

ORDINANCE NO. O-2025-39

**AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF WHEATON CHAPTER 6,
(ALCOHOLIC BEVERAGES)
DELETION OF UNUSED LIQUOR LICENSE CLASSIFICATIONS**

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 pertaining to the deletion of unused liquor license classifications.

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. – Definitions is hereby repealed and rescinded in its entirety and replaced with the following:

Sec. 6-3. Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Alcoholic liquor means any spirits, wine, beer, ale, or other liquid containing more than one-half of one percent of alcohol by volume, which is fit for beverage purposes. Beverages sold as beer, ale, or other designation commonly applied to malt beverages containing more than one-half of one percent of alcohol by volume shall be presumed to be alcoholic liquor for the purposes of this chapter.

Bar means any counter at which alcoholic beverages may be stored, displayed, prepared or served and at which patrons are permitted to sit or stand and consume alcoholic beverages.

Beer means a beverage obtained by the alcoholic fermentation of an infusion or concoction of barley, or other grain, malt and hops in water, and includes among other things, beer, ale, stout, lager beer, porter and the like.

Brewer means a person who is engaged in the manufacture of beer.

Club means a corporation organized under the laws of this state, not for pecuniary profit, solely for the promotion of some common object other than the sale or consumption of alcoholic liquors, kept, used, and maintained by its members through the payment of annual dues, and owning, hiring, or leasing a building or space in a building of such extent and character as may be suitable and adequate for the reasonable comfortable use and accommodation of its members and their bona fide guests and provided with suitable and adequate kitchen and dining room space and equipment and maintaining a sufficient number of employees or contractors for cooking, preparing, and serving food and meals for its members and their bona fide guests; provided that such club files with the local liquor commissioner at the time of its application for a license under this chapter two copies of a list of names and residences of its members, and similarly files within ten days of the election of any additional member his name and address; and provided that the sale or offer of alcoholic liquor for sale to the public by the club is not

permitted; and further provided that the affairs and management of the club are conducted by a board of directors, executive committee or similar body chosen by the members at their annual meeting, and that no member or any officer, agent or employee of the club is paid, or directly or indirectly receives, in the form of salary or other compensation, any profits from the distribution or sale of alcoholic liquor to the club or the members of the club or its guests introduced by members beyond the amount of such salary as may be fixed and voted at any annual meeting by the members or by its board of directors or other governing body out of the general revenue of the club.

Coffee shop means a place of business that:

- (1) Is licensed under chapter 26, article II of this Code;
- (2) 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 ten hours;
- (3) Has a total floor area not greater than 2,500 square feet; and
- (4) Is engaged in the primary business of the sale, over a counter located at the point of sale where customers place orders, of:
 - a. 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
 - b. Food items, including baked goods, sandwiches, and salads, primarily prepared off-premises for consumption on or off the premises where served.

Convenience store means any establishment in which the primary business includes, but is not limited to, the sale of food, beverages, household products, cosmetic items, reading materials, and other goods for the convenience of the public.

Courtyard means a seasonal open-air area used for the service of food and alcohol. Depending upon the nature and use of the surrounding properties and subject to review and approval by the liquor control commission, a courtyard may be required to be delineated by screening or a barrier. Courtyard seating shall not be counted towards any minimum seating standard required by this chapter.

Craft Cocktail Lounge means a place of business licensed under Chapter 26 Article II of this Code in which guests may order and consume a curated selection of specialty alcoholic liquor with or without the purchase of food. A Craft Cocktail Lounge may include bars with chairs, stools or other seating for the use of patrons.

Eating counter means any counter, accommodating a maximum of eight seats, at which patrons may consume alcohol and food in the same manner as patrons at a table.

