

ORDINANCE No. 2017-14

An Ordinance Amending Title 3, Chapter 2: Liquor Control, of the West Dundee Municipal Code, so as to Remove the Requirement for a License & Permit Surety Bond, Amend the Number of Liquor Licenses and Amend the Conditions of License Regarding Dram Shop Insurance

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, Section 3-2-4B of the West Dundee Municipal Code requires the filing of a surety bond for compliance with Chapter 2, Liquor Control, of the West Dundee Municipal Code, in addition to dram shop insurance; and,

WHEREAS, it has been recommended that said bond requirement is not necessary as a violation of the Village's liquor regulations will result in a hearing to fine, suspend or revoke the liquor license; and,

WHEREAS, upon the approval of a Class A and Class E liquor license application for Bleu Root, and the non-renewal of a Class B liquor license for Starbucks, an adjustment has been made to the number of allowed Class A, Class B and Class E licenses; and,

WHEREAS, Section 3-2-10G of the West Dundee Municipal Code requires Dram Shop Insurance with limits of coverage not less than the maximum amount of recovery as set forth in 235 Illinois Compiled Statutes 5/6-21, as amended; and,

WHEREAS, it has been recommended that said section be amended to require limits of coverage of not less than \$1,000,000.

NOW, THEREFORE, BE IT ORDAINED by the President and Board of Trustees of the Village of West Dundee, Kane County, Illinois, as follows:

Section 1: That the Municipal Code of the Village of West Dundee, Title 3 Chapter 2: Liquor Control, Section 4B: Applications, shall be replaced with the following:

- B. All applications for alcoholic liquor licenses shall be accompanied with the appropriate fee as designated herein.
 - 1. The licensee shall faithfully observe and conform to all state laws and all provisions of this chapter and any and all hereafter passed during the period of said license, May 1 through April 30; and
 - 2. In the event of a violation of any of the terms and conditions of this chapter and any amendments thereto, or state law, which results in the suspension and/or revocation of an alcoholic liquor license issued herein, the licensee shall pay any and all fines levied by the local liquor control commission and shall pay reasonable attorney fees to the village attorney for the prosecution of said violation.

Section 2: That the Municipal Code of the Village of West Dundee, Title 3 Chapter 2: Liquor Control, Section 9: License Fees and Number, shall be replaced with the following:

3-2-9: NUMBER OF LICENSES: There shall be allowed one (1) Class AAA License, zero (0) Class AA License, eleven (11) Class A Licenses, two (2) Class B Licenses, four (4) Class C Licenses, one (1) Class CC License, two (2) Class CCC Licenses, one (1) Class D License, five (5) Class E Licenses, one (1) Class F License, one (1) Class G License, zero (0) Class H Licenses, and one (1) Class K License.

Section 3: That the Municipal Code of the Village of West Dundee, Title 3 Chapter 2: Liquor Control, Section 10G: Conditions of License - Insurance, shall be replaced with the following:

G. Insurance: All persons granted a license to sell alcoholic liquor within the village under the provisions of this chapter shall carry dramshop insurance with limits of coverage not less than \$1,000,000.

Evidence of such dramshop insurance shall be filed with the village clerk or deputy village clerk, together with a receipt for the payment of the premiums and a certificate of insurance designating the village as a party entitled to written notice in the event of the cancellation of said insurance coverage, for any reason whatsoever, within ten (10) days of said cancellation, before any license shall be issued hereunder.

Section 4: 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 Board of Trustees of the Village of West Dundee, Kane County, Illinois, and approved by the President of said Village this 22nd day of May, 2017.

AYES: Trustees Kembitzky, Price, Hanley, Yuscka, Anderley and Wilbrandt
NAYS: None
ABSENT: None



Christopher Nelson
Village President

ATTEST:



Barbara Traver
Village Clerk