

**ORDINANCE NUMBER 12 - 55**

**ORDINANCE AMENDING TITLE XI, BUSINESS REGULATIONS,  
CHAPTER 116: ALCOHOLIC BEVERAGES, §116.08, OFFENSES BY  
LICENSEE  
BY DELETING §116.08(E)(1) AND (2)**

**WHEREAS**, the Village of East Dundee is a home rule unit of local government under and pursuant to Section 6 of Article VII of the Constitution of the State of Illinois, has the authority to exercise any power and perform any function pertaining to its government and affairs, including but not limited to the power to regulate for the protection of the public health, safety, morals, and welfare; and

**WHEREAS**, The President and Board of Trustees of the Village of East Dundee have determined that certain restrictions contained in East Dundee's Liquor Control Ordinance should be amended.

**NOW THEREFORE BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF EAST DUNDEE, COOK AND KANE COUNTIES, ILLINOIS, AS FOLLOWS:**

**Section One.** That Title XI, Business Regulations, Chapter 116, Alcoholic Beverages, §116.08, Offenses by Licensee, is hereby amended to hereafter read as follows:

**§ 116.08 OFFENSES BY LICENSEE.**

No licensee, under the provisions of this chapter, shall either individually or through his or her agents or employees:

(A) Sell or possess for sale any package containing alcoholic liquor unless the same shall have affixed thereto all canceled revenue stamps which may be required by state or federal laws;

(B) Sell alcoholic liquor between the hours of 1:00 a.m. and 6:00 a.m. of any day; provided, however, that, on Sundays, the licensees shall only be permitted to sell such alcoholic liquors as their licenses permit between the hours of 8:00 a.m. of the day and 1:00 a.m., of the following Monday morning; provided further that, the licensee on Friday and Saturdays only shall be permitted

to sell alcoholic liquors as the license permits between the hours of 6:00 a.m. in the morning or each Friday and Saturday and 2:00 a.m. of the Saturday and Sunday morning; (The foregoing notwithstanding a licensee may petition the Liquor Commission for permission to remain open until 4:00 a.m. on January 1 of each calendar year, which permission shall be granted only upon the affirmative recommendation of the Liquor Commission and specific approval of the Village Board.)

(C) Permit any window display of liquor or other decoration of such nature as will obstruct that view of the interior;

(D) Permit any card playing or gambling on the premises;

~~(E) (1) Live entertainment shall not be permitted on any licensed premises, except on the explicit recommendation of the Liquor Commission and specific approval of the Village Board; and~~

~~(2) For the purpose of this division (E), the following definition shall apply unless the context clearly indicates or requires a different meaning.~~

~~***LIVE ENTERTAINMENT.***~~

~~1. Any live broadcast (to the voice of an individual who is physically at the licensed premises, through any form of electronic amplification equipment whether in the form of song, dialogue or otherwise. The term ***LIVE ENTERTAINMENT*** shall also include the visual display at any licensed premises of any person changing records, compact discs, tape cassettes or the like, whether or not such functions are accompanied by vocal broadcast of such person, but expressly excluding the routine chanting or loading or prerecorded entertainment media as set forth above by licensee personnel.~~

~~2. This definition expressly excludes voice broadcasts made for the purpose of paging and the like. The use of live entertainment by Class A-1 licenses shall in all particulars comply with the time limits set forth in § 116.05 if conducted in an outside area. Permission granted hereunder may be suspended by the Chief of Police if he or she determines that a public disturbance has been caused by such entertainment. The suspension of permission shall be reviewed by the Liquor Commission at its next regular or special meeting.~~

~~(E) (F) Withholding or failing to report information to the appropriate law enforcement authorities of the village regarding any disturbance of the peace or criminal activity or incident which occurs on the licensed premise and of which the licensee, his or her agents or employees has actual knowledge;~~

~~(F)~~ ~~(G)~~ Harbor or permit any intoxicated persons to loiter on the premises described in the license, or permit any conduct which shall tend to disturb the peace and quiet of the neighborhood or the premises;

~~(G)~~ ~~(H)~~ Make sales of alcoholic liquor in excess of or contrary to the powers granted in license for the premises or in violation of ILCS Chapter 235, Act 5, § 6-25;

