

ORDINANCE NO. F- 1726

**AN ORDINANCE AMENDING THE WHEATON LIQUOR CONTROL
ORDINANCE, CHAPTER 6 - ALCOHOLIC BEVERAGES
CLASS E LICENSE - SUPERMARKETS**

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Section 1: That Sec. 6-87, subsection (6) is hereby repealed and rescinded in its entirety and replaced with a new Section 6-87 subsection (6) which shall read as follows:

“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:

- a. 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.
- b. Tastings shall be permitted on the premises in accordance with State law.

Class E – Cafe license shall authorize the retail sale, on the premises specified in the license, of alcoholic liquor for limited consumption on the premises in a café 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:

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

Section 2: That Sec. 6-88, Term; fees, is hereby amended to include the following fee for a Class E - Cafe license:

“E - Cafe: \$3,000”

Section 3: That Sec. 6-129, subsection (a3) Hours of business – Generally, is hereby amended to include a Class E - Cafe license along with a Class E, M, and Q:

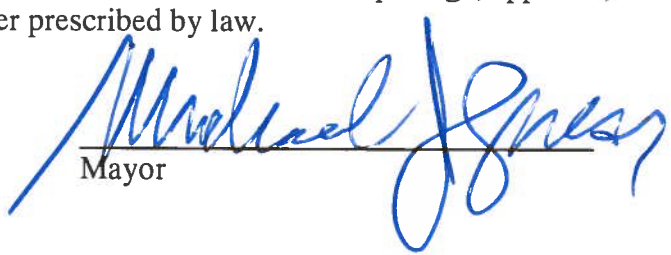
“(3) D, E, E – Café, M, and Q”

Section 4: All ordinances, or parts of ordinances, in conflict with these provisions are hereby repealed.

Section 5: This ordinance shall become effective from and after its passage, approval, and publication in pamphlet form in the manner prescribed by law.

Attest:


City Clerk


Mayor

Roll Call Vote:

Ayes: Councilman Rutledge
Councilman Saline
Mayor Gresk
Councilwoman Pacino Sanguinetti
Councilman Scalzo

Councilman Sues
Councilman Prendiville

Nays: None

Absent:None

Motion Carried Unanimously

Passed: August 19, 2013
Published: August 20, 2013

