

234

Ordinance No. F-0291

**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 public meeting November 11, 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 paragraph (5) of Sec. 6-87, "Classification of licenses", is hereby deleted in its entirety and replaced with the following:

"(5) Class D license shall authorize the retail sale, on the premises specified in the license, of beer and wine only in its original package, and not for consumption on the premises (package sales), provided that samples for tasting may be furnished. Package sales shall be limited to premises primarily devoted to the sale at retail of grocery food commonly known as supermarkets, or premises primarily devoted to the sale at retail of drugs and sundries, commonly known as drugstores, consisting of areas of not less than 5,000 gross above grade square feet. The following conditions and restrictions shall apply to class D licenses."

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

(6) Class E license shall authorize the retail sale, on the premises specified in the license of alcoholic liquor in its original package and not for consumption on the premises (package sales), provided that samples for tasting may be furnished. Package sales shall be limited to premises primarily devoted to the sale at retail of grocery food, commonly known as supermarket, and drugs and sundries, commonly known as drugstores, if the drugstore is operated in conjunction, and shares a common entrance with, a supermarket, both totally consisting of areas of not less than 18,000 gross above grade square feet, subject to the following conditions and restrictions:"

Section 3: That paragraph (16) of Sec. 6-87 "Classification of licenses", is hereby deleted in its entirety and replaced with the following:

"(16) Class M license shall authorize the retail sale, on the premises specified in the license, of wine and beer only, in its original package and not for consumption on the premises and only when sold in gift boxes or in gift baskets, provided that samples for tasting may be furnished, and wine only in its original package and not for consumption on the premises, provided that samples for tasting may be furnished, shall be authorized by a class M license. No such license shall be granted or retained for a premises not located in the C-2 retail core business district or in a shopping center of at least 150,000 gross above grade square feet. The licensed premises shall not exceed a maximum of 1,000 gross above grade square feet, and at least 20 percent of the retail space shall be devoted to the sale of specialty foods. No such license shall be granted to or retained by any establishment whose primary business is that of a convenience store. No more than one class M liquor license shall be granted or issued to businesses in any one shopping center."

Section 4: That paragraph (19) of Sec. 6-87 "Classification of licenses", is hereby deleted in its entirety and replaced with 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. The application fee for a class P license shall be \$100.00."

Section 5: All ordinances, or parts of ordinances, in conflict with these provisions are hereby repealed.

Section 6: This ordinance shall become effective from and after its passage, approval, and publication in pamphlet form in the manner prescribed by law.



Mayor

ATTEST:

Emily M. Connerley
City Clerk

Roll Call Vote

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

Nays: None

Absent: None

Motion Carried Unanimously

Passed: December 7, 1998
Published: December 8, 1998