

ORDINANCE NUMBER 23 - 01

AMENDMENT TO ORDINANCE, TITLE XI: BUSINESS REGULATIONS, CHAPTER 116: ALCOHOLIC BEVERAGES, SECTION 116.08: OFFENSES BY LICENSEE.

WHEREAS, the Village of East Dundee ("Village") is a home rule unit of local government pursuant to Section 6 of Article VII of the Constitution of the State of Illinois, and has the authority to exercise any power and perform any function pertaining to its government and affairs; and

WHEREAS, the Village seeks to amend the Ordinance set forth in Title XI: "Business Regulations," Chapter 116: "Alcoholic Beverages," Section 116.08 "Offenses by Licensee" ("**Ordinance**") to prohibit the sales of alcohol between the hours of 1:00a.m. and 4:00a.m. on January 1 of each calendar year; and

WHEREAS, the Board of Trustees of the Village of East Dundee finds it in the best interests of the Village to amend and pass the Ordinance in order to protect the public health, safety and welfare; and

NOW, THEREFORE, BE IT ORDAINED by the Village President and Board of Trustees of the Village of East Dundee, Cook and Kane Counties, Illinois, as follows:

SECTION 1: That each Whereas paragraph above is incorporated by reference into this Section 1 and made a part hereof as material and operative provisions of this Ordinance.

SECTION 2: Title XI: "Business Regulations," Chapter 116: "Alcoholic Beverages," Section 116.08 "Offense by Licensee," shall be, and is hereby amended as set forth in ***Exhibit A*** attached to and, by this reference, made a part of this Ordinance.

SECTION 3: That the Village Clerk is hereby directed to have the Municipal Code of the Village of East Dundee clearly marked to indicate the aforesaid changes.

SECTION 4: All ordinances or parts of ordinances in conflict with terms of this ordinance are, to the extent of such conflict, hereby repealed.

SECTION 5: This Ordinance shall be in full force and effect from and after its passage, approval and publication in pamphlet form as provided by law.

PASSED this 23rd day of January 2023 pursuant to a roll call vote as follows:

AYES: Mahony, Kunze, Brittin, Saviano and Sauder

NAYES: Ø

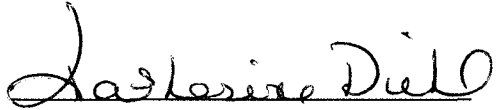
ABSENT: Treiber

APPROVED by me this 23rd of January 2023.



Jeffrey Lynam, Village President

ATTEST:



Katherine Diehl, Village Clerk

EXHIBIT A

[Added text **bold and double underlined**; deleted text ~~struck through~~]

§ 116.08 OFFENSES BY LICENSEE.

Publisher's Note: This Section has been AMENDED by new legislation (Ord. 22-31, adopted 7-18-2022). The text of the amendment will be incorporated below when the ordinance is codified.

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. ~~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 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.

(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) 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) 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) 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) 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) 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) Sell alcoholic liquor to any minor, intoxicated person, habitual drunkard, spendthrift, insane, feeble-minded or distracted person;

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

(L) 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 A-2 (Beer/Wine On-Premises Consumption), 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) 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) 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.