

ORDINANCE NUMBER 23- 03

AN ORDINANCE OF THE VILLAGE OF EAST DUNDEE, COOK AND KANE COUNTIES, ILLINOIS, AMENDING CHAPTER 116 OF THE VILLAGE OF EAST DUNDEE VILLAGE CODE TO ADD A NEW CLASS E-4 LIQUOR LICENSE TO ALLOW FOR THE SALE OF BOTH ON PREMISES ALCOHOL SALES OF ALL LEGAL ALCOHOL AND RETAIL SALE OF BEER, WINE AND SPIRITS OF 40 PROOF OR LESS ONLY

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 Illinois Liquor Control Act, 235 ILCS 5/1-1, *et seq.*, authorizes the Village to determine the number, kind and classification of licenses for the retail sale of alcohol liquor, and to establish rules and regulations for the sale thereof; and

WHEREAS, the President and Board of Trustees have determined it to be in the best interest of the Village that a new classification of liquor license, to be known as “Class E-4,” be added to the Village of East Dundee Village Code (“Village Code”) to allow the sale of both on premises alcohol sales of all legal alcohol and the retail sale of beer, wine and spirits of 40 proof or less only; 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: Incorporation. That the recitals above shall be and are hereby incorporated as Section 1 as if restated herein.

SECTION 2: Amendments. That the Village Code is hereby amended as follows, with additions underlined and deletions struck through:

AMENDMENT ONE:

Section 116.05(A)(14-1) of the Village Code, entitled “Class E-4” “Restaurant with Bar and Packaged Sales” is hereby created and shall read as follows:

The regulations governing Class E, Restaurant with Bar, and the regulations governing Class E-3, Restaurant with Beer and Wine Only and Packaged Sales, shall apply to this Section. The retail sale of alcoholic liquors under the regulation of Class E-3 for consumption off the premises in the original package shall be permitted except in the area of premises where food is sold for immediate consumption. The tasting of alcoholic liquors or food shall be permitted if the tasting or sampling is part of a promotion or sales device and no charge of any kind is made for such sampling or tasting. The retail sales area shall not exceed fifty percent (50%) of the total square footage of the premises.

AMENDMENT TWO:

Section 116.04(A)(3) of the Village Code is hereby amended to read as follows:

“All personnel who prepare mixed alcoholic beverages or serve alcoholic beverages for consumption on premises, in premises licensed under license classes A, A-1, A-2, B-5, C, D, E, ~~and E-1~~, and E-4.”

AMENDMENT THREE:

Section 116.04(B)(1)(a) of the Village Code is hereby amended to read as follows:

~~“It shall be unlawful for any holder of a license, under the Classifications A, A-1, A-2, B-5, C and D as set forth in § 116.05, required for retail sales of alcoholic liquors to employ any person to sell or serve alcoholic liquors who has not registered with the Police Department, except that the registration shall be waived for employees of holders of Class C licenses.”~~

AMENDMENT FOUR:

Section 116.08(L) of the Village Code is hereby amended to read as follows:

“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 licenses 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, E-4, 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).”

AMENDMENT FIVE:

Section 37.01(U)(2)(e) of the Village Code is hereby amended to read as follows:

1. Class A (tavern): \$2,000
2. Class A-1 (tavern/beer garden): \$3,000

3. Class A-2 (beer/wine on-premises/beer garden): \$2,500
4. Class B (package liquor): \$2,000
5. Class B-1 (supermarket and drug store): \$2,000
6. Class B-2 (incidental sales - beer and wine): \$1,200
7. Class B-3 (mail order sales): \$300
8. Class B-4 (incidental sales - beer, wine and hard liquor): \$1,500
9. Class B-5 (incidental sales – package and on-premises consumption): \$2,000
10. Class C (incorporated not-for-profit): \$750
11. Class C-1 (public golf course restaurant): \$2,500
12. Class D (outdoor amusement parks): \$1,250 plus \$375 per additional point of distribution
13. Class E (restaurants): \$2,500
14. Class E-1 (restaurants with service bar only): \$1,500
15. Class E-2 (restaurants with beer and wine only): \$1,000
16. Class E-3 (restaurant with beer and wine only and packaged sales): \$2,500
- 17. Class E-4 (restaurant with bar and packaged sales): \$2,800**
18. Class F (special events license): \$100 per day
19. Class G (banquet license): \$2,500 plus \$750 per additional point of distribution
20. Class H (entertainment venue license): \$3,000
21. Class I (specialty food and beverage establishment): \$1,000
22. Class J (village caterer): \$500
23. Class J-1 (caterer with business location outside of village): \$300
24. Class K (caboose concession stand): \$500, application fee waived
25. Class L (brew pub): \$2,500

SECTION 3: Continuation. That all provisions of the Village Code not amended herein shall remain in full force and effect.

SECTION 4: Severability. That if any Section, paragraph or provision of this Ordinance shall be held to be invalid and 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 5: Repeal. That all ordinances, resolutions, motions or parts thereof in conflict with this Ordinance shall be hereby repealed.

SECTION 6: Effect. That this Ordinance shall be in full force and effect upon its adoption, approval and publication in pamphlet form as provided by law.

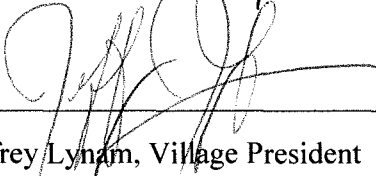
PASSED this 23rd day of January 2023 pursuant to a roll call vote as follows:

AYES: Mahony, Kunze, Brittin, Saviano and Sauder

NAYES: Ø

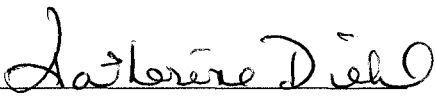
ABSENT: Treiber

APPROVED by me this 23rd of January 2023.



Jeffrey Lynam, Village President

ATTEST:



Katherine Diehl, Village Clerk