Fast food restaurant. Indicia of a fast food restaurant shall include, but not be limited to:

- (1) Patrons ordering food from a counter area or service window;
- (2) Patrons picking up food or beverages from a counter area or service window;
- (3) Payment for food or beverages at the time they are ordered;
- (4) Menus limited to food items requiring minimal preparation;
- (5) Menus not offering a wide variety of foods from all major food groups;
- (6) Food and beverages being available for carry-out;
- (7) The presence of drive-up facilities;

- (8) Patrons not paying gratuities;
- (9) Restaurants not having waiters or waitresses;
- (10) Food and beverages not being served with permanent utensils;
- (11) Not having individual menus for each patron;
- (12) Patrons bussing their own tables;
- (13) Food being prepared in an area not entirely separated from patrons by full walls; and
- (14) Trash containers being contained within the restaurant eating area.

The foregoing factors may be considered by the local liquor commission in determining whether a business is a fast food restaurant. The determination of the commission shall be based upon the totality of the circumstances.

Hotel means a building with 21 or more guestrooms offering temporary lodging for compensation for a period of one day or more, with or without restaurants, shops and meeting rooms, open to the public. Such building or group of buildings may also include a cocktail lounge, room service facilities, or rooms providing dancing or live entertainment.

Improvement means the enclosed portion of a building, including any courtyard.

Inn means an establishment containing lodging rooms for occupancy to the public for compensation, limited to the following:

- (1) Not more than 20 guestrooms shall be provided;
- (2) Customary inn services, such as maid, telephone, secretarial and desk services, laundering of linens, food and cooking service including a restaurant, with service in the guestrooms or any designated area. The use and operation of a restaurant for persons other than guests occupying any of the guestrooms shall be specifically authorized, if at all, and regulated pursuant to the provisions of any special use permit authorizing the use and operation of an inn;
- (3) Meeting rooms for business and nonbusiness uses, with incidental food service available to guests or the public for compensation; provided, however, the meeting rooms shall not be the primary purpose or use of the inn, and shall not exceed 25 percent, in gross measurement, of the gross floor space of the entire inn. The number of people occupying the meeting rooms, and the hours of use and operation of the meeting rooms, shall be regulated pursuant to the provisions of any special use permit authorizing the use and operation of an inn.

Lounge means any room in a restaurant in which patrons may order and consume alcohol with or without the purchase of food. A lounge may include bars with chairs, stools or other seating for the use of patrons.

Original package means any bottle, flask, jug, can, barrel, keg, or other receptacle or container whatsoever, used, corked or capped, sealed and labeled by the manufacturer of alcoholic liquor to contain and convey any alcoholic liquor.

Physical separation means a partial wall, screen, partition or suitable enclosure of sufficient height to set apart an area of a restaurant or store from the rest of the facility by preventing unintended access or visibility.

Private craft cocktail lounge means a private place of business licensed under chapter 26, article II of this Code in which members and their guests may order and consume a curated selection of specialty alcoholic liquor with or without the purchase of food. A private craft cocktail lounge may include bars with chairs, stools or other seating for the use of patrons.

Restaurant means any public place kept, used, maintained, advertised or held out to the public as a place where the primary business is the service of meals, and where meals are actually and regularly served, without sleeping accommodations, and where adequate provision is made for sanitary kitchen and dining room equipment and capacity and a sufficient number of employees to prepare, cook and serve a reasonable variety of meals for its customers. The mere availability and service at any premises of cold sandwiches, hors d'oeuvres or other similar foods will not, standing alone, be deemed sufficient to constitute such premises as a restaurant within the meaning of this definition, it being the intent of this definition that the primary business conducted on premises to be licensed as restaurants under this chapter shall be the service of meals. Restaurants which are specifically not contemplated as qualifying for a restaurant license include, but are not limited to, fast food and carry-out establishments.

Retail sale means the sale for use or consumption, and not for resale.

Sale (to sell) means any transfer, exchange or barter, in any manner or by any means whatsoever, for a consideration and not for resale, including all sales made by any person, or other governmental subdivisions or districts, which shall include, but which is not limited to, park districts and forest preserve districts, where the property upon which the transfer, exchange or barter, in any manner or by any means whatsoever, for a consideration and not for resale, is within the municipal boundaries of the city, except a person acting in the privacy of his home, or as part of a religious ceremony, whether as principal, proprietor, agent, servant or employee, and including, but not limited to, all of the following acts when done for consideration:

- (1) The selling of alcoholic liquor;
- (2) The delivery of alcoholic liquor, without additional charge, with a meal or with entertainment, or the providing of samples of liquor as part of a promotion or sale device of any kind;
- (3) The dispensing of alcoholic liquor;
- (4) The providing of mix, ice, water, or glasses for the purposes of mixing drinks containing alcoholic liquor for consumption on the same premises;
- (5) The pouring of alcoholic liquor;
- (6) The providing of set-ups containing alcoholic liquor; and
- (7) The serving of alcoholic liquor.

