

VILLAGE OF GURNEE

2023 - 22

**AN ORDINANCE AMENDING THE GURNEE MUNICIPAL CODE, CHAPTER 6,
SECTIONS 6, 53, 55 AND CHAPTER 32 SECTION 32 TO ADD A NEW CLASS 16
LIQUOR LICENSE TO PERMIT SALE OF BEER AND WINE AT FUEL STATIONS
WITH CONVENIENCE STORE AND COMMERCIAL KITCHEN**

ADOPTED BY THE PRESIDENT AND BOARD OF TRUSTEES

OF THE

VILLAGE OF GURNEE, ILLINOIS

ON

March 20, 2023

**Published in pamphlet form by authority of the Village Board of the
Village of Gurnee, Lake County, Illinois,
This 21st day of March 2023.**

THOMAS B HOOD

President

ANDY HARRIS

Clerk

BRYAN WINTER

Attorney

JEANNE BALMES

GREG GARNER

QUIN O'BRIEN

CHERYL G. ROSS

KAREN THORSTENSON

KEVIN WOODSIDE

Trustee

Trustee

Trustee

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AN ORDINANCE AMENDING THE GURNEE MUNICIPAL CODE, CHAPTER 6, SECTIONS 6, 53, 55 AND CHAPTER 32 SECTION 32 TO ADD A NEW CLASS 16 LIQUOR LICENSE TO PERMIT SALE OF BEER AND WINE AT FUEL STATIONS WITH CONVENIENCE STORE AND COMMERCIAL KITCHEN

WHEREAS, the Village of Gurnee (hereinafter "the Village") is a home rule unit of government pursuant to Section 6(a), Article VII of the 1970 Illinois Constitution; and,

WHEREAS, the Illinois Liquor Control Act, 235 ILCS 5/4-1 *et seq.*, authorizes the Village to determine the number, kind and classification of licenses for the retail sale of alcoholic liquor, and to establish rules and regulations for the sale thereof, and,

WHEREAS, the Village has considered revisions to its liquor regulations to create a new liquor license classification for fuel stations with a convenience store and commercial kitchen to allow the sale of beer and wine, as set forth in this ordinance, and,

WHEREAS, the Corporate Authorities of the Village have determined that it is in the best interest of the Village to amend the Municipal Code to establish a Class 16 liquor license to permit the sale of beer and wine packaged goods at fuel stations with a convenience store and commercial kitchen subject to the regulations, as set forth in this ordinance.

NOW, THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND THE BOARD OF TRUSTEES OF THE VILLAGE OF GURNEE, LAKE COUNTY, ILLINOIS, IN THE EXERCISE OF ITS HOME RULE POWERS, AS FOLLOWS:

SECTION I: The above recitals are incorporated into this Ordinance and shall have the same force and effect as though fully set forth herein.

SECTION II: That Chapter 6, Section 6, of the Gurnee Municipal Code is hereby amended by adding subsection (d) and shall hereafter state as follows (single underlines, denotes inserted language and strikethroughs, denote deleted language):

CHAPTER 6. ALCOHOLIC BEVERAGES

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Sec. 6-6. Closing Hours

- (a) It shall be unlawful to sell any alcoholic liquor at retail in the village between the hours of 1:00 a.m. and 6:00 a.m. of any day except Saturdays and Sunday, or between the hours of 2:00 a.m. and 6:00 a.m. on Saturdays, Sunday, and January 1 on any premises for which a license has been issued for the sale of alcoholic liquor.
- (b) No Class "4" licensee shall sell or permit to be sold or give away any alcoholic liquor between the hours of 12:00 midnight and 8:00 a.m. In the

case of Class 2 licenses, this section shall only apply to the retail sale of alcoholic liquor in the original package not for consumption on the premises.

- (c) No Class "12" licensee shall sell or permit to be sold or give away any alcoholic liquor between the hours of 8:00 p.m. and 6:00 a.m.
- (d) ~~Reserved.~~ No Class "16" licensee shall sell or permit to be sold or give away any beer and wine package goods between the hours of 9:00 p.m. and 9:00 a.m.

