

## ORDINANCE 2021-16

### AN ORDINANCE AMENDING TITLE 3, CHAPTER 2, ALCOHOLIC LIQUOR REGULATIONS OF THE MUNICIPAL CODE OF THE VILLAGE OF WEST DUNDEE, ILLINOIS OF 2004, AS AMENDED, AMENDING LICENSE CLASSIFICATIONS, FEES AND NUMBER OF LICENSES

WHEREAS, the Village of West Dundee, Kane County, Illinois is a home rule municipality as contemplated under Article VII, Section 6 of the Constitution of the State of Illinois, and the passage of this Ordinance constitutes an exercise of the Village's home rule powers and functions as granted in the Constitution of the State of Illinois; and

WHEREAS, the Illinois Compiled Statutes Chapter 235 ILCS Article IV under the Illinois Liquor Control Act which has expressly conferred certain powers on municipalities with regard to the issuance of retail liquor licenses; and

WHEREAS, in conjunction with an Executive Order by Governor Pritzker related to the COVID-19 pandemic, the Illinois Liquor Control Commission (ILCC) provided guidance allowing establishments authorized for on premises consumption of alcohol to sell pre-packaged alcohol for consumption off premises, with an expiration date of June 2, 2021 for said authorization; and

WHEREAS, West Dundee liquor licensees have expressed a desire to continue this practice following the expiration of the ILCC's guidance, a request for which the Local Liquor Control Commission has expressed its support; and

WHEREAS, to facilitate the continuation of the sale of pre-packaged "To Go" alcoholic beverage for off premises consumption with the Village, a new liquor license classification, Class N, has been crafted.

NOW, THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES, VILLAGE OF WEST DUNDEE, KANE COUNTY, ILLINOIS that:

Section 1: The foregoing recitals are hereby incorporated in this Section One as if said recitals were fully set forth herein.

Section 2: The Municipal Code of the Village of West Dundee, Title 3, Businesses and Licenses, Chapter 2: Liquor Control, Section 8: License Classifications is hereby amended to add the following section:

#### Section 3-2-8-Q: Class N License:

1. Regulations: A Class N license allows for "To Go" mixed drink cocktails, beer or wine. These privileges are subject to the issuance, classification and only authorized in conjunction with additional alcoholic liquor license within the Village of West Dundee specifically Class A, AAA and B.
  - a. "To Go" cocktails, beer and wine privileges are subject to the delivery guidelines established by the State of Illinois as 235 ILCS 56-28.8.
  - b. That the cocktail, beer and wine is in a sealed container and should be affixed with a label or tag that contains the following information:
    1. The cocktail or mixed drink ingredients, type and name of alcohol.
    2. The name, license number and retail licensee that filled the original container and sold the product.
    3. The volume of the mixed drink or cocktail in the sealed container.
    4. The sealed container was filled less then 7 days before the sale date.

- c. Third Party delivery services are not permitted to deliver cocktails and mixed drinks under this section.
- d. Closing Hours: Class M licensed premises shall not be permitted to sell "To Go" alcohol for off premises consumption, regardless of any other liquor hour privileges, between the hours of ten o'clock (10:00) P.M. and ten o'clock (10:00) A.M., Monday through Sunday.

Section 3: The Municipal Code of the Village of West Dundee, Title 3, Businesses and Licenses, Chapter 2: Liquor Control, Section 8: License Classifications is hereby amended to renumber existing Section 3-2-8-Q: Daily Permit to 3-2-8-R, and existing section 3-2-8-R: Special Use Permit to 3-2-8-S.

Section 4: The Municipal Code of the Village of West Dundee, Title 3, Businesses and Licenses, Chapter 2: Liquor Control, Section 9: License Fee and Number is hereby amended to add the following section:

<b>Class</b>	<b>Fees</b>	<b>Number</b>
N	\$150.00	10

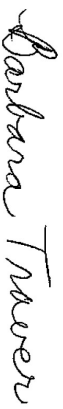
Section 4: That all ordinances, resolutions and orders, or parts thereof, in conflict with the provisions of this Ordinance are to the extent of such conflict repealed.


Section 5: That this Ordinance shall be in full force as provided by law and after publication in pamphlet form pursuant to the authority of the Board of Trustees.

PASSED by the Board of Trustees of the Village of West Dundee, Kane County, Illinois, and approved by the President of said Village this 17<sup>th</sup> day of May, 2021.

AYES: Trustees Yuscka, Alopogianis, Anderley, Wilbrandt, Kembitzky and Price  
NAYS: None  
ABSTAIN: None

ATTEST:

  
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Barbara Traver  
Village Clerk

  
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Christopher Nelson  
Village President