Service counter means any counter at which alcoholic beverages may be prepared. No service of beverages or food to patrons is permitted at a service counter. The use of chairs, stools or other seating is not permitted at a service counter.

Shopping center means a group of retail businesses, with or without office or service uses, in one or more buildings that have a common architectural theme and common parking facilities.

Specialty foods means products including imported and gourmet cheeses, meats, baked goods, condiments, seasonings and novelty foods.

Wine means any alcoholic beverage obtained by the fermentation of natural contents of fruits or vegetables, containing sugar, including such beverages when fortified by the addition of alcohol or spirits.

Wine shop means an establishment where the majority of inventory, shelf space and revenues come from the sale of wine and wine related products.

Section 2: That Sec. 6-87. Classification of licenses. is hereby repealed and rescinded in its entirety and replaced with the following:

Sec. 6-87. Classification of licenses.

Alcoholic liquor licenses authorized to be issued under this chapter shall be, and are hereby, divided into the following classes:

- (1) Class A license shall authorize the retail sale in restaurants of alcoholic liquor, for consumption on the restaurant premises, package sales of beer, 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 beer and 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.

(3) ~~Class C license (Reserved)~~ shall authorize the retail sale of alcoholic liquor for consumption on the premises only in hotels as follows:

- a. In restaurants of 70 seats or more but only at tables during that period when patrons are offered a complete meal;
- b. In hotels with 100 guestrooms or more and a restaurant of 125 seats or more, a lounge may be provided in conjunction with a full-service restaurant. Alcoholic liquor may be served in the lounge with or without food at any time subject to required closing hours;
- c. By the glass or bottle in rooms which contain sleeping accommodations which are contemporaneously occupied by guests when served by room service but not from ~~locked stock in the room~~; or
- d. In meeting rooms and reception rooms, but only during scheduled meetings or receptions.

(4) Class D 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"). Package sales shall be limited to premises primarily devoted to the sale at retail of drugs and sundries, commonly known as drugstores consisting of not less than 10,000 gross above-grade square feet. The following conditions and restrictions shall apply to Class D licenses:

- a. That portion of the premises devoted to the sale of alcoholic liquor shall be no larger than 20 percent of the gross above-grade square feet of the entire store premises.
- b. Beer in containers of not more than 16 ounces shall not be sold in quantities of less than four cans or bottles to any customer.
- c. Spirits shall not be sold in containers less than 750 mL.

(5) Class E license.

- a. A Class E license shall authorize the retail sale, on the premises specified in the license, of alcoholic liquor in its original package ("package sales") of a retail establishment commonly known as supermarket of not less than 50,000 gross above grade square feet, subject to the following conditions and restrictions:
 1. That portion of the premises devoted to package sales shall be no larger than 20 percent of the gross above grade square footage of the entire premises which is the subject of the application and license. The display of package sales shall be primarily in a dedicated area of the supermarket, although limited product displays throughout the premises are permitted to allow for cross-merchandising.
 2. Tastings shall be permitted on the premises in accordance with state law.
- b. Class E-Café license shall authorize the retail sale, on the premises specified in the license, of alcoholic liquor for limited consumption on the premises in a cafe of a retail establishment commonly known as a supermarket of not less than 50,000 gross above grade square feet that has an existing Class E license, subject to the following conditions and restrictions:
 1. That portion of the premises devoted to the sale of alcoholic liquor, both package sales and for limited consumption on the premises in a cafe, shall be no larger than

20 percent of the gross above grade square footage of the entire premises which is the subject of the application and license.