SECTION III: That Chapter 6, Section 53, subsections (19) and (20) of the Gurnee Municipal Code are hereby amended and shall hereafter state as follows (single underlines, denotes inserted language and strikethroughs, denote deleted language):

Sec.6-53. Persons not entitled to a license

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- (19) ~~No person, firm, or corporation licensed pursuant to this chapter shall engage in the business where more than 50 percent of revenue is derived from the sale of gasoline, diesel or other such motor fuels.~~
- (20) (19) No person, firm, or corporation licensed pursuant to this chapter shall engage in the business of a convenience store ~~on any portion of any licensed premises.~~ unless operated on the same premises as a fuel station.

SECTION IV: That Chapter 6, Section 55, of the Gurnee Municipal Code is hereby amended to add a Class 16 license and shall hereafter state as follows (single underlines, denotes inserted language and strikethroughs, denote deleted language):

CHAPTER 6. ALCOHOLIC BEVERAGES

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Sec. 6-55. License Classification

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(16) Class 16 license. A class 16 license shall authorize the retail sale of beer and wine packaged goods on the premises of a fuel station with a convenience store and commercial kitchen. Class 16 licenses shall be subject to the following definitions, conditions or limitations:

(a) Definitions

1. Fuel Stations with a convenience store and commercial kitchen means a licensed premises that includes a building, which has not less than four thousand (4,000) gross square feet above ground devoted to the use of a fuel station with a convenience store and commercial kitchen. The commercial kitchen as referenced herein, must be devoted to the commercial preparation, production and cooking of food and be equipped with a commercial cooking appliance and either a triple compartment sink or commercial dishwasher.

215 Walk-in Liquor Cooler means a separate room with restricted access within the principal building where the beer and wine packaged goods shall be located at all times prior to sale. A Walk-in Liquor Cooler shall not exceed ~~300~~ square feet.

A Walk-in Liquor Cooler shall be subject to the following additional conditions and restrictions:

- (i) The Walk-in Liquor Cooler must have a separate locking mechanism to restrict public access:
 - a. Between the hours of 9:00 a.m. and 9:00 p.m., public access shall be permitted only by electronic scan of a person's identification card or driver's license verifying that the person is 21 years of age or older.
 - b. Between the hours of 9:00 p.m. and 9:00 a.m., no public access shall be allowed.
- (ii) The Walk-in Liquor Cooler shall display signage prohibiting public access from persons under the age of 21.
- (iii) The Walk-in Liquor Cooler shall have at least one interior window to allow store personnel to monitor and control access.
- (iv) The Walk-in Liquor Cooler shall not have any exterior windows.

four Shelf Display means a shallow glassed front cooler or cabinet design with a door with restricted access within the principal building where the beer and wine packaged goods shall be located at all times prior to sale. Shelf Display area may be cooled or room temperature or a combination. No more than a total of ~~six~~ doors for the sale of beer or wine, not exceeding ~~20~~ contiguous lineal feet of Shelf Display area within the interior of the store shall be permitted. Shelf Display shall be subject to the following additional conditions and restrictions: 14

- (i) Shelf Display doors must have a separate locking mechanism to restrict public access:
 - a. Between the hours of 9:00 a.m. and 9:00 p.m., public access shall be permitted only by electronic scan of a person's identification

- card or driver's license verifying that the person is 21 years of age or older.
- b. Between the hours of 9:00 p.m. and 9:00 a.m., no public access shall be allowed.
- (ii) Shelf Display shall display signage prohibiting public access from persons under the age of 21.
- (iii) Shelf Display must be located in the rear half of the building and within sight of the cash register.

(b) Additional limitations.

1. A Class 16 License shall be issued only after the location, construction and size of a Walk-in Liquor Cooler or Shelf Display has been approved by the Liquor Commissioner or designee. Each licensed premises shall be permitted only one (1) Walk-in Liquor Cooler or up to ~~six (6)~~ ^{four (4)} Shelf Display doors. No combination of a Walk-in Liquor Cooler and Shelf Display shall be permitted.
2. All beer must be sold in quantities of not less than a four-pack.
3. All wine must be sold in containers not less than three hundred seventy-five milliliters (375 ml).
4. That each transaction for the sale of beer and wine packaged goods shall be with point-of-sale equipment that shall scan the identification of the customer to verify age.
5. That no person under the age of 21 shall be permitted to enter into a Walk-in Liquor Cooler or Shelf Display.
6. There shall be no exterior advertising or window display of alcohol related signage or messaging.

