

ORDINANCE NUMBER 18 - 08

**AN ORDINANCE OF THE VILLAGE OF EAST DUNDEE, COOK AND KANE COUNTIES, ILLINOIS ADDING A NEW CLASS K CLASSIFICATION OF LIQUOR LICENSE FOR THE CABOOSE CONCESSION STAND AND MAKING AVAILABLE A CLASS K LIQUOR LICENSE**

**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 K," be added to the Village of East Dundee Village Code ("Village Code") to allow the retail sale of beer and wine for consumption at the Village-owned caboose concession stand at 112 Railroad Street in Depot Park ("Caboose"); and

**WHEREAS**, the Village has received a request for the issuance of a Class K liquor license for the Caboose; 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 K liquor license be made available;

**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:

**Amendment 1:**

Section 116.05(A)(21) of the Village Code is hereby created and shall read as follows:

Class K; Caboose Concession Stand. For the retail sale of beer

and wine only for consumption on the premises of the caboose concession stand owned by the Village at 112 Railroad Street, East Dundee, Illinois, and operated by the holder of the Class K license under an approved license agreement with the Village. The license is subject to the following conditions and restrictions:

- (a) Package sales are prohibited.
- (b) Sales, service and consumption of alcoholic liquor in or from glass containers and pitchers is prohibited.
- (c) Sales, service and consumption of alcoholic liquor 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.
- (d) Sales, service and consumption of alcoholic liquor shall only be permitted within the approved outside dining area where complete meal service is available on the licensed premises.
- (e) The outdoor dining area of the licensed premises is restricted to the portion of the right-of-way approved by the Village.
- (f) Sales, service and consumption of alcoholic liquor are prohibited earlier than 10:00 a.m. or later than 9:00 p.m. Sunday through Saturday.
- (g) If required by the Liquor Commissioner, the outside dining area shall be enclosed by a fence or other structure or materials approved by the Village and designed to be decorative and to prevent unauthorized entry, at the licensee's sole cost and expense.
- (h) The licensee shall maintain the licensed premises and adjacent right-of-way area in a clean and safe condition, and shall clean said area at the end of each business day, so as not to have any food or drink leftovers remaining.
- (i) Such other conditions and restrictions as may reasonably be imposed by the Liquor Commissioner from time to time taking into account the unique circumstances of the licensed premises and its location.

**Amendment 2:**

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>K</u>	<u>1</u>

**Amendment 3:**

Section 37.01(U)(2)(19) of the Village Code is hereby created and shall read in its entirety as follows:

Class K (caboose concession stand): \$500, application fee waived

**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 7th day of May, 2018 pursuant to a roll call vote as follows:

AYES: Trustees Lynam, Selep, Hall, and Mahony

NAYES: Ø

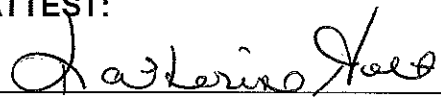
ABSENT: Trustee Wood

ABSTAIN: Trustee Andresen

APPROVED by me this 7th day of May, 2018.

  
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Lael Miller, Village President

**ATTEST:**

  
\_\_\_\_\_  
Katherine Holt, Village Clerk

Published in pamphlet form this 8<sup>th</sup> day of May, 2018, under the authority of the Village President and Board of Trustees.

Recorded in the Village records on May 8, 2018.