

ORDINANCE NO. F-0989

**AN ORDINANCE AMENDING CHAPTER 6 – ALCOHOLIC BEVERAGES – OF THE
WHEATON CITY CODE**

WHEREAS, the City of Wheaton 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 function pertaining to its government and affairs; and

WHEREAS, the Liquor Control Commission considered these amendments at a meeting on November 11, 2004 and, on a 3-2 vote, recommended approval of the amendments.

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

Section 1: That Article III. Retail Licenses, Section 6-87-Classifications, is hereby amended by adding subparagraph (20), a. through d., as follows:

“(20) *Class Q 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 clothing, household products/furnishings, grocery products, drugs and sundries, commonly known as department stores, consisting of areas of not less than 135,000 gross above grade square feet. The following conditions and restrictions shall apply to class Q licenses:

- a. That portion of the premises devoted to the sale of alcoholic liquor shall be no larger than 2,500 square feet.
- b. The display of alcoholic liquor shall be confined to a liquor display area as approved by the local liquor commission as part of the application and license. The liquor display area shall generally be a designated portion of the premises which includes all alcoholic liquor. In particular, but without limitation, there shall be no aisle displays, or stocking of alcoholic liquor in any public area of the establishment except in the approved liquor display area. Any changes to the location or size of the alcoholic liquor display area shall be approved by the local liquor commission. The licensee shall cause a sign advising that the area is closed to be conspicuously posted within the alcoholic liquor display area during those hours that liquor sales are prohibited.
- c. Beer in containers of not more than 16 ounces shall not be sold in quantities of less than six cans or bottles to any customer.
- d. That portion of the premises devoted to the sale of alcoholic liquor shall not have ingress and egress separate from the ingress and egress of the nonalcoholic portions of the premises.”

Section 2: That Article III. Retail Licenses, Section 6-88 Term; fees, is amended by adding sequentially to subparagraph (b), as follows:

“Q \$3,000.00”.

Section 3: That Article III. Retail License, Section 6-89 Limitation on number of licenses, is amended by adding sequentially, as follows:

Section 4: That Article IV. Conduct on Licensed Premises, Section 6-129. Hours of business-Generally, subparagraph (a) is amended by deleting current (3) in its entirety and replacing it as follows:

Section 5: That 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.

ATTEST:

Mayor

Emily M. Connelley
City Clerk

Ayes:

Roll Call Vote:

Councilman Mouhelis
Councilman Bolds
Councilwoman Corry
Councilman Johnson
Mayor Carr
Councilwoman Johnso
Councilman Mork

Navy:

None

Absent:

None

Motion Carried Unanimously

Passed: January 3, 2005
Published: January 4, 2005