~~(H)~~ ~~(I)~~ Serve any alcoholic beverages to any persons for consumption on the streets of the village or to any persons in motor vehicles on the streets;

~~(I)~~ ~~(J)~~ Permit any person to consume any alcoholic liquor on the premises described in the license unless the alcoholic liquor has been purchased on the premises from the licensee;

~~(J)~~ ~~(K)~~ Sell alcoholic liquor to any minor, intoxicated person, habitual drunkard, spendthrift, insane, feebleminded or distracted person;

~~(K)~~ ~~(L)~~ Permit any minor to sell, possess or give away any alcoholic liquor on the premises for which the license is issued;

~~(L)~~ ~~(M)~~ To sell or offer for sale, at retail, or to give away, in or upon any licensed premises, any alcoholic beverages during the hours in which sale of alcoholic beverages is prohibited. It shall be unlawful to keep open for business or to admit the public to or permit the public to remain within or to permit the consumption of alcoholic liquor in or upon the premises at any time during which the sale of the liquor is prohibited; not to include license classes B-1 (Package Liquors/Supermarket/Drug Stores), B-4 (Retail Food/Gas), and C-1 (Public Golf Course), provided that such licensees may remain open for business during such hours, but that no alcoholic liquor may be sold to or consumed by the public during those hours; provided further that for license Classes A, A-1, B, B-2, C, D, E, E-1, E-2, F, and G, only the licensee and any of its employees shall be allowed to remain on or about the licensed premises in order to clean-up or maintain said premises after the closing hour, as noted in § 116.08(B).

~~(M)~~ ~~(N)~~ To keep open for business any premises licensed under this chapter, or to sell or give away alcoholic liquors, during any period of time when the Chief of Police should declare a curfew on the sale of alcoholic liquor as a result of existing or threatened riot, civil disturbance or civil unrest within the corporate limits of the village, during which period it is his opinion that the sale of alcoholic liquors should be suspended in the public interest; and

~~(N)~~ ~~(O)~~ To permit any outside lights on the premises to remain on during the hours in which the sale of alcoholic liquor on the premises is prohibited.

(1981 Code, § 36.08) (Am. Ord. 87-10, passed 4-20-1987; Am. Ord. 93-21, passed 12-20-1993; Am. Ord. 94-25, passed 10-17-1994; Am. Ord. 10-45, passed 10-4-2010; Am. Ord. 12-11, passed 2-27-2012) Penalty, see § 116.99

**Section Two. Severability.** If any section, paragraph or provision of this ordinance shall be held to be invalid or unenforceable for any reason, the validity or unenforceability of such section, paragraph or provision shall not affect any of the remaining provisions of this ordinance.

**Section Three. Repeal.** All ordinances, resolutions, motions or parts thereof in conflict herewith shall be and the same are hereby repealed.

**Section Four. Publication.** This ordinance shall be in full force and effect forthwith upon its adoption, approval and publication in pamphlet form as provided by law.

**Section Five. Effective Date.** Passed on the 16<sup>th</sup> day of July, 2012, according to the following roll call vote.

AYES: 5 - Justices Gorman, Lynam, Miller, VanOstenbridge &  
NAYES: 0 President Bartels

ABSENT: 2 - Justices Ruffalo & Skillicom

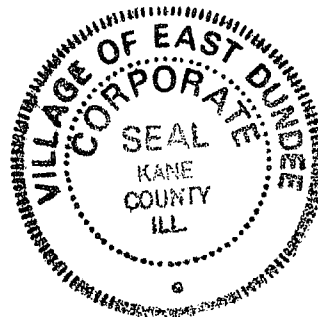
Approved by me this 16<sup>th</sup> day of July, 2012.

Jerald Bartels  
Jerald Bartels, President

Published in pamphlet form this 21<sup>st</sup> day of July, 2012, under the authority of the President and Board of Trustees.

ATTEST:

Jennifer Rehberg  
Jennifer Rehberg, Village Clerk



Recorded in the Village Records on July 21<sup>st</sup>, 2012.