2. Consumption on the premises shall be of individual servings of alcoholic liquor and limited to the cafe seating area of the premises. The consumption of package sale goods shall not be permitted within the cafe seating area.
3. The hours shall be the same for both package sales and for limited consumption on the premises in a cafe.

(6) Class F (temporary) license shall authorize the sale of alcoholic liquor at a special event sponsored by a club or nonprofit organization whose principal place of business is in the city, where held in accordance with all other provisions of this chapter. A Class F licensee may request permission to hold up to 12 one-day events. The fee for each one-day period shall be in accordance with appendix B to this Code.

(7) A-Class G license shall authorize the sale of alcoholic liquors in connection with an off-site catering business operating within the city. Alcoholic liquor may be sold and served by the licensee in connection with the catering of foods. A Class G license shall only be issued to persons who can demonstrate that they are operating a bona fide catering business.

A Class G license shall authorize restaurants located within the city, that possess an existing Class A, B or I liquor license, to cater food and/or alcoholic beverages at an off-site location.

Existing Class A, B or I licensees seeking a Class G license may submit a written request for the license to the city clerk. The city clerk may approve the Class G license if the applicant provides all required information and is in good standing. There shall be no additional fee for an existing Class A, B or I licensee to receive a Glass G license.

(8) Class H license shall authorize the retail sale in bowling alleys of alcoholic liquor for consumption on the premises. No such license may be granted to or retained by any bowling alley which does not have a building or structure with an area of 27,000 or more square feet and at least 30 bowling lanes. Alcoholic liquor sold for consumption on the bowling alley premises may be distributed from bars or lounges, or in a restaurant or banquet hall facility located within the same structure as the bowling alley, provided that there shall not be a separate outside entrance leading directly into the bar or lounge. No more than four wet bars may be provided or operated upon a Class H licensee's premises.

(9) Class I license shall authorize the retail sale in restaurants of alcoholic liquor for consumption on the restaurant premises, package sales of beer, 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:

- 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."

(10) ~~Class J-1 license (Reserved) shall authorize the retail sale in banquet facilities of alcoholic liquor for consumption on the banquet facility's 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 banquet hall. No such license may be granted to a banquet facility having an area of less than 35,000 square feet. Alcoholic liquor for consumption on the restaurant premises may be distributed in bars, lounges, restaurants, or banquet halls located in the same facility. There shall not be a separate outside entrance directly into the bar or lounge. A maximum of two wet bars shall be permitted on the premises.~~

(11) ~~Class J-2 license (Reserved) shall authorize the retail sale of alcoholic liquor for consumption at banquets on the licensed facility's 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 banquet hall or restaurant. Alcoholic liquor for consumption on the premises may only be distributed to patrons attending bona fide banquets. The premises may not have a bar or lounge. A maximum of one portable bar shall be permitted on the premises.~~

(12) ~~Class K license (Reserved) shall authorize the retail sale of alcoholic liquor for consumption on the premises only in inns, as follows:~~

- a. ~~In breakfast areas or banquet areas by the glass or bottle during the service of food;~~
- b. ~~By the glass or bottle in rooms which contain sleeping accommodations which are contemporaneously occupied by guests when served by room service or from locked stock in the room;~~
- c. ~~Alcoholic beverages in inns may be prepared and distributed from a service counter; however, no alcoholic beverages shall be sold directly to guests at the location of the service counter.~~

(13) Class L license.

1. A Class L license shall authorize the retail sale of alcoholic liquor in movie theatres for consumption only on the 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 movie theatre which has a seating capacity of not less than 500.

