

**CITY OF PEKIN**

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**ORDINANCE NO. 3000-21/22**

**AN ORDINANCE AMENDING THE LIQUOR CODE TO CREATE  
CHAPTER 5 ARTICLE II SECTION 5-2-25  
TO ALLOW CLASS A LICENSED ESTABLISHMENTS  
TO ALLOW CARRY OUT OR DELIVERY OF MIXED DRINKS,  
COCKTAILS, AND SINGLE SERVINGS OF WINE**

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PASSED BY THE CITY COUNCIL  
OF THE CITY OF PEKIN  
THE 26TH DAY OF JULY 2021

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PUBLISHED IN PAMPHLET FORM BY AUTHORITY OF THE CITY  
COUNCIL OF THE CITY OF PEKIN, TAZEWELL COUNTY, ILLINOIS,  
THIS 26TH DAY OF JULY 2021

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EFFECTIVE DATE

ORDINANCE NO. 3000-21/22

**AN ORDINANCE AMENDING THE LIQUOR CODE TO CREATE CHAPTER 5, ARTICLE II SECTION 5-2-25 TO ALLOW CLASS A LICENSED ESTABLISHMENTS TO ALLOW CARRY OUT OR DELIVERY OF MIXED DRINKS, COCKTAILS, AND SINGLE SERVINGS OF WINE**

**WHEREAS**, the City of Pekin is a home rule municipality as described in Section 6(a), Article VII of the 1970 Constitution of the State of Illinois; and

**WHEREAS**, the City of Pekin, as a home rule municipality, may exercise power and perform any function pertaining to its government and affairs, including, but not limited to, the power to legislate for the protection of the public health, safety, and welfare; and

**WHEREAS**, due to the hardships imposed on restaurants and taverns as a result of the COVID-19 pandemic, the State of Illinois passed Public Act 101-631, effective June 2, 2020, authorizing retail liquor licensees to sell and deliver cocktails and mixed drinks for off-premises consumption under certain conditions and for a period of one year; and

**WHEREAS**, on July 2, 2020, the Mayor issued an executive order authorizing Class A liquor license holders to sell and deliver mixed drinks and cocktails for off-premises consumption in accordance with the conditions set forth in Public Law 101-631; and

**WHEREAS**, Public Act 102-8, effective June 2, 2021, extended the authority of retail liquor licensees to sell mixed drinks and cocktails for off-premises consumption through January 3, 2024; and

**WHEREAS**, the City Council desires to amend the Liquor Code to authorize the sale and delivery of mixed drinks and cocktails for off-premises consumption within the City, in accordance with the conditions set forth in Public Acts 101-631 and 102-8; and

**WHEREAS**, the City Council finds it is in the best interests of the City, its residents and businesses to adopt the amendments set forth herein.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PEKIN, TAZEWELL COUNTY, ILLINOIS, THAT:**

**Section 1.** The findings and recitations set forth above are adopted and found to be true and correct.

**Section 2.** Chapter 5, Article II of the Pekin City Code is hereby amended by the addition of a new Section 5-2-25 as follows:

**Sec. 5-2-25. Carry out and delivery of mixed drinks.**

(a) The following definitions shall apply to this Section:

“Cocktail” or “mixed drink” means 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.

“Original container” means a container that is (i) filled, sealed, and secured by a licensee's employee at the licensed premises with a tamper-evident lid or cap or (ii) filled and labeled by the manufacturer and secured by the manufacturer's original unbroken seal.

“Sealed container” means a rigid container that contains a mixed drink or a single serving of wine, is new, has never been used, has a secured lid or cap designed to prevent consumption without removal of the lid or cap, and is tamper-evident. “Sealed container” includes a manufacturer's original container as defined in this subsection. “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.

- (b) A cocktail, mixed drink, or single serving of wine in a sealed container or a manufacturer's original container may be transferred and sold for off-premises consumption by the holder of a Class A license if the following requirements are met:
- (1) the cocktail, mixed drink, or single serving of wine is transferred over the counter within the licensed premises, by a curbside pickup by the customer, or by delivery by an employee of the retail licensee who:
    - a. has a valid BASSET certificate at the time of sale; and
    - b. is at least 21 years of age; and
    - c. upon delivery, verifies the age of the person to whom the cocktail, mixed drink, or single serving of wine is being delivered;
  - (2) if the employee delivering the cocktail, mixed drink, or single serving of wine is not able to safely verify a person's age or level of intoxication upon delivery, the employee shall cancel the sale of alcohol and return the product to the licensed premises;
  - (3) the sealed container is placed in the trunk of the vehicle or if there is no trunk, in the vehicle's rear compartment that is not readily accessible to the passenger area;
  - (4) except for a manufacturer's original container, a container filled and sealed at the licensed establishment shall be affixed with a label or tag that contains the following information:
    - a. the cocktail or mixed drink ingredients, type, and name of the alcohol;

- b. the name, license number, and address of the licensee that filled the container and sold the product; and
  - c. the volume of the cocktail, mixed drink, or single serving of wine in the sealed container; and
  - d. the sealed container was filled less than 7 days before the date of sale; and
- (5) a manufacturer's original container shall be affixed with a label or tag that contains the name, license number, and address of the licensee that sold the product.
- (6) Mixed drinks, cocktails, or single servings of wine may not be transferred or delivered to a consumer pursuant to this section:
- a. By drive-through service; or
  - b. Delivery by a third party delivery company.

**Section 3.** This Ordinance is in addition to all other ordinances on the subject and shall be construed therewith excepting as to that part in direct conflict with any other ordinance, and in the event of such conflict, the provisions hereof shall govern.

**Section 4.** This Ordinance shall be in full force and effect from and after its passage and approval in the manner provided by law.

**PASSED AND APPROVED** at the regular meeting of the City Council of the City of Pekin, this 26<sup>th</sup> day of July, 2021; and upon roll call the vote was as follows:

AYES: Derrick, Abel, Hohimer, Nutter and Luft  
 NAYS: Cloud and Hilst  
 ABSENT: None  
 ABSTAINING: None

**APPROVED** this 26<sup>th</sup> day of July, 2021

  
 Mayor

**ATTEST:**

  
 City Clerk

**CERTIFICATE**

THE UNDERSIGNED CERTIFIES THAT SHE IS THE CITY CLERK FOR THE CITY OF PEKIN, ILLINOIS, AND THAT THE CITY COUNCIL AT A REGULARLY CONSTITUTED MEETING OF SAID CITY COUNCIL OF THE CITY OF PEKIN ON THE 26<sup>th</sup> DAY OF July, 2021 ADOPTED ORDINANCE NO. 3000-21/22 A TRUE AND CORRECT COPY OF WHICH IS CONTAINED IN THIS PAMPHLET

GIVEN UNDER MY HAND AND SEAL THIS 26<sup>th</sup> DAY OF July, 2021.

(SEAL)

Sue V. McMillan  
CITY CLERK