

ORDINANCE NUMBER 20- 12

AN ORDINANCE OF THE VILLAGE OF EAST DUNDEE, COOK AND KANE COUNTIES, ILLINOIS ADDING A NEW CLASS E-3 CLASSIFICATION OF LIQUOR LICENSE TO ALLOW FOR LIMITED PACKAGED SALES IN RESTRAURANTS

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, Article IV of the Illinois Liquor Control Act, 235 ILCS 5/4-1, *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 of the Village have deemed it to be in the best interest of the Village that a new classification of liquor license, to be known as “Class E-3,” be added to the Village of East Dundee Village Code (“Village Code”) to allow the limited retail sale of packaged alcoholic liquors in restaurants; and

WHEREAS, the Village has received a request for the issuance of a Class E-3 liquor license; and

WHEREAS, the President and Board of Trustees of the Village have deemed it to be in the best interest of the Village that a Class E-3 liquor license be made available; and

WHEREAS, the President and Board of Trustees have deemed it to be in the best interest of the Village to make other housekeeping amendments to the section of the Village Code regulating restaurant liquor licenses.

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

Amendment 1:

Section 116.01 of the Village Code is hereby amended by adding the following definition which has been stricken from Section 116.05 and shall

read as follows:

“RESTAURANT. Specifically limited to public places kept, used, maintained, advertised, and held out to the public as a place where meals are served, as such term is defined in the state Liquor Control Law, ILCS Chapter 235, Act 5, § 1-3.23, and, in addition, which offers patrons complete meals, including at least dinner and optionally luncheon at which the service of alcoholic beverages is incidental and complementary to the service of such meals. Limited food service, such as provided by lounges, luncheonettes, diners, coffee shops, drive-ins, pizza parlors, and similar uses, does not satisfy the requirements of this definition.”

Amendment 2:

Subsection 11, 12, and 13 of Section 116.05(A) of the Village Code is hereby amended and Subsection 14 is hereby added and shall read as follows:

“(11) Class E. Restaurant with Bar. For the retail sale in premises, as defined below, of all kinds of legalized alcoholic liquors for consumption on the premises, subject to the following conditions and restrictions. ~~For the purpose of this division (A)(11), the following definitions shall apply unless the context clearly indicates or requires a different meaning.~~ This license does not permit the sale of spirits in the original package for consumption on the premises.

~~PREMISES.~~ Upon approval of the Liquor Commissioner, the premise of a Class E License may include a contiguous adjoining exterior area, subject to the additional conditions set forth below:

- (a) The outside dining area shall be enclosed by a minimum three-foot high wall, fence, or structure designed to be decorative and to prevent unauthorized entry. The maximum height of such fence or wall shall be eight feet.
- (b) At least five feet of public right-of-way must be provided and maintained at all times for pedestrian traffic.
- (c) At least ten feet of public right-of-way traffic must be provided between the outdoor dining area and vehicular traffic, unless otherwise approved by the Liquor Commissioner.
- (d) The outside dining area shall have ingress and egress for emergency purposes and for handicap accessibility.

- (e) The outside dining area shall not have a covered roof, unless otherwise approved by the Liquor Commissioner, although umbrellas, awnings, screening, and the like may be allowed, and a limited roof structure may be permitted over any service bar.
- (f) No signs shall be attached to any furniture, umbrellas, awnings, or other structure related to the operation of the outdoor dining area.
- (g) No permanent fixtures are to be installed and only those fixtures authorized by the permit and shown in the diagram may be stored in the public right-of-way when the outdoor dining area is not in operation. Should the licensee not utilize the sidewalk as authorized for a period of 48 hours or more, all the tables and materials must be removed.
- (h) A service bar or service window for the service of alcoholic beverages may be permitted in the outside dining area. Permission for the sale of alcoholic beverages must be secured from the Liquor Commissioner prior to issuance of an Outdoor Dining/Sidewalk Cafe Permit.
- (i) Outside meal seating will be permitted; however, no alcohol shall be served or consumed in the outside seating area no later than 12:00 a.m. Sunday through Thursday, and 1:00 a.m. Friday and Saturday.
- (j) The outside dining area seating shall not be used in subdivision (b) above for calculating the required number of seats for this liquor license classification.
- (k) Seating for the outdoor dining area is to be restricted to the right-of-way approved by the village.
- (l) The outside dining area seating capacity when combined with the indoor seating capacity shall meet the requirements of the State Plumbing Code and village plumbing ordinances with regard to restroom facilities.
- (m) Persons issued a permit for an outdoor dining area/sidewalk cafe shall maintain the sidewalk area in a clean and safe condition. The permit holder shall clean said area at the end of each business day, so as not to have any food or drink leftovers remaining. The permit holder shall wash daily the sidewalk area approved by the village for the outdoor dining

area/sidewalk cafe removing any food or drink residue.

