

## ORDINANCE NO. F-1904

### AN ORDINANCE AMENDING THE WHEATON LIQUOR CONTROL ORDINANCE, CHAPTER 6 - ALCOHOLIC BEVERAGES CLASS V LICENSE – COFFEE SHOP

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 function 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.

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 Sec. 6-3 is hereby amended to include the following definition:

"Coffee shop" means a place of business that: (a) is licensed under Chapter 26 Article II of this code; (b) opens to the public for business each day not later than 7:00 a.m. and remains open to the public for business continuously for not less than 10 hours; (c) has a total floor area not greater than 2,500 square feet; and (d) is engaged in the primary business of the sale, over a counter located at the point of sale where customers place orders, of: (i) coffee, tea, coffee-based beverages, tea based beverages, and other beverages prepared on the premises for consumption on or off the premises where served; and (ii) food items, including baked goods, sandwiches, and salads, primarily prepared off premises for consumption on or off the premises where served."

Section 2: That Sec. 6-87, subsection (24) is hereby added which shall read as follows:

"Class V License shall authorize the retail sale of solely wine and beer at a coffee shop, solely for consumption on the premises where sold, subject to and in accordance with the following conditions and restrictions:

- a. Wine shall be: (a) sold and served in clear glassware; or (b) sold by the bottle and consumed from clear glassware. Beer shall be sold and served in individual clear glassware. Packaged sales are prohibited.
- b. Wine and beer shall be ordered by patrons at, and sold and served over the counter of the coffee shop at the point of sale.
- c. Each and every patron who desires to consume wine or beer must: (a) be physically present at the counter during the point-of-sale transaction during which the wine or beer is purchased; and (b) present a form of valid photographic identification issued by a state government or the United States government.

d. Food shall be available from the Class V licensee at tables or in areas where patrons are seated during the hours of beer and wine sales. For the purpose of this Subsection, "food" means baked goods, sandwiches, salads, prepared snacks, and similar items. "Food" does not mean candy, mints, gum, and similar items.

Section 3: That Sec. 6-88, "Term; fees," is hereby amended to include the following fee for a Class V – Coffee Shop license:

"V – Coffee Shop: \$1,000"

Section 4: That Sec. 6-129, subsection (a14) Hours of business – Generally, is hereby amended to include a Class V – Coffee Shop license classification:

"(14) V; Monday – Sunday 2:00 p.m. to 11:00 p.m.

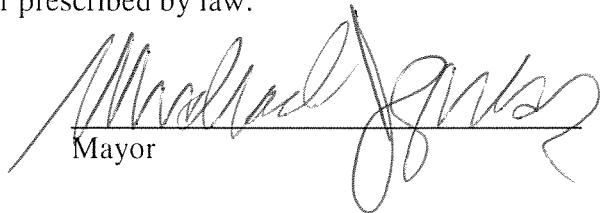
Section 5: That Section B-4 "Administrative Fees," Subsection 1. "Licenses and Permits," subparagraph 1. (c) "Liquor License" of Appendix B (Fee Schedule) of the Wheaton City Code, 1996 is hereby repealed and rescinded in its entirety and replaced with a new Section B-4 "Administrative Fees," Subsection 1. "Licenses and Permits," subparagraph 1. (c) "Liquor License," which shall read:

B-4 Administrative Fees			
1.	Licenses and Permits	(Chapter 6)	Per Application
1.	Alcoholic Beverages		
	a. Retail liquor dealer's license	\$500.00	
	b. Wheaton based non-profit organization (outdoor special event liquor license & Class F	\$50.00	
	c. Liquor license:		Per license/per class
	Class A	\$2,000.00	
	Class B	\$1,000.00	
	Class C	\$3,000.00	
	Class D	\$2,500.00	
	Class E	\$3,000.00	
	Class E Café	\$3,000.00	
	Class F – not-for-profit only	\$50.00	
	Class G	\$600.00	
	Class H	\$3,000.00	
	Class I	\$2,500.00	
	Class J-1	\$3,000.00	
	Class J-2	\$2,000.00	
	Class K	\$1,500.00	
	Class L	\$2,500.00	
	Class M	\$1,500.00	
	Class N	\$1,000.00	

	Class O	\$500.00	
	Class P	\$50.00	Per month, not to exceed \$300.00 per six-month season
	Outdoor special event	\$250.00	Per five consecutive days
	Class Q	\$3,000.00	Per license
	Class R	\$750.00	
	Class S	\$3,000.00	
	Class T	\$1,500.00	
	Class V	\$1,000.00	

Section 6: All ordinances or parts of ordinances in conflict with these provisions are hereby repealed.

Section 7: This ordinance shall become effective from and after its passage, approval, and publication in pamphlet form in the manner prescribed by law.



Mayor

Attest:



Sharon Bennett Stagm

City Clerk

Roll Call Vote:

Ayes: Councilman Prendiville  
Mayor Pro Tem Scalzo  
Councilman Saline  
Councilwoman Fitch

Nays: None  
Absent: Mayor Gresk  
Councilman Rutledge  
Councilman Suess

Motion Carried Unanimously

Passed: December 7, 2015

Published: December 8, 2015

