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ORDINANCE NO. F-0270

AN ORDINANCE AMENDING THE WHEATON LIQUOR CONTROL
ORDINANCE, CHAPTER 6 - ALCOHOLIC BEVERAGES

WHEREAS, The City of Wheaton, Illinois ("City") is an Illinois home rule municipality pursuant to the provisions of Article VII, Section 6 of the Illinois Constitution, 1970, and as such the City may exercise any power or perform any functions pertaining to its government and affairs; and

WHEREAS, the City has determined it to be in the best interests of the City and its residents to consider certain amendments to the Wheaton Liquor Control Ordinance; and

WHEREAS, the Liquor Control Commission considered these amendments at a meeting on May 13, 1998 and received public comment at a public hearing on June 10, 1998.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Wheaton, DuPage County, Illinois, pursuant to its home rule powers, as follows:

Section 1: That definitions of the terms "holding area" and "specialty restaurant" in Sec. 6-3, "Definitions", are hereby deleted in their entirety:

Section 2: That paragraph (a) of Sec. 6-5, "Signs", shall be deleted in its entirety and replaced with the following:

"(a) Generally. No sign, emblem, logo, or display which promotes the sale of a specific brand of alcoholic liquor or generally promotes the sale of alcoholic liquor or the presence of a bar or lounge shall be permitted to be visible from outside the premises. This provision shall not prohibit a licensee from using its corporate name or its registered trademark on signs designating the property."

Section 3: That paragraph (1) of Sec. 6-87, "Classification of Licenses", is hereby deleted in its entirety and replaced with the following:

"(1) *Class A license* shall authorize the retail sale in restaurants only of alcoholic liquor for consumption on the restaurant premises. No such license may be granted to, or retained by, any establishment in which the facilities for food preparation and service are not primarily those of a restaurant which has a dining seating capacity of at least 34. Alcoholic liquor may be sold in a restaurant holding a class A license only during the period when patrons of the licensee are offered a complete meal. Service of alcoholic liquor shall be incidental to the service of meals and shall be at tables only. Bars are not permitted nor is the service of alcoholic liquor in areas where patrons are

waiting to be seated."

Section 4: That paragraph (2) of Sec. 6-87, "Classification of Licenses", is hereby deleted in its entirety and replaced with the following:

"(2) *Class B license* shall authorize the retail sale in restaurants only of beer and wine for consumption on the restaurant premises. A class B license may be granted to, or retained by, any establishment in which the facilities for food preparation and service are primarily those of a restaurant which has a dining capacity of at least 34. Beer and wine may be served in a restaurant holding a class B license only during the period when patrons of the licensee are offered a complete meal. Service of beer and wine shall be incidental to the service of meals and shall be at tables only. Bars are not permitted nor is the service of beer or wine in areas where patrons are waiting to be seated."

Section 5: That paragraph (3) of Sec. 6-87, "Classification of Licenses", is hereby deleted in its entirety and replaced with the following:

"(3) Reserved."

Section 6: That paragraph (10) of Sec. 6-87, "Classification of licenses", shall be deleted in its entirety and replaced with the following:

"(10) Class I license shall authorize the retail sale in restaurants only of alcoholic liquor for consumption on the restaurant premises. No such license may be granted to or retained by any establishment in which the facilities for food preparation and service are not primarily those of a restaurant which has a dining capacity of not less than 125. Alcoholic liquor may be sold in a restaurant holding a class I license only during the period when patrons of the licensee are offered a complete meal, or where a limited menu is offered after 11:00 p.m. which has been approved by the Liquor Control Commission. A class I licensee may also maintain and operate a lounge within the same premises, provided that such lounge area shall only contain a maximum of one square foot of floor space for every five square feet of floor space in the nonlounge areas of the restaurant. A lounge shall be subject to the following additional restrictions:

- a. There shall be a single entrance for both the restaurant and lounge. The single entrance shall not permit patrons direct ingress to the lounge.
- b. A complete meal or, when approved, a limited menu shall be offered for and available to the patrons of the lounge.
- c. There shall be a physical separation between the restaurant and lounge in consideration of those patrons who wish to remain apart from the lounge.

d. The lounge may not be opened beyond the hours specified in section 6-129 nor at any time when the dining room is closed."

Section 7: That paragraph (15) of Sec. 6-87, "Classification of licenses", shall be deleted in its entirety and replaced with the following:

"(15) Reserved."

Section 8: That Sec. 6-87, "Classification of licenses", shall be amended by adding the following:

"(19) *Class P license* (seasonal outdoor market) shall authorize the retail sale of wine only in its original package and not for consumption on the premises at seasonal outdoor markets, provided that samples for tasting may be furnished. Applicants seeking a class P license shall submit for approval by the Liquor Control Commission a detailed description of the physical layout of the location where the wine will be sold and a site plan for the seasonal outdoor market."

