

ORDINANCE NUMBER 06 - 34

**ORDINANCE AMENDING TITLE XI, BUSINESS REGULATIONS,
CHAPTER 116, ALCOHOLIC BEVERAGES
BY REVISING SECTION 116.05(A)(10)(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)(10)(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)(10)(a) be revised as follows:

§ 116.05 LICENSES

. . .

(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) For the purpose of this division (A)(10), the following definition shall apply unless the context clearly indicates or requires a different meaning.

PREMISES. Upon approval of the Liquor Commission, a contiguous adjoining exterior area, subject to the additional conditions set forth below:

a. The outside dining area shall be enclosed by a minimum 3-foot high wall, fence, or structure designed to be decorative and to prevent unauthorized entry. The maximum height of such fence or wall shall be 8 feet.

b. At least five (5) feet of public right-of-way must be provided and maintained at all times for pedestrian traffic.

c. At least ten (10) feet of public right-of-way traffic must be provided between the outdoor dining area and vehicular traffic.

d. The outside dining area shall have ingress and egress for emergency purposes and for handicap accessibility.

e. 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.

f. No signs shall be attached to any furniture, umbrellas, awnings, or other structure related to the operation of the outdoor dining area.

g. No permanent fixtures are to be installed and only those fixtures authorized by the permit and shown in the diagram may be stored in the public right-of-way when the outdoor dining area is not in operation. Should the licensee not utilize the sidewalk as authorized for a period of 48 hours or more, all the tables and materials must be removed.

h. A service bar or service window for the service of alcoholic beverages may be permitted in the outside dining area. Permission for the sale of alcoholic beverages must be secured from the Liquor Commission prior to issuance of an Outdoor Dining/Sidewalk Café Permit.

i. Live entertainment shall be governed by the rules set forth in this chapter.

j. Outside meal seating will be permitted; however, no alcohol shall be served or consumed in the outside seating area

no later than 12:00 a.m. Sunday through Thursday, and 1:00 a.m. Friday and Saturday.

k. The outside dining area seating shall not be used in subdivision (b) above for calculating the required number of seats for this liquor license classification.

l. Seating for the outdoor dining area is to be restricted to the right-of-way approved by the Village.

m. The outside dining area seating capacity when combined with the indoor seating capacity shall meet the requirements of the State Plumbing Code and Village Plumbing Ordinances with regard to restroom facilities.

n. Persons issued a permit for an outdoor dining area/sidewalk café shall maintain the sidewalk area in a clean and safe condition. The permit holder shall clean said area at the end of each business day, so as not to have any food or drink leftovers remaining. The permit holder shall wash daily the sidewalk area approved by the Village for the outdoor dining area/sidewalk café removing any food or drink residue.

o. If the outdoor dining area interferes with a public event planned on the public right-of-way, the public event shall take precedence. The Village will endeavor to notify the licensee thirty (30) days in advance of the scheduled event.

p. Such other requirements as may reasonably be imposed by the Liquor Commission taking into account the unique circumstances of the licensee's premises and location.

RESTAURANT. 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 state Liquor Control Law, ILCS Chapter 235, Act 5, § 1-3.23, 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 complementary to the service of such meals. Limited food service, such as provided by lounges, luncheonettes, diners, coffee shops, drive-ins, pizza parlors, and similar uses, does not satisfy the requirements of this definition.

Section Two. 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 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 21st day of August, 2006, pursuant to a roll call vote as follows:
AYES: Ruffolo, Van Ostenbridge, Scarpelli, Jr., O'Leary, Gorman, Carlini, President Bartels

NAYES: _____

ABSENT: _____

Approved by me this 21st day of August, 2006.

Jerald Bartels
JERALD BARTELS, President

Published in pamphlet form this 24th day of August, 2006, under the authority of the President and Board of Trustees.

ATTEST:

Sue Norton
SUE NORTON, Village Clerk

Recorded in the Village Records on Aug 24, 2006.

