

ORDINANCE NUMBER 08 - 10

**ORDINANCE AMENDING TITLE XI, BUSINESS REGULATIONS,
CHAPTER 116, ALCOHOLIC BEVERAGES
BY REVISING SECTION 116.05(A)**

WHEREAS, the Village of East Dundee is a home rule unit of local government under and pursuant to Section 6 of Article VII of the Constitution of the State of Illinois, has the authority to exercise any power and perform any function pertaining to its government and affairs, including but not limited to the power to regulate for the protection of the public health, safety, morals, and welfare; and

WHEREAS, the President and Board of Trustees of the Village of East Dundee having determined that it is in the best interests of the health, safety and welfare of the residents of the Village of East Dundee that Title XI, **Business Regulations**, Chapter 116, **Alcoholic Beverages**, Section 116.05(A) be revised.

NOW THEREFORE BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF EAST DUNDEE, COOK AND KANE COUNTIES, ILLINOIS, AS FOLLOWS:

Section One. That **Title XI, Business Regulations, Chapter 116, Alcoholic Beverages**, Section 116.05(A) be revised as follows:

' 116.05 LICENSES

. . .

(12) *Class E-2.*

(a) 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.

(b) 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 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.

(c) 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 Abeer@, Awine@ and Aspirits@ of 40 proof or less, as defined in the Illinois Liquor Control Act, may be sold.

(2) Meals are to be served at tables.

(13) *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 Commission 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 licensees 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.

(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. More limited hours may be approved by the Liquor Commission in their discretion.

(d) Live entertainment may be permitted at the discretion and within parameters set by the Liquor Commission after evaluating factors including but not limited to the impact on the surrounding neighborhood of such live entertainment, the type of such live entertainment, the expected noise levels generated by the entertainers, the hours of operation, and any other factors the Commission finds relevant. In the event the Commission grants permission for live entertainment, the Chief of Police or his or her designated duty officer shall have the right to terminate such permission if in his or her sole judgment such entertainment is not operating within parameters as may be set by the Commission or is creating a public nuisance and unduly disturbing the peace of the immediately surrounding neighborhood.

(e) Applicant for a special events license would be required to give proof, satisfactory to the Liquor Commission, 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 Commission; and
5. Means of securing the physical perimeter of the premises from entry by minors and adequate security arrangements to insure that minors are not served alcoholic beverages.

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

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

Section Two. That Title XI, Business Regulations, Chapter 116, Alcoholic Beverages, Section 116.05(B) be revised as follows:

116.05 LICENSES

. . .

(B) *Number of licenses to be issued.* The number of licenses issued in all preceding classes shall be as follows, except as modified from time to time by ordinance:

<i>Classification</i>	<i>Number Permitted</i>
A	4
A-1	2
B	1
B-1	2
B-2	3
C	1

C-1	1
D	1
E	3
E-1	6
E-2	1

Section Three. Severability. If any section, paragraph or provision of this ordinance shall be held to be invalid or unenforceable for any reason, the validity or unenforceability of such section, paragraph or provision shall not affect any of the remaining provisions of this ordinance.

Section Four. Repeal. All ordinances, resolutions, motions or parts thereof in conflict herewith shall be and the same are hereby repealed.

Section Five. Publication. This ordinance shall be in full force and effect forthwith upon its adoption, approval and publication in pamphlet form as provided by law.

Adopted this 17th day of March, 2008, pursuant to a roll call vote as follows:

AYES: Ruffalo, Gorman, Carlino, Lynam, Cichowski,
Mahony, Pres. O'Leary

NAYES: _____

ABSENT: _____

Approved by me this 17th day of March, 2008.

Daniel O'Leary
 DANIEL O'LEARY, President

Published in pamphlet form this 18th day of March, 2008, under the authority of the President and Board of Trustees.

ATTEST:

Susan Norton
 SUSAN NORTON, Village Clerk

Recorded in the Village Records on March 18, 2008.

