

ORDINANCE NUMBER 04 - 31

**ORDINANCE AMENDING THE EAST DUNDEE
CODE OF ORDINANCES, TITLE XI,
BUSINESS REGULATIONS, CHAPTER 116,
ALCOHOLIC BEVERAGES, SECTION 116.05,
LICENSES, (A) CLASSIFICATIONS, (1) CLASS E**

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 the East Dundee Code of Ordinances, Title XI, **Business Regulations**, Chapter 116, **Alcoholic Beverages**, Section 116.05, **Licenses, (A) Classifications, (10) Class E** be amended.

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 the East Dundee Code of Ordinance, Title XI, **Business Regulations**, Chapter 116, **Alcoholic Beverages**, Section 116.05, **Licenses, (A) Classifications, (10) Class E** be deleted in its entirety and insert in lieu thereof the following:

(10) **Class E.** For the retail sale in premises as defined below of all kinds of legalized alcoholic liquors for consumption on the premises subject to the following conditions and restrictions:

(a) The term RESTAURANT shall be 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 Article One, Section 3.23 of the Illinois Liquor Control law (235 ILCS 5/1-1) and in addition, which offers patrons complete meals, including at least dinner and optionally luncheon at which the service of alcoholic beverages is incidental and complimentary to the service of such meals. Limited food service such as provided by lounges, luncheonettes, diner, coffee shops, drive-ins, pizza pallors, and similar uses does not satisfy the requirements of this definition.

- (b) Premises licensed hereunder must have the legal capacity under local ordinance and state law to seat at least 100 patrons. Such seating capacity must be regularly and ordinarily present on the premises and may not include temporary or folding tables or chairs not customarily used in the ordinary course of licensee's business.
- (c) The term "premises" may include upon approval of the Liquor Commission, a contiguous adjoining exterior area, subject to such additional conditions as the Commission may find necessary to protect the public health, safety, and general welfare.
- (d) The outside dining area shall not have a covered roof, although umbrellas, awnings, screening and the like may be allowed and a limited roof structure may be permitted over any service bar.
 - 1. Tents may be allowed under the following conditions:
 - a. Between May 1 and October 1 of any year;
 - b. Tents must be erected on the property in accordance with appropriate zoning setbacks and standards; and
 - c. A building permit shall be required and a fee paid for each period a tent is utilized.
 - e. The operation of any sound amplification equipment, including but not limited to loudspeaker systems, jukeboxes, amplified radio broadcasts and the like operating on the exterior

of the licensed premises be limited to the time period between 12:00 noon and 11:00 p.m. local time.

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

Section Four. 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 7th day of September, 2004, pursuant to a roll call vote as follows:

AYES: Zaeste, Ruffalo, Bartels, Van Ostenbridge, Scarpelli
NAYES: None
ABSENT: Schock

Approved by me this 7th day of September, 2004.

Roger Ahrens
ROGER AHRENS, President

Published in pamphlet form this 18th day of October, 2004, under the authority of the President and Board of Trustees.

ATTEST:

Jane E. Theis
JANE THEIS, Village Clerk

Recorded in the Village Records on October 18th, 2004.