINE STORE LICENSE MAY CONSOLIDATE THE APPLICATION AND MAY APPLY FOR BOTH LICENSES AT THE SAME TIME. THE HOLDER OF EACH LICENSE SHALL FULLY COMPLY WITH ALL APPLICABLE PROVISIONS OF THIS TITLE. A BEER AND WINE BAR LICENSE AND BEER AND WINE STORE LICENSE ON THE SAME PREMISES SHALL BE OWNED BY AND ISSUED TO THE SAME LICENSEE.

H. THE DIRECTOR MAY ISSUE A BEER AND WINE BAR LICENSE TO THE HOLDER OF A LIQUOR STORE LICENSE ISSUED SIMULTANEOUSLY AT THE SAME PREMISES. AN APPLICANT FOR A LIQUOR STORE LICENSE AND A BEER AND WINE BAR LICENSE MAY CONSOLIDATE THE APPLICATION AND MAY APPLY FOR BOTH LICENSES AT THE SAME TIME. THE HOLDER OF EACH LICENSE SHALL FULLY COMPLY WITH ALL APPLICABLE PROVISIONS OF THIS TITLE. A LIQUOR STORE LICENSE AND A BEER AND WINE BAR LICENSE ON THE SAME PREMISES SHALL BE OWNED BY AND ISSUED TO THE SAME LICENSEE.

I. THE DIRECTOR MAY ISSUE A RESTAURANT LICENSE TO THE HOLDER OF A BEER AND WINE BAR LICENSE ISSUED SIMULTANEOUSLY AT THE SAME PREMISES. AN APPLICANT FOR A RESTAURANT LICENSE AND A BEER AND WINE BAR LICENSE MAY CONSOLIDATE THE APPLICATION AND MAY APPLY FOR BOTH LICENSES AT THE SAME TIME. THE HOLDER OF EACH LICENSE SHALL FULLY COMPLY WITH ALL APPLICABLE PROVISIONS OF THIS TITLE. A RESTAURANT LICENSE AND A BEER AND WINE BAR LICENSE ON THE SAME PREMISES SHALL BE OWNED BY AND ISSUED TO THE SAME LICENSEE. THE LIMITATION SET FORTH IN SUBSECTION F WITH RESPECT TO THE OFF-SALE PRIVILEGES OF THE BEER AND WINE BAR LICENSES SHALL BE MEASURED AGAINST THE ON-SALES OF BEER AND WINE SALES OF THE ESTABLISHMENT. FOR PURPOSES OF COMPLIANCE WITH SECTION 4-205.02, SUBSECTION G, PARAGRAPH 2, IT SHALL BE CONCLUSIVELY PRESUMED THAT ALL ON PREMISES SALES OF SPIRITUOUS LIQUORS ARE MADE UNDER THE AUTHORITY OF THE RESTAURANT LICENSE.

J. AN APPLICANT FOR A LIQUOR STORE LICENSE OR THE LICENSEE OF A LIQUOR STORE LICENSE MAY APPLY FOR SAMPLING PRIVILEGES ASSOCIATED WITH THE LICENSE. A PERSON DESIRING A SAMPLING PRIVILEGE ASSOCIATED WITH A LIQUOR STORE LICENSE SHALL APPLY TO THE DIRECTOR ON A FORM PRESCRIBED AND FURNISHED BY THE DIRECTOR. THE APPLICATION FOR SAMPLING PRIVILEGES MAY BE FILED FOR AN EXISTING LICENSE OR MAY BE SUBMITTED WITH AN INITIAL LICENSE APPLICATION. THE REQUEST FOR SAMPLING APPROVAL, THE REVIEW OF THE APPLICATION AND THE ISSUANCE OF APPROVAL SHALL BE CONDUCTED UNDER THE SAME PROCEDURES FOR THE ISSUANCE OF A SPIRITUOUS LIQUOR LICENSE PRESCRIBED IN SECTION 4-201. AFTER A SAMPLING PRIVILEGE HAS BEEN ISSUED FOR A LIQUOR STORE LICENSE, THE SAMPLING PRIVILEGE SHALL BE NOTED ON THE LICENSE ITSELF AND IN THE RECORDS OF THE DEPARTMENT. THE SAMPLING RIGHTS ASSOCIATED WITH A LICENSE ARE NOT TRANSFERABLE. NOTWITHSTANDING SECTION 4-244, PARAGRAPH 19, A LIQUOR STORE LICENSEE THAT HOLDS A LICENSE WITH SAMPLING PRIVILEGES MAY PROVIDE SPIRITUOUS LIQUOR SAMPLING SUBJECT TO THE FOLLOWING REQUIREMENTS:

