

ORDINANCE NUMBER 23- 26

**AN ORDINANCE OF THE VILLAGE OF EAST DUNDEE, COOK AND KANE
COUNTIES, ILLINOIS, AUTHORIZING THE TRANSFER OF A CLASS E-4 LIQUOR
LICENSE AND PERMIT FOR VIDEO GAMING TERMINALS**

(Aliano's Ristorante)

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, Section 137.05 *et seq.* of the East Dundee Code of Ordinances (“Code”) authorizes an establishment within the Village to operate video gaming terminals where the establishment holds a valid liquor license and has obtained a license from the Illinois Gaming Board to operate video gaming terminals; and

WHEREAS, in January of 2023, the Village received a request for a Class E-4 liquor license from FLJ River Street, Inc. doing business as Aliano’s Ristorante & Café, located at 304-310 N. River Street, East Dundee, Illinois (“Premises”); and

WHEREAS, on January 23, 2023, the Village Board approved the request for the issuance of a Class E-4 liquor license to FLJ River Street, Inc. (Ordinance 23-04); and

WHEREAS, the shareholders, owners and managers of FLJ River Street, Inc. (“Company”) are selling their interests in the Company to Teresa Rossi and Bhajan Singh (hereinafter “Applicants”); and

WHEREAS, Section 116.06(c) of the East Dundee Code of Ordinances (“Code”) requires Applicants to apply to the Village for a new liquor license because of the transfer of ownership in the Company; and

WHEREAS, Applicants have applied for a transfer of the E-4 liquor license and also requested a permit to operate video gaming terminals; and

WHEREAS, the President and Board of Trustees have determined it to be in the best interest of the Village to authorize the issuance of a Class E-4 liquor license and grant a permit for the operation of video gaming terminals on the Premises to Applicants upon the legal transfer of ownership of Company and in compliance with the Illinois Video Gaming Act (230 ILCS 40/1 *et seq.*); 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: Authorization of Transfer of Class E-4 Liquor License to Applicants.

That the Village Board authorizes the transfer of the Class E-4 liquor license to Applicants upon proof satisfactory to the Village Administrator and Village Counsel that ownership in Company has been: (a) legally transferred to Applicants as set forth in their submitted application,; (b) a valid Village-issued business license has been obtained by Applicants; and (c) compliance with the Village Code is satisfied. The number of permitted Class E-4 liquor licenses shall remain as one (1) under Section 116.05(B) of the Code. Proof of transfer of ownership in the Company must be tendered by Applicants and approved no later than July 26, 2023 or Applicants must resubmit an application for a Village-issued liquor license and obtain subsequent Village Board approval; and

SECTION 3: Video Gaming Terminal Permit. Upon the issuance of the Class E-4 liquor license for the Premises to Applicants, and proof of compliance with Section 137.05 *et seq.* of the Village Code, the Village Clerk is authorized to issue a video gaming terminal permit for six video gaming terminal(s) to the Applicants for the Premises, upon the receipt of all documentation and fees as required by Code.

SECTION 4: Continuation. That all provisions of the Village Code herein shall remain in full force and effect.

SECTION 5: 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 6: Repeal. That all ordinances, resolutions, motions or parts thereof in conflict with this Ordinance shall be hereby repealed.

SECTION 7: Effect. That this Ordinance shall be in full force and effect upon its adoption, approval and publication in pamphlet form as provided by law.

SECTION 8: Automatic Reduction. As set forth in Subsection 116.05(I) of the Code, in the event that Applicants’ license for the Premises is revoked, expires without renewal, surrendered by the licensee-holder or is otherwise terminated pursuant to Code, the total number of licenses or permits available in the Class E-4 shall be automatically reduced by that license or permit unless thereafter the number of licenses or permits is increased by the Village Board.

PASSED this 26th day of June 2023 pursuant to a roll call vote as follows:

AYES: Mahony, Kunze, Brittin, Saviano, Treiber and Sauder

NAYES: None

ABSENT: None

APPROVED by me this 26th of June 2023.



Jeffrey Lynam, Village President

ATTEST:



Katherine Diehl, Village Clerk