

ORDINANCE NUMBER 22 - 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 A-2 LIQUOR LICENSE TO ALLOW FOR THE SALE OF BEER AND WINE FOR ON-PREMISES CONSUMPTION**

**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 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 A-2," be added to the Village of East Dundee Village Code ("Village Code") to allow the limited retail sale of beer and wine for on-premises consumption; 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 the recitals above shall be and are hereby incorporated in this 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:**

The definition of "Beer Garden" in Section 116.01(B) of the Village Code is hereby amended to read as follows:

**"BEER GARDEN.** An outdoor area where alcoholic liquors are sold for consumption and which is contiguous to a Class A-1 or A-2 liquor licensed establishment as identified in the Village Code."

**Amendment Two:**

Section 116.05(A)(2-1) of the Village Code, entitled "Class A-2," is hereby created and shall read as follows:

"For retail sale, on the premises specified, of beer and wine solely in the original package for consumption on the premises and not for consumption off the premises where sold. The retail sale and consumption shall be permitted both in the interior of a building having a valid occupancy permit as well as an adjoining contiguous exterior area, known as a "beer garden," subject to the following conditions:

(a) Any beer garden must be on the existing premises contiguous to the building occupied by the licensee.

(b) Any beer garden must be completely enclosed by a fence or a wall with a height of at least four feet.

(c) Any beer garden must be completely enclosed by a solid opaque eight-foot fence or wall, when a property is within 100 feet of a residential district or when required by the Liquor Commissioner.

(d) Beer and wine consumed in a beer garden shall only be consumed by prequalified persons who have been given and are wearing a wrist band after verification of age and within specifically controlled areas surrounded by a barrier limiting access to other areas of controlled areas of the establishment, as approved in writing by the Liquor Commissioner, or his or her designee, and posted at the entrance to the designated area.

(e) If the Liquor Commissioner determines that the beer garden is a nuisance, the Liquor Commissioner may 1. revoke permission for the beer garden to operate on the premises, and / or 2. rescind any waivers of this Chapter granted to the licensee."

**Amendment Three:**

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, C, D, E and E-1 shall be required to complete BASSET or TIPS training."

**Amendment Four:**

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, C and D 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 Five:**

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 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).”

**Amendment Six:**

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 C (incorporated not-for-profit): \$750
10. Class C-1 (public golf course restaurant): \$2,500
11. Class D (outdoor amusement parks): \$1,250 plus \$375 per additional point of distribution
12. Class E (restaurants): \$2,500
13. Class E-1 (restaurants with service bar only): \$1,500
14. Class E-2 (restaurants with beer and wine only): \$1,000
15. Class E-3 (restaurant with beer and wine only and packaged sales): \$2,500
16. Class F (special events license): \$100 per day
17. Class G (banquet license): \$2,500 plus \$750 per additional point of distribution
18. Class H (entertainment venue license): \$3,000
19. Class I (specialty food and beverage establishment): \$1,000
20. Class J (village caterer): \$500
21. Class J-1 (caterer with business location outside of village): \$300
22. Class K (caboose concession stand): \$500, application fee waived
23. 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 with this Ordinance shall be and the same are 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.

**[THIS SPACE INTENTIONALLY LEFT BLANK]**

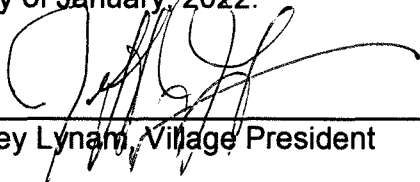
**ADOPTED** this 24th day of January, 2022 pursuant to a roll call vote as follows:

AYES: Mahony, Kunze, Saviano, Brittin and Treiber

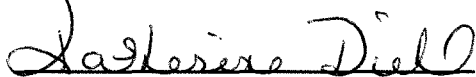
NAYES: Ø

ABSENT: Sauder

**APPROVED** by me this 24th day of January, 2022.

  
\_\_\_\_\_  
Jeffrey Lynam, Village President

**ATTEST:**

  
\_\_\_\_\_  
Katherine Diehl, Village Clerk

Published in pamphlet form this 24th day of January, 2022, under the authority of the Village President and Board of Trustees.

Recorded in the Village records on January 25, 2022.