

ORDINANCE NUMBER 23- 11

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 AMEND THE CLASS F LIQUOR LICENSE TO ALLOW FOR A CURRENT LIQUOR LICENSEE TO EXCEED ITS CLASSIFICATION OF LIQUOR LICENSE FOR ONE DAY, AND FOR THE RETAIL SALE OF SPIRITS IN ITS ORIGINAL PACKAGE AT A SPECIAL EVENT

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 to amend the Class F liquor license provided for in the Village of East Dundee Village Code (“Village Code”) to allow the retail sale of spirits of 40 proof or more at special events; 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:

Section 116.05(A)(15) of the Village Code, entitled “Class F” is hereby amended as follows:

(15) *Class F.* Special events license for the retail sale of all kinds of legal alcoholic liquors for consumption on the premises as defined below. This license is not a right of any current license holder and shall be granted at the sole discretion of the Liquor Commissioner and upon a finding that the applicant has adequately met or provided for the following conditions and restrictions:

(a) The applicant must submit a site map depicting the premises to be licensed upon which the special event will occur including depicting all structures and rights-of-way within 100 feet of the licensed premises perimeter and proof of a legal right to occupy such premises during the duration of the special event.

(b) The license would be issued only to licensees holding a valid class of license permitting the consumption of alcoholic beverages on premises, and the Liquor Commissioner,

in their discretion, may grant a one (1) day license to exceed the licensee's currently-held valid class of license for the purpose of the special event.

(c) Each licensee would be limited to hours of operation for alcoholic liquor sales of no greater than between the hours of 11:00 a.m. to 8:00 p.m. However, more expansive or limited hours may be approved by the Liquor Commissioner in their discretion.

(d) Applicant for a special events license would be required to give proof, satisfactory to the Liquor Commissioner, of adequate provision for the following:

1. Public sanitary facilities;
2. Refuse and waste disposal arrangements;
3. General security and crowd control;
4. Liability and property damage insurance with carriers and in amounts satisfactory to the Commissioner; and
5. Means of securing the physical perimeter of the premises from entry by minors and adequate security arrangements to ~~insure~~ **ensure** that minors are not served alcoholic beverages.

(e) In the event a portion of public right-of-way is requested for such license, permission would be required from the Village Board.

(f) Fees would be established for each event as set forth in the annual fee schedule.

(g) This license does not include the retail sale of spirits in its original package **for one (1) day of the special event, at the discretion of the Liquor Commissioner, but in no event may the spirits sold at the special event be consumed at the special event or on the public way. It shall be the responsibility of the licensee to ensure that said packaged spirits are not consumed at the special event or on the public way.**

(Intentionally left blank)

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.

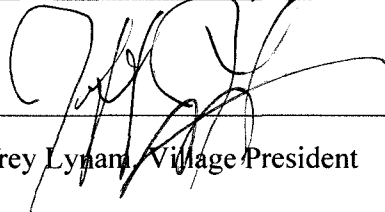
PASSED this 6th day of March 2023 pursuant to a roll call vote as follows:

AYES: Mehony, Kunze, Brittin, Treiber and Sauder

NAYES: Ø


ABSENT: Saviano

APPROVED by me this 6th of March 2023.



Jeffrey Lyman, Village President

ATTEST:



Katherine Diehl, Village Clerk