

ORDINANCE NUMBER 09 - 01

ORDINANCE AMENDING TITLE XI, BUSINESS REGULATIONS, CHAPTER 116, ALCOHOLIC BEVERAGES BY REVISING SECTION 116.05(A)(5)(b), ADD A NEW B-4 LICENSE UNDER 116.05(A)(7), AND ADD B-4 LICENSE TO 116.05(B)

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 be revised, to amend 116.05(A)(5)(b)(2) amending the square footage requirement and the percentage of floor space to be devoted to sales of alcoholic beverages, to add a new license classification for a B-4 license, under 116.05(A)(7), and to add B-4 under 116.05(B)

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)(5)(b)(2) be revised to now read as follows:

§ 116.05 LICENSES.

2. The minimum enclosed floor area open to the public for retail sales for store products shall be 1800 square feet, of which no more than 15% may be devoted to beer and wine.

Section Two. That Title XI, Business Regulations, Chapter 116, Alcoholic Beverages, Section 116.05(A)(5)(6) and Section 116.05(A)(7) be revised to now read as follows:

(5) *Class B-2.*

6. Cold beer or cold wine shall only be sold from, or displayed in electrical refrigeration coolers.

(7) *Class B-4*

(a) Package store license which shall allow licensee to sell and offer to sell, at retail in the premises specified in the license, beer, wine and hard liquor only solely in the original package not for consumption on the premises where sold.

(b) This license shall be issued to retail food stores, department stores and retail food stores also selling gasoline only if the following conditions are met at all times when the license is in force:

1. Only "beer" and "wine," and "hard liquor" as defined in the Illinois Liquor Control Act, may be sold.

2. The minimum enclosed floor area open to the public for retail sales for store products shall be 1800 square feet, of which no more than 20% may be devoted to beer, wine and hard liquor.

3. The minimum inventory level shall be \$35,000 retail value, excluding beer, wine, hard liquor, fuel and automotive products.

4. The maximum percentage of beer, wine, and hard liquor sales to total store sales, exclusive of gasoline sales, shall be 35% on a retail basis during any consecutive 12-month period.

5. No displays of beer, wine or hard liquor shall be located within five feet of the store's entrance.

6. Cold beer, cold wine or cold hard liquor shall only be sold from, or displayed in electrical refrigeration coolers.

7. Employees engaged in the sale of beer, wine or hard liquor must be at least 21 years of age.

8. No video or other electronic games shall be allowed on the premises.

(c) In addition, retail food stores selling gasoline shall meet the following conditions:

1. No temporary point of sale, beer, wine or hard liquor advertising shall be located on gasoline islands and no lighted or unlighted permanent signage advertising beer or wine shall be located on buildings, in windows or within five feet of any window, except that if a free standing sign is permitted on the licensed premises pursuant to a village ordinance, no brand or price advertising shall be permitted thereon, but only generic advertising using the words "beer", "wine" or "liquor" and descriptive terms relative thereto.

2. No mechanical or repair work of any kind may be performed on automobiles on the licensed premises.

Section Three. That **Title XI, Business Regulations, Chapter 116, Alcoholic Beverages**, Section 116.05(B) be revised to now read as follows:

(B) *Number of licenses to be issued.* The number of licenses issued in all preceding classes shall be as follows, except as modified from time to time by ordinance:

<i>Classification</i>	<i>Number Permitted</i>
A	4
A-1	2
B	1
B-1	2
B-2	4
B-3	2
B-4	3
C	1
C-1	1
D	1
E	3
E-1	6
E-2	1

Section Four. 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 Five. Repeal. All ordinances, resolutions, motions or parts thereof in conflict herewith shall be and the same are hereby repealed.

Section Six. 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 5th day of January, 2009, pursuant to a roll call vote as follows:

AYES: Ruffalo, Gorman, Carlino, Lynam,
Mahony, Pres. O'Leary

NAYES: _____

ABSENT: Cichowski

Approved by me this 5th day of Jan, 2009.

Dan O'Leary
Dan O'Leary, Village President

Published in pamphlet form this 6th day of Jan, 2009, under the authority of the President and Board of Trustees.

ATTEST:
Sue Norton
SUE NORTON, Village Clerk

Recorded in the Village Records on Jan. 6, 2009.

