

ORDINANCE NUMBER 22 - 31

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 B-5 LIQUOR LICENSE TO ALLOW FOR THE SALE OF BOTH PACKAGE BEER, WINE AND SPIRITS FOR OFF-PREMISES CONSUMPTION AND 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 B-5," be added to the Village of East Dundee Village Code ("Village Code") to allow the limited retail sale of package beer, wine and spirits for off-premises consumption, and 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:

Section 116.05(A)(7-1) of the Village Code, entitled "Class B-5," is hereby created and shall read as follows:

"(a) Package store license which shall allow licensee to sell and offer to sell, at retail in the premises specified in the license, (1) beer, wine and spirits in the original package not for consumption on

the premises where sold, and (2) beer and wine poured from an original package by the licensee for consumption on the premises where sold.

(b) This license shall be issued to retail food stores, department stores and retail food stores also selling gasoline only if the following conditions are met at all times when the license is in force:

1. Only "beer," "wine" and "spirits" as defined in the Illinois Liquor Control Act (235 ILCS 5/1-1, et seq.), may be sold.

2. The minimum enclosed floor area open to the public for retail sales for store products shall be 1,800 square feet, of which no more than 20% may be devoted to the sale and consumption of beer and wine.

3. The minimum inventory level shall be \$35,000 retail value, excluding beer, wine, spirits, fuel and automotive products.

4. The maximum percentage of beer and wine to total store sales, exclusive of gasoline sales, shall be 3-5% on a retail basis during any consecutive 12-month period.

5. No displays of beer, wine or spirits shall be located within five feet of the store's entrance.

6. Cold beer, cold wine or cold spirits shall only be sold from, or displayed in, electrical refrigeration coolers.

7. Employees engaged in the sale of beer, wine or spirits must be at least 21 years of age.

8. The premises shall include an indoor area dedicated exclusively to alcohol consumption and video gaming, if any.

9. Alcohol consumption on the premises shall be strictly limited to a designated area approved by the Liquor Commissioner and may only occur during the hours of 8 AM to 12 AM daily. Any video gaming license shall be limited to the hours in which on-premises consumption of beer and wine is authorized as provided herein.

10. The licensee may not serve more than one serving of an alcoholic beverage per customer, per hour for on-premises consumption, and in no event shall a licensee serve more than two servings of an alcoholic beverage to an individual for on-premises consumption in a single calendar day. For purposes of this Subsection, one serving of an alcoholic beverage means twelve (12) ounces of beer or five (5) ounces of wine.

11. The licensee may only sell and serve beer and wine for on-premises consumption to a person who is actively playing at a video game terminal. For purposes of this Subsection, actively playing means that a person is presently engaged in real-time inputs and interaction with a video gaming terminal and shall be distinguished from passively watching a video gaming terminal or another person actively playing.

(c) In addition, retail food stores selling gasoline shall meet the condition that no mechanical or repair work of any kind may be performed on automobiles on the licensed 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 shall be required to complete BASSET or TIPS training.”

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 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), B-5 (Retail Food/Gas/On-Premises Consumption) 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 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 F (special events license): \$100 per day
18. Class G (banquet license): \$2,500 plus \$750 per additional point of distribution
19. Class H (entertainment venue license): \$3,000

20. Class I (specialty food and beverage establishment): \$1,000
21. Class J (village caterer): \$500
22. Class J-1 (caterer with business location outside of village): \$300
23. Class K (caboose concession stand): \$500, application fee waived
24. 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.

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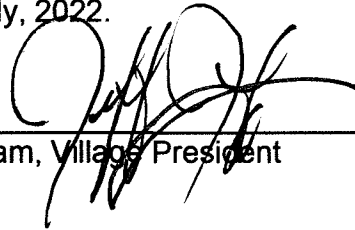
ADOPTED this 18th day of July, 2022 pursuant to a roll call vote as follows:

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

NAYES: ∅

ABSENT: ∅

APPROVED by me this 18th day of July, 2022.



Jeffrey Lynam, Village President

ATTEST:

Katherine Diehl
Katherine Diehl, Village Clerk

Published in pamphlet form this 18th day of July, 2022, under the authority of the Village President and Board of Trustees.

Recorded in the Village records on July 20, 2022.