

ORDINANCE NO. O-2022-07

**AN ORDINANCE AMENDING THE WHEATON LIQUOR CONTROL
ORDINANCE, CHAPTER 6 - ALCOHOLIC BEVERAGES - CLASS A, B AND I LICENSE CLASSIFICATIONS - "TO-
GO" STATE STATUTE REFERENCE**

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Section 1: That Sec. 6-87, subsections (1) and (9) are hereby repealed and rescinded in their entirety and replaced with new Sections 6-87 subsection (1) and (9) which shall read as follows:

"(1) Class A license shall authorize the retail sale in restaurants of alcoholic liquor, for consumption on the restaurant premises, package sales of bottles of wine which are otherwise sold by the establishment by the glass and/or bottle and specialty spirits not readily available in mass-market retail stores which are used as ingredients in cocktails sold in their restaurant. Licensees are authorized to sell and deliver "to go" mixed drinks, cocktails, and single servings of wine subject to the conditions in 235 ILCS 5/6-28.8. Any on-premises only licensees in these license classes are considered combined on-premises/off-premises licensees authorized to make the limited off-premises sales authorized by this subsection. In the event that 235 ILCS 5/6-28.8 is repealed, this subsection is automatically repealed without further action of the City Council and the additional privileges granted by this subsection are terminated.

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 the restaurant which has a dining seating capacity of at least 25. Alcoholic liquor may be sold in a restaurant holding a Class A license only during the period when patrons of the license are offered a complete meal. Service of alcoholic liquor shall be incidental to the service of meals and shall be at tables or in areas where patrons are waiting to be seated. Bars are not permitted. Written approval must be first obtained from the local liquor commission to permit the service of alcoholic liquors in areas where patrons are waiting to be seated.

(2) Class B license shall authorize the retail sale in restaurants of beer and wine for consumption on the restaurant premises and package sales of bottles of wine which are otherwise sold by the establishment by the glass and/or bottle. Licensees are authorized to sell and deliver "to go" single servings of wine subject to the conditions in 235 ILCS 5/6-28.8. Any on-premises only licensees in these license classes are considered combined on-premises/off-

premises licensees authorized to make the limited off-premises sales authorized by this subsection. In the event that 235 ILCS 5/6-28.8 is repealed, this subsection is automatically repealed without further action of the City Council and the additional privileges granted by this subsection are terminated. 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 25. Beer and wine may be served in a restaurant holding a Class B license only during the period when patrons of the licensees are offered a complete meal or where a limited menu is offered after 11:00 p.m. which has been approved by the local liquor commission. Service of beer and wine shall be incidental to the service of meals and shall be at tables or in areas where patrons are waiting to be seated. Bars are not permitted. Written approval must be first obtained from the local liquor commission to permit the service of alcoholic liquors in areas where patrons are waiting to be seated.

(9) Class I license shall authorize the retail sale in restaurants of alcoholic liquor for consumption on the restaurant premises, package sales of bottles of wine which are otherwise sold by the establishment by the glass and/or bottle and specialty spirits not readily available in mass-market retail stores which are used as ingredients in cocktails sold in their restaurant. Licensees are authorized to sell and deliver "to go" mixed drinks, cocktails, and single servings of wine subject to the conditions in 235 ILCS 5/6-28.8. Any on-premises only licensees in these license classes are considered combined on-premises/off-premises licensees authorized to make the limited off-premises sales authorized by this subsection. In the event that 235 ILCS 5/6-28.8 is repealed, this subsection is automatically repealed without further action of the City Council and the additional privileges granted by this subsection are terminated. 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 local liquor 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 non-lounge areas of the restaurant.

A lounge shall be subject to the following additional restrictions:

- e. There shall be a single entrance for both the restaurant and lounge. The single entrance shall not permit patrons direct ingress to the lounge.
- f. A complete meal or, when approved, a limited menu shall be offered for and available to the patrons of the lounge.


- g. There shall be a physical separation between the restaurant and lounge in consideration of those patrons who wish to remain apart from the lounge.
- h. 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 2: All ordinances, or parts of ordinances, in conflict with these provisions are hereby repealed.

Section 3: This ordinance shall become effective from and after its passage, approval, and publication in pamphlet form in the manner prescribed by law.



Mayor

Attest:


City Clerk

Roll Call Vote

Ayes: Councilwoman Robbins
Councilman Weller
Mayor Pro Tem Bray-Parker
Councilman Brown

Nays: None

Absent: Mayor Suess
Councilwoman Fitch
Councilman Barbier

Motion Carried Unanimously

Passed: February 22, 2022
Published: February 23, 2022