1. ANY OPEN PRODUCT SHALL BE KEPT LOCKED BY THE LICENSEE WHEN THE SAMPLING AREA IS NOT STAFFED.

2. THE LICENSEE IS OTHERWISE SUBJECT TO ALL OTHER PROVISIONS OF THIS TITLE. THE LICENSEE IS LIABLE FOR ANY VIOLATION OF THIS TITLE COMMITTED IN CONNECTION WITH THE SAMPLING.
 3. THE LICENSED RETAILER SHALL MAKE SALES OF SAMPLED PRODUCTS FROM THE LICENSED RETAIL PREMISES.
 4. THE LICENSEE SHALL NOT CHARGE ANY CUSTOMER FOR THE SAMPLING OF ANY PRODUCTS.
 5. THE SAMPLING SHALL BE CONDUCTED UNDER THE SUPERVISION OF AN EMPLOYEE OF A SPONSORING DISTILLER, VINTNER, BREWER, WHOLESALER OR RETAIL LICENSEE.
 6. ACCURATE RECORDS OF SAMPLING PRODUCTS DISPENSED SHALL BE RETAINED BY THE LICENSEE.
 7. SAMPLING SHALL BE LIMITED TO THREE OUNCES OF BEER OR COOLER-TYPE PRODUCTS, ONE OUNCE OF WINE AND ONE OUNCE OF DISTILLED SPIRITS PER PERSON, PER BRAND, PER DAY.
 8. THE SAMPLING SHALL BE CONDUCTED ONLY ON THE LICENSED PREMISES.
- K. IF A BEER AND WINE BAR LICENSE AND A BEER AND WINE STORE LICENSE ARE ISSUED AT THE SAME PREMISES, FOR PURPOSES OF REPORTING LIQUOR PURCHASES UNDER EACH LICENSE, ALL SPIRITUOUS BEVERAGES PURCHASED FOR SAMPLING ARE CONCLUSIVELY PRESUMED TO BE PURCHASED UNDER THE BEER AND WINE BAR LICENSE AND ALL SPIRITUOUS LIQUOR SOLD OFF-SALE ARE CONCLUSIVELY PRESUMED TO BE PURCHASED UNDER THE BEER AND WINE STORE LICENSE.

4-207. Restrictions on licensing premises near school or church buildings; definitions

4. THE GOVERNING BODY OF A CITY OR TOWN, ON A CASE-BY-CASE BASIS, MAY APPROVE AN EXEMPTION FROM THE DISTANCE RESTRICTIONS PRESCRIBED IN THIS SECTION FOR A CHURCH OR CHARTER SCHOOL THAT IS LOCATED IN AN AREA THAT IS DESIGNATED AN ENTERTAINMENT DISTRICT BY THE GOVERNING BODY OF THAT CITY OR TOWN. A CITY OR TOWN WITH A POPULATION OF AT LEAST FIVE HUNDRED THOUSAND PERSONS MAY DESIGNATE NO MORE THAN THREE ENTERTAINMENT DISTRICTS WITHIN THE BOUNDARIES OF THE CITY OR TOWN PURSUANT TO THIS PARAGRAPH. A CITY OR TOWN WITH A POPULATION OF AT LEAST TWO HUNDRED THOUSAND PERSONS BUT LESS THAN FIVE HUNDRED THOUSAND PERSONS MAY DESIGNATE NO MORE THAN TWO ENTERTAINMENT DISTRICTS WITHIN THE BOUNDARIES OF THE CITY OR TOWN PURSUANT TO THIS PARAGRAPH. A CITY OR TOWN WITH A POPULATION OF LESS THAN TWO HUNDRED THOUSAND PERSONS MAY DESIGNATE NO MORE THAN ONE ENTERTAINMENT DISTRICT WITHIN THE BOUNDARIES OF THE CITY OR TOWN PURSUANT TO THIS PARAGRAPH.

D. For the purposes of this section:

1. "Church" means a building which is erected or converted for use as a church, where services are regularly convened, which is used primarily for religious worship and schooling and which a reasonable person would conclude is a church by reason of design, signs or architectural or other features.
2. "ENTERTAINMENT DISTRICT" MEANS A SPECIFIC CONTIGUOUS AREA THAT IS DESIGNATED AN ENTERTAINMENT DISTRICT BY A RESOLUTION ADOPTED BY THE GOVERNING BODY OF A CITY OR TOWN, THAT CONSISTS OF NO MORE THAN ONE SQUARE MILE, THAT IS NO LESS THAN ONE-EIGHTH OF A MILE IN WIDTH AND THAT CONTAINS A SIGNIFICANT NUMBER OF ENTERTAINMENT, ARTISTIC AND CULTURAL VENUES, INCLUDING MUSIC HALLS, CONCERT FACILITIES, THEATERS, ARENAS, STADIUMS, MUSEUMS, STUDIOS, GALLERIES, RESTAURANTS, BARS AND OTHER RELATED FACILITIES.

4-229. Licenses; handguns; posting of notice

A. A person with a permit issued pursuant to section 13-3112 ~~or who meets the criteria specified in section 13-3102, subsection D, paragraph 1 or 2~~ may carry a concealed handgun on the premises of a licensee who is an on-sale retailer unless the licensee posts a sign that clearly prohibits the possession of weapons on the licensed premises. The sign shall conform to the following requirements:

4-244. Unlawful acts

15. For an on-sale or off-sale retailer or an employee of such retailer to sell, dispose of, deliver or give spirituous liquor to a person between the hours of 2:00 a.m. and 6:00 a.m. ~~on weekdays, and 2:00 a.m. and 10:00 a.m. on Sundays.~~
17. For an on-sale retailer or an employee of such retailer to allow a person to consume or possess spirituous liquors on the premises between the hours of 2:30 a.m. and 6:00 a.m. ~~on weekdays, and 2:30 a.m. and 10:00 a.m. on Sundays.~~

4-261.01. Display of license

ALL ON-SALE LICENSEES SHALL DISPLAY THE LIQUOR LICENSE IN A CONSPICUOUS PUBLIC AREA OF THE LICENSED PREMISES THAT IS READILY ACCESSIBLE FOR INSPECTION BY ANY PEACE OFFICER, DISTRIBUTOR, WHOLESALER OR MEMBER OF THE PUBLIC.