

**ORDINANCE NO. F-1441**

**AN ORDINANCE AMENDING THE WHEATON LIQUOR CONTROL  
ORDINANCE, CHAPTER 6 - ALCOHOLIC BEVERAGES**

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:

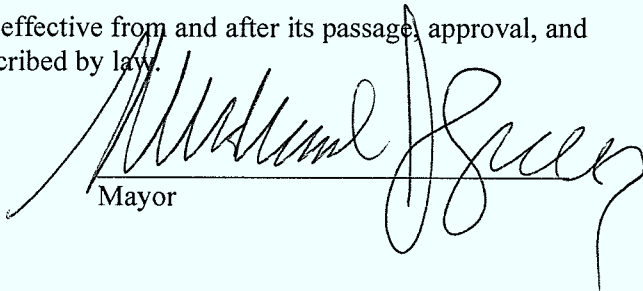
Section 1: That in Sec. 6-3, "Definitions; Courtyard." is hereby deleted in its entirety and replaced with the following:

"Sec. 6-3, "Definitions; Courtyard."

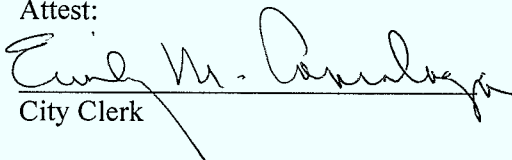
Courtyard means a seasonal open-air area used for the service of food and alcohol. A courtyard shall be a permanent part of the improvement constructed with at least a three-foot high barrier such as a wall or fence. Additional screening or barrier up to six feet in height may be required by the liquor control commission, depending upon the nature and use of the surrounding properties. Primary access to the courtyard shall be through the dining area of the licensed facility. Fire exits shall be provided as required by the city building code. Courtyard seating may not be counted towards any minimum seating standard required by this chapter."

Section 2: All ordinances, or parts of ordinances, in conflict with these provisions are hereby repealed.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: Councilman Mouhelis  
Mayor Gresk  
Councilman Scalzo  
Councilman Suess  
Councilwoman Corry

Nays: None

Absent: Councilman Levine  
Councilman Prendiville

Motion Carried Unanimously

Passed: August 3, 2009  
Published: August 4, 2009