

ORDINANCE 2011-09

An Ordinance Amending Title 6, Chapter 1, to add Section 6-1-18 to the Municipal Code of the Village of West Dundee, Illinois, Prohibiting Open Alcoholic Beverage Containers on Public Property

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;

WHEREAS, the Village is empowered pursuant to Article IV of the Liquor Control Act of 1934, 235 ILCS 5/4-1 et seq. to regulate, license, and abate within its boundaries all activities that the effect the security, safety and welfare of its citizens; and

WHEREAS, the Village President and Board of Trustees of the Village of West Dundee believe and hereby declare that open alcoholic beverage containers should be prohibited on public property and outside of licensed premises in the Village;

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: A new Section 6-1-18 shall be and is hereby added to Title 6, Chapter 1 of the West Dundee Municipal Code and read as follows:

Sec. 6-1-18. OPEN CONTAINER LAW:

- A. It shall be unlawful for any licensee to knowingly permit any person who is a patron of his establishment to remove any alcoholic beverage from the licensed premises in an opened container, or any other container.
- B. It shall be unlawful for any person to remove any opened container of alcoholic beverage or any other container into which an alcoholic beverage has been placed, from the licensed premises where it was purchased, or to be in possession of any opened container of alcoholic liquor in any public place, street or premises not licensed for such purpose.
- C. Penalty: Any person violating this section shall be fined fifty dollars (\$50.00) to one thousand dollars (\$1,000.00) and/or public or community service, not to exceed one hundred twenty (120) hours and be responsible for the Village's cost of prosecution. Each day that a violation continues shall be considered a separate offense.

Section 3: Any policy, resolution or ordinance of city, or any part thereof, that conflict with the provisions of this ordinance shall be and is hereby repealed to the extent of such conflict.

Section 4: The ordinance shall be in full force and effect from and after its passage and approval in the manner provided by law.

APPROVED and PASSED by the Board of Trustees of the Village of West Dundee, Kane County, Illinois, and approved by the President of said Village this 11th day of July, 2011.

AYES: Trustees Gillam, Price, Osth, Yuscka and Voss
NAYS: None
ABSENT: Trustee Hanley

ATTEST:

Barbara Traver
Barbara Traver
Village Clerk

Larry Kelle
Larry Kelle
Village President