

Ordinance No. 15-38

**AN ORDINANCE OF THE VILLAGE OF EAST DUNDEE, COOK AND KANE COUNTIES, ILLINOIS, AMENDING THE CODE OF THE VILLAGE OF EAST DUNDEE BY ADDING REGULATIONS FOR HAPPY HOURS**

WHEREAS, the Village of East Dundee, Cook and Kane Counties, Illinois (the "Village") is a duly organized and validly existing home-rule municipality created in accordance with the Constitution of the State of Illinois of 1970 and the laws of the State; and,

WHEREAS, the Village pursuant to its home rule powers has the authority to exercise any power and perform any function pertaining to its government and affairs including the power to regulate for the protection of the public health, safety and welfare; and,

WHEREAS, the Illinois General Assembly recently amended the Liquor Control Act of 1934, 235 ILCS 5/1-1 *et seq.*, to permit happy hours pursuant to certain conditions and to clarify when happy hours are prohibited; and,

WHEREAS, pursuant to its home rule authority, the Village desires to amend Chapter 116 of the Code of the Village of East Dundee by setting forth regulations pertaining to happy hours in order to clarify when happy hours are permitted and prohibited in the Village under the revised state law.

**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 1:** The above recitals are incorporated herein and made a part of this Ordinance.

**Section 2:** That Title XI, Chapter 116 of the Code of the Village of East Dundee is hereby amended by adding Section 116.50, Section 116.51, and Section 116.52 to read as follows:

**"HAPPY HOUR REGULATIONS**

**§ 116.50 PROHIBITED HAPPY HOURS.**

No retail licensee or employee or agent of such licensee shall:

(A) Sell more than one (1) drink of alcoholic liquor for the price of one (1) drink of alcoholic liquor;

(B) Sell, offer to sell or serve to any person an unlimited number of drinks of alcoholic liquor during any set period of time for a fixed price, except at private functions not open to the general public or as provided in ILCS Chapter 235, Act 5, § 6-28.5;

(C) Increase the volume of alcoholic liquor contained in a drink, or the size of a drink of alcoholic liquor, without increasing proportionately the price regularly charged for the drink on that day;

(D) Encourage or permit, on the licensed premises, any game or contest which involves drinking alcoholic liquor or the awarding of drinks of alcoholic liquor as prizes for such game or contest on the licensed premises; or

(E) Advertise or promote in any way, whether on or off the licensed premises, any of the practices prohibited under subsections (A) through (D) hereof.

#### **§ 116.51 PERMITTED HAPPY HOURS.**

(A) For the purpose of this section, the following definitions shall apply.

***DEDICATED EVENT SPACE.*** A room or rooms or other clearly delineated space within a retail licensee's premises that is reserved for the exclusive use of party package invitees during the entirety of a party package. Furniture, stanchions and ropes, or other room dividers may be used to clearly delineate a dedicated event space.

***MEAL PACKAGE.*** A food and beverage package, which may or may not include entertainment, where the service of alcoholic liquor is an accompaniment to the food, including, but not limited to, a meal, tour, tasting, or any combination thereof for a fixed price by a retail licensee or any other licensee operating within a sports facility, restaurant, winery, brewery, or distillery.

***PARTY PACKAGE.*** A private party, function, or event for a specific social or business occasion, either arranged by invitation or reservation for a defined number of individuals, that is not open to the general public and where attendees are served both food and alcohol for a fixed price in a dedicated event space.

(B) A retail licensee may:

(1) Offer free food or entertainment at any time;

(2) Include drinks of alcoholic liquor as part of a meal package;

(3) Sell or offer for sale a party package only if the retail licensee:

(a) Offers food in the dedicated event space;

(b) Limits the party package to no more than three (3) hours;

(c) Distributes wristbands, lanyards, shirts, or any other such wearable items to identify party package attendees so the attendees may be granted access to the dedicated event space; and

(d) Excludes individuals not participating in the party package from the dedicated event space;

(4) Include drinks of alcoholic liquor as part of a hotel package;

(5) Negotiate drinks of alcoholic liquor as part of a hotel package;

(6) Provide room service to persons renting rooms at a hotel;

(7) Sell pitchers (or the equivalent, including, but not limited to, buckets of bottled beer), carafes, or bottles of alcoholic liquor which are customarily sold in such manner, or sell bottles of spirits;

(8) Advertise events permitted under this section;

(9) Include drinks of alcoholic liquor as part of an entertainment package where the licensee is separately licensed by a license that (A) restricts dates of operation to dates during which there is an event at an adjacent stadium, (B) restricts hours of serving alcoholic liquor to two (2) hours before the event and one (1) hour after the event, (C) restricts alcoholic liquor sales to beer and wine, (D) requires tickets for admission to the establishment, and (E) prohibits sale of admission tickets on the day of an event and permits the sale of admission tickets for single events only; and

(10) Discount any drink of alcoholic liquor during a specified time period only if:

(a) The price of the drink of alcoholic liquor is not changed during the time that it is discounted;

(b) The period of time during which any drink of alcoholic liquor is discounted does not exceed four (4) hours per day and fifteen (15) hours per week; however, this period of time is not required to be consecutive and may be divided by the licensee in any manner;

(c) The drink of alcoholic liquor is not discounted between the hours of 10:00 p.m. and the licensed premises' closing hour; and

(d) Notice of the discount of the drink of alcoholic liquor during a specified time is posted on the licensed premises or on the licensee's publicly available website at least seven (7) days prior to the specified time.

#### **§ 116.52 MANDATORY SCHEDULE OF PRICES.**

All retail licensees shall maintain a schedule of the prices charged for all drinks of alcoholic liquor to be served and consumed on the licensed premises or in any room or part thereof. Whenever a hotel or multi-use establishment which holds a valid retailer's license operates on its premises more than one (1) establishment at which drinks of alcoholic liquor are

sold at retail, the hotel or multi-use establishment shall maintain at each such establishment a separate schedule of the prices charged for such drinks at that establishment.”

**Section 3:** That this Ordinance shall be in full force and effect from and after its passage, approval, and publication in pamphlet form as provided by law.

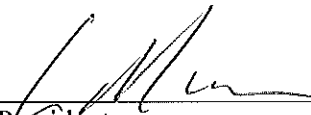
*Passed* by the Village President and the Board of Trustees of the Village of East Dundee, Cook and Kane Counties, Illinois, this 17<sup>th</sup> day of August, A.D. 2015, pursuant to a roll call vote, as follows:


**AYES:** Trustees Skillicorn, Lynam, Hall and President Miller

**NAYS:**  $\emptyset$

**ABSENT:** Trustees Gorman, Selep and Wood

**APPROVED** by me, as Village President of the Village of East Dundee, Cook and Kane Counties, Illinois, this 17<sup>th</sup> day of August, A.D. 2015.

  
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Village President

*Attest:*  
  
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Village Clerk

Published in pamphlet form:

August 18, 2015