2. Alcoholic liquor may be sold in a movie theatre holding a Class L 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 L 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 movie theatre. A lounge shall be subject to the following additional restrictions:
 - a. There shall be a single entrance for both the movie theatre 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 movie theatre 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 movie theatre is closed.
- (14) a. Class M liquor license shall authorize the retail sale, on the premises specified in the license, of beer, ale and/or wine, in its original package or when sold in gift boxes or in gift baskets. The retail sale of beer, ale and/or wine, for consumption on the premises shall also be authorized by a Class M license. Premises issued or granted a Class M license shall be subject to all the following conditions:
 1. The licensed premise must be located in the C-2 or C-4 zoning district or in a shopping center of at least 150,000 gross above grade square feet.
 2. The licensed premises shall not exceed a maximum of 2,500 gross above grade square feet.
 3. At least 20 percent of the retail space shall be devoted to the sale of specialty foods and merchandise.
 4. Private tasting seminars shall be permitted on the licensed premises.
 5. No such license shall be granted to or retained by any establishment whose primary business is that of a convenience store or restaurant.
 6. No more than one Class M license shall be granted or issued for any one shopping center.b. Class M Plus license shall authorize the retail sale of specialty spirits not readily available in mass-market retail stores in its original package or when sold in gift boxes or in gift baskets and for consumption on the premises of a retail establishment whose primary business is that of a bona fide wine shop that has an existing Class M license.
- (15) Class N license shall authorize the retail sale, on the premises of a residential complex specified in the license, of alcoholic liquor for consumption on the premises. The license shall be issued only to the caterer contracted by the residential complex to provide day-to-day food service on-site.

(16) Class O license shall authorize the manufacture of beer, only at a designated premises, for the sole purpose of the retail sale, consumption and storage of such beer only at and within such premises.

- a. A Class O license shall only be available as a supplemental license for premises holding a Class I or M license.
- b. All such supplemental licenses shall be granted only upon a showing by the applicant that all applicable federal and state tax stamps have been procured.

(17) Class P license (seasonal market) shall authorize the retail sale by the holder of a Class M License of wine only in its original package and not for consumption on the premises at seasonal markets, provided that samples for tasting may be furnished. Applicants seeking a Class P license shall submit a written request for the license to the city clerk. The written request shall specify the location of the market, the dates of the market's operation and describe the licensee's sales area in detail. The city clerk may request additional information as deemed necessary. The city clerk may approve the Class P license if the Class M licensee provides all required information and is in good standing. If the Class M licensee is not in good standing, the Class P license may only be approved by the local liquor commissioner. The holder of a Class M license shall pay an application fee as set forth in appendix B to this Code.

(18) 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.

(19) A Class R license shall authorize the retail sale of alcoholic liquor, for consumption on the specified premises, as an adjunct to a principal full service salon and spa business. The issuance of a Class R license shall be expressly subject to the following conditions:

- a. Customers and patrons shall not be sold alcoholic beverages unless receiving contemporaneous spa/salon services from the license holder.
- b. The retail sale of alcoholic liquor shall be limited to one drink per hour per customer or patron of the premises, and no such customer or patron shall be served more than three alcoholic beverages during the permitted hours of the retail sale of alcoholic liquor during any one calendar day.

(20) Class S 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") of a retail establishment commonly known as a convenience store not less than 2,000 gross above-grade square feet in size, subject to the following conditions and restrictions:

- a. That portion of the premises devoted to package sales shall be no larger than two percent of the gross above-grade square footage of the entire premises which is the subject of the application and license. The display of package sales shall be in a dedicated area of the convenience store and shall be designed in such a manner as to prohibit the accessing of alcoholic liquor during such times that sales are prohibited.
- b. Beer shall not be sold in quantities of less than four cans or bottles to any customer.
- c. Wine and spirits shall not be sold in containers less than 750 mL.
- d. Each transaction for the sale of alcoholic liquor shall be with point-of-sale equipment that shall scan the identification of the customer as to verify age.

(21) Class T license (**Reserved**) shall authorize the retail sale of wine only, by a business in which said retail sale of wine is exclusively done by means of mail order, telephone order, or electronically transmitted order, for shipment to members of the general public of the age of 21 years or more, and subject to the following conditions, restrictions, and requirements:

- a. A Class T license shall only be issued to persons who can demonstrate that they are operating a bona fide mail order, telephone order, internet or catalog business for retail distribution of wine with no other type of retail sale on the licensed premises.
- b. Wine shall be sold in sealed packages only and shall not be for consumption on the premises of the licensee. Sales shall only be by mail order, telephone order or electronically transmitted order and shipped by United Parcel Service or other authorized carriers, pursuant to the regulations adopted by the Illinois Liquor Commission, to locations and destinations away from the premises of licensee. It shall be unlawful for holders of a Class T license to deliver wine by parcel service delivery without having procured adequate information to determine that the purchaser is qualified to receive the product sent. The provisions of section 6-6, concerning sale or delivery to underage persons, shall apply to any postal or parcel service delivery made by a Class T license holder. Evidence of any parcel service delivery shipped by a licensee in violation of section 6-6 shall be grounds for revocation of the Class T license.