Section 9: That paragraph (b) of Sec. 6-88, "Term, fees", shall be deleted in its entirety and replaced with the following:

"(b) The fee for the various classes of licenses under this chapter shall be as follows:

A	\$2,000.00
B	\$1,000.00
C	\$3,500.00
D	\$2,000.00
E	\$3,000.00
F, per day	\$50.00
G	\$600.00
H	\$3,000.00
I	\$3,500.00
J-1	\$3,000.00
J-2	\$2,000.00
K	\$1,500.00
L	Reserved
M	\$1,500.00
N	\$1,000.00
O	\$500.00
P,	\$50.00 per month, not to exceed \$300.00 per six-month season"

Section 10: That Sec. 8-89, "Limitation on the number of licenses", shall be deleted in its entirety and replaced with the following:

"The number of licenses in each classification as defined in section 6-87 which it shall be lawful to issue shall be limited so that the licenses in force and effect in the city at any time shall not exceed the following numbers:

A	.....	4
B	.....	1
C	.....	0
D	.....	1
E	.....	4
F	.....	2
G	.....	0
H	.....	2
I	.....	12
J-1	.....	1
J-2	.....	0
K	.....	1
L	.....	Reserved
M	.....	0
N	.....	0
O	.....	0
P	.....	0"

Section 11: That paragraph (a) of Sec. 6-127, "Employment of underaged persons", shall be deleted in its entirety and replaced with the following:

"(a) It shall be unlawful for any licensee, under this chapter, or any officer, associate, member, representative, agent, or employee of such licensee, to engage, employ or permit any person under the age of 21 years to attend bar or to draw, pour, or mix any alcoholic liquor in any licensed premises; provided, that the provisions of this section shall not be construed to prevent the employment of persons who are at least 19 years of age as waiters or waitresses in restaurants or hotels for the purpose of taking orders, serving food and alcoholic liquor in the licensed retail premises. All licensees operating restaurants, hotels, banquet halls, and bowling alleys shall have present upon the premises at any time alcoholic liquor is being served a person who is at least 25 years of age who will be responsible for the direction, management, or supervision of the business and/or its employees."

Section 12: That paragraph (a) of Sec. 6-129, "Hours of business – Generally", is hereby deleted in its entirety and replaced with the following:

"(a) The sale of alcoholic liquor shall be permitted by licensees only during the hours specified below for their respective classes, as follows:

Class	Hours
(1) A, and B	Monday - Saturday 11:00 a.m. - 11:00 p.m. Sunday 12:00 noon - 11:00 p.m.
(2) C, F, G, and N	Monday - Thursday 11:00 a.m. - 11:00 p.m. Friday and Saturday 11:00 a.m. - 12:00 midnight Sunday 12:00 noon - 11:00 p.m.
(3) D, E, and M	Monday - Saturday 9:00 a.m. - 10:00 p.m. Sunday 12:00 noon - 9:00 p.m.
(4) H	Monday - Thursday 8:00 a.m. - 1:00 a.m. Friday and Saturday 8:00 a.m. - 2:00 a.m. Sunday 12:00 noon - 1:00 a.m.
(5) I	Monday - Saturday 11:00 a.m. - 1:00 a.m. Sunday 12:00 noon - 12:00 midnight
(6) J-1 and J-2	Monday - Saturday 11:00 a.m. - 1:00 a.m. Sunday 12:00 noon - 12:00 midnight
(7) K	Monday - Saturday 11:00 a.m. - 12:00 midnight Sunday 12:00 noon - 12:00 midnight
(8) L	Reserved
(9) P	Permitted hours of operation are limited to the normal operating hours of the outdoor seasonal market."

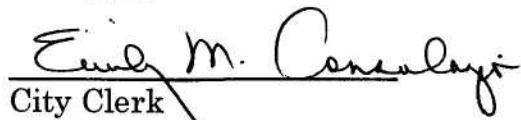
Section 13: All ordinances, or parts of ordinances, in conflict with these provisions are hereby repealed.

Section 14: This ordinance shall become effective from and after its passage, approval, and publication in pamphlet form in the manner prescribed by law.



Mayor Carr

ATTEST:



Emily M. Connelly

City Clerk

Ayes:

Roll Call Vote:

Councilwoman Davenport
Councilman Eckhoff
Councilman Gresk
Mayor Carr
Councilman Johnson
Councilwoman Johnson
Councilman Mork

Nays:

None

Absent:

None

Motion Carried Unanimously

Passed: August 17, 1998

Published: August 18, 1998