SECTION V. That the following subsection of Chapter 32 (Section 32-32) of the Village of Gurnee Municipal Code, which establishes the annual liquor license fees is hereby amended and shall hereafter state as follows:

Annual Liquor License Fees		
.....		
Class 16	\$2000.00	Section 6-55(16)

SECTION VI: Nothing in this Ordinance shall be construed to affect any suit or proceedings pending in any court, or any rights acquired, or liability incurred, or any cause or causes of action arising, acquired or existing under any act or ordinance or portion thereof hereby repealed or amended by this ordinance; nor shall any just or legal right, claim, penalty or

remedy of any character of the corporate authority existing on the effective date hereof by lost, impaired or affected by this Ordinance.

SECTION VII: If any provision, clause, sentence, paragraph, section, or part of this ordinance or application thereof to any person, firm, corporation, public agency or circumstance, shall, for any reason, be adjudged by a court of competent jurisdiction to be unconstitutional or invalid, said judgment shall not affect, impair or invalidate the remainder of this ordinance and the application of such provision to other persons, firms, corporation, or circumstances, but shall be confined in its operation to the provision, clause, sentence, paragraph, section, or part thereof directly involved in the controversy in which such judgment shall have been rendered and to the person, firm, corporation, or circumstances involved. It is hereby declared to be the legislative intent of the corporate authorities that this ordinance would have been adopted had such unconstitutional or invalid provision, clause, sentence, paragraph, section, or part thereof not been included.


SECTION VIII: That this Ordinance shall be in full force and effect from and after its passage, approval and publication in pamphlet form as required by law.

Passed this 20th day of March 2023

	Ayes:	Nays:	Absent/Abstain:
Jeanne E. Balmes	<u>X</u>		
Greg Garner		<u>X</u>	
Quin O'Brien		<u>X</u>	
Cheryl G. Ross		<u>X</u>	
Karen Thorstenson	<u>X</u>		
Kevin Woodside	<u>X</u>		
Thomas Hood	<u>X</u>		

APPROVED:

By:


THOMAS B. HOOD, Village President

Date: 3-20-23

ATTEST:

By:


ANDY HARRIS, Village Clerk



Presented and read, or reading having been waived, at a duly convened meeting of the Corporate Authorities on March 20, 2023

I hereby certify that the above ordinance was published in pamphlet form on the 21st day of March 2023, as provided by law.



ANDY HARRIS, Village Clerk



STATE OF ILLINOIS)
) SS.
COUNTY OF LAKE)

CERTIFICATE

I, ANDY HARRIS, certify that I am the duly elected and acting municipal clerk of the Village of Gurnee, Lake County, Illinois.

I certify that on the 20th day of March 2023, the Corporate Authorities of such municipality passed and approved Ordinance 2023 - 22, entitled, “

AN ORDINANCE AMENDING THE GURNEE MUNICIPAL CODE, CHAPTER 6, SECTIONS 6, 53, 55 AND CHAPTER 32 SECTION 32 TO ADD A NEW CLASS 16 LIQUOR LICENSE TO PERMIT SALE OF BEER AND WINE AT FUEL STATIONS WITH CONVENIENCE STORE AND COMMERCIAL KITCHEN” which provided by its terms that it should be published in pamphlet form.

The pamphlet form of Ordinance No. 2023 - 22, including the Ordinance and a cover sheet thereof, was prepared, and a copy of such Ordinance was posted in the municipal building, commencing on the 21st day of March 2023, and continuing for at least ten days thereafter. Copies of such Ordinance were also available for public inspection upon request in the office of the municipal clerk.

Dated at Gurnee, Illinois, this 21st day of March 2023.



ANDY HARRIS, Village Clerk

