

ORDINANCE NO. 09-64

**AN ORDINANCE AMENDING THE PROVISIONS OF THE CARPENTERSVILLE MUNICIPAL CODE, SECTION 5.12.290, RELATING TO NUMBER OF LIQUOR LICENSES, SECTION 5.12.060 RELATING TO THE CLASSIFICATIONS AND STANDARDS FOR THE ISSUANCE OF LICENSES AND SECTION 5.12.210 RELATING TO REGULATIONS CONCERNING PERSONS UNDER THE AGE OF TWENTY-ONE YEARS**

**WHEREAS**, the President and Board of Trustees of the Village of Carpentersville have heretofore enacted an ordinance limiting the number of liquor licenses within each classification of licenses; and

**WHEREAS**, the President and Board of Trustees of the Village of Carpentersville find it to be in the best interests of the Village to increase the number of liquor licenses available within the B Limited license classification.

**WHEREAS**, the President and Board of Trustees of the Village of Carpentersville further find it to be in the best interests of the Village to amend the provisions of Sections 5.12.060 M and 5.12.210 of the Municipal Code.

**NOW, THEREFORE, BE IT ORDAINED** by the President and Board of Trustees of the Village of Carpentersville, Kane County, Illinois, as follows:

**SECTION 1:**

The Carpentersville Municipal Code, Title 5, "Business Licenses and Regulations", Chapter 5.12, "Alcoholic Liquor", Section 5.12.290, "Number of Licenses", is hereby amended and as amended shall read as follows:

**5.12.290 Number of licenses.**

The maximum number of liquor licenses authorized in the village is as follows:

Classification	Number of Licenses
Class A (bar or tavern)	1
Class B (package)	12
Class B-1 (supplemental)	4
Class B Limited (package)	9
Class C (club)	2
Class D (restaurant)	9
Class E (restaurant and tavern)	1
Class F (restaurant - beer and wine)	4
Class G (byob)	1
Class H (hotel)	1

Class J (wine bar)	1
Class K (banquet facility)	1
Class L (bowling center)	1
Class M (caterer)	2

**SECTION 2:**

The Carpentersville Municipal Code, Title 5, "Business Licenses and Regulations", Chapter 5.12, "Alcoholic Liquor", Section 5.12.060, "Classifications and Standards for the Issuance of Licenses", Subsection M., is hereby amended and as amended shall read as follows:

M. Class D-1, E-1, or F-1 license (Outdoor Café) may be granted as a supplemental license to a holder of a Class D, E, or F license. A class D-1, E-1, or F-1 license shall be issued only to establishments meeting the following additional criteria:

1. All sales of alcoholic liquor shall be incidental to the service of food only.
2. Access into the outdoor cafe shall be from the permanent structure only and no access shall be permitted from the street, sidewalk, or adjoining property. Emergency exits as required by village ordinances must be provided.
3. No music of any kind may be played or broadcast from the outdoor café.
4. No sales or dispensing of alcoholic liquor may be made from the outside area or permanent structure to any person upon adjoining property, public street, sidewalk or alley, and no alcoholic liquor served in an open container may be removed from the outdoor cafe or permanent structure.
5. The establishment shall be in compliance with all other ordinances of the village.

**SECTION 3:**

The Carpentersville Municipal Code, Title 5, "Business Licenses and Regulations", Chapter 5.12, "Alcoholic Liquor", Section 5.12.210, "Persons under the age of twenty-one years - Regulations, is hereby amended and as amended shall read as follows:

**5.12.210 Persons under the age of twenty-one years--Regulations.**

A. It is unlawful for any licensee or any officer, associate, member, representative, agent or employee of such licensee to engage, employ or permit any person who has not attained the age of twenty-one (21) years to tend bar or to draw, pour, mix, serve or take an order for any alcoholic liquor in any premises licensed under this chapter.

B. No person under the age of twenty-one (21) years not accompanied by his or her parent or legal guardian shall enter or remain in any premises licensed by the village for the sale of alcoholic liquor at retail, except a person under the age of twenty-one (21) years may enter or remain in any licensed premises which derives its principal business from the sale of services or commodities other than alcoholic liquor.

C. No licensee, agent, or employee shall permit or allow a person under the age of twenty-one (21) years not accompanied by his or her parent or legal guardian to

enter or remain in the licensee's premises, except a person under the age of twenty-one (21) years may be allowed to enter or remain in any licensed premises which derives its principal business from the sale of services or commodities other than alcoholic liquor.

D. No licensee shall sell or permit to be sold through his or her employees or agents any alcoholic liquor at retail to any person under the age of twenty-one (21) years old.

E. It is unlawful for any licensee or his or her agents or employees to sell, give or deliver alcoholic liquor before demanding presentation of a driver's license, state identification card or some other form of positive identification with the purchaser's picture imprinted on it containing proof of age and issued by some public officer in the performance of his or her official duties, where such licensee, or his or her agents or employees believe or reasonably should believe that a sale or delivery of alcoholic liquor is prohibited because of the age of the prospective recipient.

F. No person under the age of twenty-one (21) years shall be given or permitted to drink any alcoholic liquor in or upon the premises licensed for the sale at retail of alcoholic liquor.

G. No person to whom the sale, gift, or delivery of alcoholic liquor is prohibited because of age shall purchase or accept a gift of or have alcoholic liquor in his or her possession. No person shall purchase, accept, deliver, or have possession of alcoholic liquor in violation of this section. The consumption of alcoholic liquor by any person under twenty-one (21) years of age is unlawful.

H. The possession and dispensing, or consumption by a person under the age of twenty-one (21) years in the performance of a religious service or ceremony, or the consumption by a person under the age of twenty-one (21) years under the direct supervision and approval of the parents or parent of such a minor in the privacy of a home, is not prohibited by this chapter.

#### **SECTION 4:**

Those sections, paragraphs, and provisions of Chapter 5.12, of the Village of Carpentersville Municipal Code which are not expressly amended or repealed by this Ordinance are hereby re-enacted, and it is expressly declared to be the intention of this Ordinance not to repeal or amend any portions of the Village of Carpentersville Municipal Code other than those expressly amended or repealed in Sections 1, 2 or 3 of this Ordinance.

#### **SECTION 5:**

The invalidity of any section or provision of this Ordinance hereby passed and approved shall not invalidate other sections or provisions thereof.

#### **SECTION 6:**

The provisions of this Ordinance shall be in full force and effect upon its passage, approval and publication, in accordance with law.

Motion made by Trustee Teeter, seconded by Trustee McFeggan, that the Ordinance be passed.

**ADOPTED BY THE PRESIDENT AND BOARD OF TRUSTEES** of the Village of Carpentersville, Illinois at a regular meeting thereof held on the 1st day of December, 2009, pursuant to a roll call vote as follows:

AYES: 6 (Schultz, Humpfer, Sigwalt, Hinz, Teeter, McFeggan)

NAYS: 0

ABSENT: 0

APPROVED by me this 1st day of December, 2009.

  
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Village President

(SEAL)

ATTEST

  
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Village Clerk