(22) A Class U License shall authorize the retail sale in a craft cocktail lounge of alcoholic liquor, for consumption on the premises, package sales of bottles of beer and 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 the craft cocktail lounge.

Licensees are also 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.

- a. No person under the age of 21 is allowed on-premises during authorized hours of business. Signage shall be posted at the entrance of the premises to reflect this requirement.
- b. A licensee must offer and have available at all times that alcoholic liquor is available for consumption, a menu which includes food more substantial than bar snacks such as nuts, pretzels, chips or the like. Examples of acceptable food service include but are not limited to hot or cold sandwiches, flatbreads, cheese plates and charcuterie boards. All food items are subject to approval from the DuPage County Health Department.
- c. Private tasting seminars shall be permitted at premises with a Class U liquor license.
- d. A Class U license shall only be granted or retained for a premises located in the C-2 CBD Retail Core Business District or C-4 CBD Perimeter Commercial District.
- e. The licensed premises shall not exceed a maximum of 1,250 gross square feet.
- f. No more than one Class U liquor license shall be granted or issued for any one city block.

(23) ~~Class V license (Reserved) 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, the term "food" means baked goods, sandwiches, salads, prepared snacks, and similar items. "Food" does not mean candy, mints, gum, and similar items.~~

(24) A Class W License shall authorize the sale at retail of alcoholic liquor, for consumption on the specified premises to patrons of a performing arts facility not more than one hour before the start of the theatrical performance and no later than one hour after the end of a theatrical performance.

- a. Such sale and delivery shall be confined to the lobby or foyer of the licensed premises.
- b. Alcoholic liquor may be consumed within the seating area of the performance area.
- c. Alcoholic liquor shall be sold and served from a customer bar only. Beer shall be served by the glass, can or bottle only, having a capacity of not more than 12 ounces. Other alcoholic liquor shall be served by the glass only, and such vessel shall have a capacity of not more than six ounces.

(25) A Class X License shall authorize the sale at retail of alcoholic liquor, for consumption on the specified premises, to patrons of the premises participating in craft making activities.

- a. The sale and consumption of alcoholic liquor shall terminate at the conclusion of each session.
- b. The sale and consumption of alcoholic liquor shall not be allowed at any time when a craft making session is not occurring.
- c. The public may participate in regularly scheduled class sessions by pre-registering, walk-in, or by invitation to private party functions.
- d. It is intended that the sale and consumption of alcoholic liquor is merely an adjunct to the operation of an arts and crafts studio and shall not be advertised or otherwise held out to be solely a drinking establishment.
- e. The sale and consumption of alcoholic liquor shall be limited to one drink per hour per customer or patron of the premises.

(26) A Class Y License shall authorize the retail sale in a private craft cocktail lounge of alcoholic liquor, for consumption on the premises, package sales of bottles of beer and 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 the private craft cocktail lounge.

Licensees are also 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.

- a. The permitted number of members of the private craft cocktail lounge annually shall not exceed 150. A maximum of 20 day passes per day may be issued to non-members.
- b. No person under the age of 21 is allowed on premises during authorized hours of business. Signage shall be posted at the entrance of the premises to reflect this requirement.
- c. A licensee must offer and have available at all times that alcoholic liquor is available for consumption, a menu which includes food more substantial than bar snacks such as

nuts, pretzels, chips or the like. Examples of acceptable food service include but are not limited to hot or cold sandwiches, hamburgers, pizza and charcuterie boards. Food items also may be purchased from other establishments as take-out and either brought in or delivered to establishment. All food items are subject to approval from the DuPage County Health Department.

