

ORDINANCE NUMBER 12 - 91

**ORDINANCE AMENDING TITLE XI,
BUSINESS REGULATIONS, CHAPTER 116,
ALCOHOLIC BEVERAGES, SECTION 116.08, OFFENSES BY
LICENSEE TO ALLOW FOR LIQUOR SERVICE FOR CERTAIN
LICENSEES UNTIL 4:00 A.M. ON JANUARY 1.**

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 find that it is desirable and necessary to extend the hours of those liquor licensees, except those holding a Class B, B-1, B-2, B-3 or B-4 license to have liquor service until 4:00 a.m. on January 1.

WHEREAS, the President and Board of Trustees of the Village of East Dundee having determined that it is in the best interests of the health, safety and welfare of the residents of the Village of East Dundee that the East Dundee Code of Ordinances, Title XI, Business Regulations, Chapter 116, Alcoholic Beverages, Section 116.08, Offenses By Licensee, subsection (B), 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 the East Dundee Code of Ordinance, Title XI, Business Regulations, Chapter 116, Alcoholic Beverages, Section 116.08(B), is hereby amended to hereafter read as follows:

116.08 OFFENSES BY LICENSEE

(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. Notwithstanding the foregoing, a licensee, other than those holding a Class B, B-1, B-2, B-3 or B-4 license, may remain open and provide liquor service until 4:00 a.m. on January 1 of each calendar year, provided that the Village is notified at least thirty (30) days in advance that such extended liquor service hours are intended by the licensee on that day. The Village reserves the right to revoke that permission in the following manner: No later than December 10 of each year, and with cause, the Liquor Commissioner may notify a licensee or licensees of the revocation of that permission for that year, allowing such licensee to petition the Liquor Commission for a review of that revocation. The Liquor Commission may agree to entertain the request for review. If such a review by the Liquor Commission is conducted, the decision of the Commission is final.

Section Two. Severability. If any section, paragraph or provision of this ordinance shall be held to be invalid or unenforceable for any reason, the invalidity 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.

Adopted this 17 day of December, 2012, pursuant to a roll call vote as follows:

AYES:

Trustees Gorman, Lynam, Skellicorn, Miller, VanOstenbodge and President Bartels

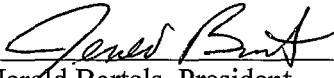
NAYES:

0

ABSENT:

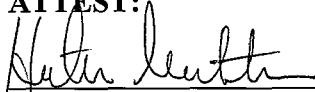
Trustee Ruffalo

Approved by me this 17th day of December, 2012.


Jerald Bartels, President

Published in pamphlet form this 26 day of December, 2012, under the authority of the President and Board of Trustees.

ATTEST:



Heather Maieritsch, Deputy Village Clerk

Recorded in the Village Records on December 26, 2012.