- (n) If the outdoor dining area interferes with a public event planned on the public right-of-way, the public event shall take precedence. The village will endeavor to notify the licensee 30 days in advance of the scheduled event.
 - (o) Such other requirements as may reasonably be imposed by the Liquor Commissioner taking into account the unique circumstances of the licensee's premises and location.
- (12) Class E-1. Restaurant with Service Bar Only. For the retail sale of all kinds of legalized alcoholic liquors for consumption on the premises and with all conditions and restrictions as imposed under the ~~Classification~~ Class E Classification and including the following additional conditions:
- (a) The service of alcoholic beverages shall only be permitted during such hours as complete meals are available from the licensed premises, including such reasonable time thereafter as may be incidental to the service of meals.
 - (b) Alcoholic beverages shall be served only at tables where complete meal service is available by employees of the licensed premises. Alcoholic beverage service shall not be permitted from a bar or similar facility.
 - (c) Premises licensed hereunder must have the legal capacity under local ordinance and state law to seat at least 50 patrons. Seating capacity must be regularly and ordinarily present on the premises and may not include temporary or folding tables or chairs not customarily used in the ordinary course of licensee's business.
 - (d) This license does not permit the sale of spirits in its original package for consumption on the premises.
- (13) Class E-2. Restaurant with Beer and Wine Only. For the retail sale in the premises specified in the license, beer, wine and spirits of 40 proof or less only, for consumption on the premises where sold, but not for the retail sale of spirits, in its original package, ~~for consumption on the premises.~~ with all conditions and restrictions as imposed under the Class E Classification and the following additional conditions:

The issuance of this license is specifically limited to public places kept, used, maintained, advertised, and held out to the public as a place where meals are served, as such term is defined in the Illinois Liquor Control Act and which offers patrons complete, freshly prepared meals at which the service of alcoholic beverages is incidental and complimentary to the service of such meals. Notwithstanding the conditions and restrictions as imposed ~~for restaurants, under the Classifications Class E and Class E-1 above,~~ pizza parlors are an allowable use under this section provided there is compliance with the conditions and restrictions set forth herein.

- ~~(a) This license shall be issued to restaurants only if the following conditions are met at all times when the license is in force:~~
- ~~1. Only "beer", "wine" and "spirits" of 40 proof or less, as defined in the Illinois Liquor Control Act, may be sold.~~
 - ~~2. Meals are to be served at tables.~~

- (14) Class E-3. Restaurant with Beer and Wine Only and Packaged Sales. For the retail sale of beer, wine and spirits of 40 proof or less only, for consumption on the premises and for the retail sale of packaged beer, wine, and spirits of 40 proof or less only its original package for consumption off the premises. This license shall be subject to all of the conditions and restrictions imposed under the Class E license and the following additional conditions:

The issuance of this license is specifically limited to public places kept, used, maintained, advertised, and held out to the public as a place where meals are served, as such term is defined in the Illinois Liquor Control Act and which offers patrons complete, freshly prepared meals at which the service of alcoholic beverages is incidental and complimentary to the service of such meals.

Amendment 3:

The table in Section 116.05(B) of the Village Code is hereby amended to add the following liquor license classification and number permitted:

<i>Classification</i>	<i>Number Permitted</i>
<u>E-3</u>	<u>1</u>

Amendment 4:

Section 37.01(U)(2) of the Village Code is hereby amended in its entirety as follows:

“(2) Liquor license fees. Liquor licenses issued on July 1 of each year and the fees for licenses issued shall be prorated based for issue date, determined as follows:

- (a) July 1 - September 30: Not prorated
- (b) October 1 - December 31 : 75% of liquor license fee
- (c) January 1 - March 31: 50% of liquor license fee
- (d) April 1 - June 30: 25% of liquor license fee
- (e) Annual License Fees
 - 1. Class A (tavern): \$2,000
 - 2. Class A-1 (tavern/beer garden): \$3,000
 - 3. Class B (package liquor): \$2,000
 - 4. Class B-1 (supermarket and drug store): \$2,000
 - 5. Class B-2 (incidental sales - beer and wine): \$1,200
 - 6. Class B-3 (mail order sales): \$300
 - 7. Class B-4 (incidental sales - beer, wine and hard liquor): \$1,500
 - 8. Class C (incorporated not-for- profit): \$750
 - 9. Class C-1 (public golf course restaurant): \$2,500
 - 10. Class D (outdoor amusement parks): \$1,250 plus \$375 per additional point of distribution
 - 11. Class E (restaurants): \$2,500
 - 12. Class E-1 (restaurants without bar with service bar only): \$1,500
 - 13. Class E-2 (restaurants with beer and wine only): \$1,000
 - 14. Class E-3 (restaurant with beer and wine only and packaged sales): \$2,500
 - 15. Class F (special events license): \$100 per day
 - 16. Class G (banquet license): \$2,500 plus \$750 per additional point of distribution
 - 17. Class H (entertainment venue license): \$3,000
 - 18. Class I (specialty food and beverage establishment): \$1,000
 - 19. Class J (village caterer): \$500
 - 20. Class J-1 (caterer with business location outside of village): \$300
 - 21. Class K (caboose concession stand): \$500, application fee waived
 - 22. 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 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 5: Repeal. That all ordinances, resolutions, motions or parts thereof in conflict herewith shall be and the same are hereby repealed.

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

PASSED this 4th day of May, 2020 pursuant to a roll call vote as follows:

AYES: Trustees Lynam, Selep, Wood, Mahony, Andesen and Kunze

NAYES: NONE

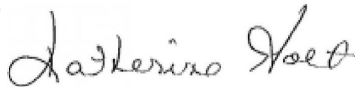
ABSENT: NONE

APPROVED by me this 4th day of May, 2020.



Lael Miller, Village President

ATTEST:



Katherine Holt, Village Clerk

Published in pamphlet form this 5th day of May, 2020, under the authority of the Village President and Board of Trustees.

Recorded in the Village records on May 5, 2020.