

ORDINANCE NUMBER 18 - 35

AN ORDINANCE OF THE VILLAGE OF EAST DUNDEE, COOK  
AND KANE COUNTIES, ILLINOIS  
AMENDING THE VILLAGE CODE  
TO CREATE A CLASS L (BREW PUB) 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**, the President and Board of Trustees of the Village have deemed it to be in the best interest of the Village that the Village of East Dundee Village Code ("Village Code") be amended to create a Class L (Brew Pub), liquor license;

**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(B) of the Village Code, entitled "Definitions", is hereby amended in part as follows:

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

**BREW PUB.** A brewery that brews beer and cider only on the premises for sale to distributors and non-licensees only for consumption, which stores beer and cider on the premises, and which shall make retail sales of beer and cider for both on and off premises consumption. A brew pub may, but is not required, to offer food service. Total sales for off premises consumption shall not exceed 155,000 gallons per calendar year. A brew pub shall include a microbrewery or nano-brewery on the premises.

TAP ROOM. The portion of a brew pub open to the public for the retail sale of beer and cider for consumption on premises, and for the retail sale of beer and cider to be consumed off the premises.

**Amendment 2:**

Section 116.05(A)(22) of the Village Code, entitled "Class L; Brew Pub," is hereby created and shall read in its entirety as follows:

For the retail sale, at a specified brew pub as defined within this section, beer and cider only for consumption on the premises and the retail sale of beer and cider in its original package manufactured by the specified brew pub to be consumed off the premises where sold. The license is subject to the following conditions and restrictions:

- (a) A portion of the licensed premises shall be dedicated as the tap room, as defined within this section, which shall be open to the public for the service, consumption, and retail sale of beer and cider as permitted within this section.
- (b) The portion of the licensed premises dedicated to the manufacturing of beer shall be segregated from the tap room, as defined within this section, and shall not be generally accessible to the public.
- (c) Any public tours of the portion of the license premises dedicated to the manufacturing of beer and cider shall be subject to public safety restrictions imposed by the Building Department.
- (d) The brew pub is not required to have food service and is permitted to have outside prepared food consumed on the licensed premise, as may be permitted by the Kane County Health Department.
- (e) The licensed premises shall be permitted to have an outside beer garden subject to the following restrictions:
  - 1. Any beer garden must be on the existing premises contiguous to the building occupied by the licensee.
  - 2. Any beer garden must be completely enclosed by a fence or a wall with a height of at least four feet or such other height as approved by the Village Board.
  - 3. Any beer garden must be completely enclosed by a solid opaque eight-foot fence or wall, when the beer garden is within one hundred feet (100') of a residential district or when required by the Liquor Commissioner.

4. No alcohol shall be served or consumed in any beer garden later than 12:00 a.m. Sunday through Thursday, and 1:00 a.m. Friday and Saturday.

**Amendment 3:**

Section 116.05(B) of the Village Code, entitled "Number of licenses to be permitted," is hereby amended by adding a new "Classification" as follows:

Classification	Number Permitted
<u>L</u>	<u>1</u>

**Amendment 4:**

Section 37.01(U)(2) of the Village Code, entitled "Liquor license fees," is hereby amended by adding a new fee for Class L liquor licenses:

20. 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.

**[THIS SPACE INTENTIONALLY LEFT BLANK]**

ADOPTED this 15<sup>th</sup> day of October, 2018 pursuant to a roll call vote as follows:

AYES: Trustees Lynam, Selep, Wood, Hall and Andresen

NAYES: Ø

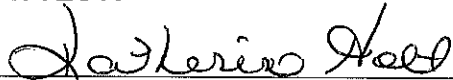
ABSENT: Trustee Mahony

APPROVED by me this 15<sup>th</sup> day of October, 2018.



Lael Miller, Village President

ATTEST:



Katherine Holt, Village Clerk

Published in pamphlet form this 17<sup>th</sup> day of October, 2018, under the authority of the Village President and Board of Trustees.

Recorded in the Village records on October 17, 2018.