- d. A Class Y license shall only be granted or retained for a premises located in space other than the main floor in the C-2 CBD Retail Core Business District.
- e. The licensed premises shall not exceed a maximum of 3,000 gross square feet.

(27) A Class Z license shall permit the sale of alcoholic liquor solely for on-premise consumption on premises exclusively occupied and operated as a private pickleball club. Such license shall permit the sale only to members of the club and their guests, shall be limited to single individual servings not to exceed 12 ounces per serving for beer, five ounces for wine and a unit equivalent to a standard cocktail, and only for the consumption of beverages incidental to the presence of the member and their guests on such premises while the member and their guests are participating in the establishment's sports event activities.

Section 3: That Sec. 6-129. Hours of business – Generally. is hereby repealed and rescinded in its entirety and replaced with the following:

Sec. 6-129. Hours of business—Generally.

(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, B, I, L and Y	Monday—Saturday	7:00 a.m. to 1:00 a.m.
	Sunday	7:00 a.m. to 12:00 midnight
(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, E-Café, and Q	Monday—Sunday	7:00 a.m.—10:00 p.m.
(4) M, M Plus	Monday—Saturday	9:00 a.m.—10:00 p.m.
	Sunday	12:00 noon—9:00 p.m.
(5) H	Monday—Thursday	8:00 a.m.—1:00 a.m.
	Friday and Saturday	8:00 a.m.—2:00 a.m.
	Sunday	8:00 a.m.—1:00 a.m.
(6) I	Monday—Saturday	7:00 a.m.—1:00 a.m.
	Sunday	7:00 a.m.—12:00 midnight
(7) L	Monday—Saturday	7:00 a.m. to 1:00 a.m.
	Sunday	7:00 a.m. to 12:00 midnight
(8) J-1 and J-2	Monday—Saturday	11:00 a.m.—1:00 a.m.
	Sunday	12:00 noon—12:00 midnight
(9) K	Monday—Saturday	11:00 a.m.—12:00 midnight
	Sunday	12:00 noon—12:00 midnight

(106) P	Permitted hours of operation are limited to the normal operating hours of the seasonal market.	
(117) Special event liquor license	Monday—Saturday	11:00 a.m.—11:00 p.m.
	Sunday	12:00 noon—9:00 p.m.
(128) R	Monday—Saturday	9:00 a.m.—9:00 p.m.
(13) T	Monday—Sunday	24 hours a day
(149) S	Monday—Sunday	7:00 a.m.—10:00 p.m.
(15) V	Monday—Sunday	2:00 p.m. to 11:00 p.m.
(1610) W, X	Sunday—Thursday	12:00 noon to 12:00 midnight
	Friday—Saturday	12:00 noon to 1:00 a.m.
(1711) Z	Monday—Saturday	10:00 a.m. to 10:00 p.m.
	Sunday	Noon to 8:00 p.m.
(1812) U	Monday—Saturday	11:00 a.m. to 1:00 a.m.
	Sunday	11:00 a.m. to 12:00 midnight

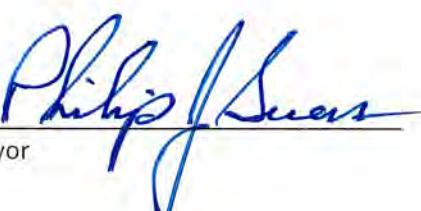
(b) All patrons and customers must leave the premises of the licensees not later than ten minutes following the closing hours recited in subsection (a) of this section.

Section 4: That Section B-4, Administrative Fees; B (Liquor License) of Appendix B, Fee Schedule, of the Wheaton City Code is hereby amended by deleting the following:

Class C	\$3,000 - Deleted
Class J-1	\$3,000 - Deleted
Class J-2	\$2,000 - Deleted
Class K	\$1,500 - Deleted
Class T	\$1,500 - Deleted
Class V	\$1,000 – Deleted

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.


Philip J. Kuehn
Mayor

Attest:

Andrea Rosedale

City Clerk

Roll Call Vote:

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

Nays: None

Absent: Councilman Clousing
Mayor Suess
Motion Carried Unanimously

Passed: August 18, 2025

Published: August 19, 2025