

MCO- 06- 2012

AN ORDINANCE TO AMEND SECTION 36.26 (d), ENTITLED, "RESTRICTIONS AND REQUIREMENT FOR EMPLOYEES ON LICENSED PREMISES" OF CHAPTER THIRTY-SIX, ENTITLED, "LIQUOR" OF THE MUNICIPAL CODE OF ORDINANCES OF THE CITY OF ELMHURST, ILLINOIS

WHEREAS, the corporate authorities of the City of Elmhurst (the "City") are expressly authorized by Section 4-1 of the Illinois Liquor Control Act of 1934 (235 ILCS 5/4-1) to establish such regulations and restrictions upon the issuance of and operations under local liquor licenses not inconsistent with law as the public good and convenience may require; and

WHEREAS, the Beverage Alcohol Seller and Servers Education Training ("BASSET") course is a State of Illinois seller/server training course under the licensing and regulatory auspices of the Illinois Liquor Control Commission; and

WHEREAS, the BASSET course is designed to encourage sellers and servers of alcoholic beverages to sell and serve such beverages responsibly as well as to comply with the provisions of the Illinois Liquor Control Act of 1934; and

WHEREAS, the provisions set forth in Section 36.26 entitled, "Restrictions and requirement for employees on licensed premises" of Chapter 36, entitled, "Liquor" of the Municipal Code of Ordinances of the City establish the restrictions and requirements for the selling and serving of alcoholic beverages; and

WHEREAS, the provisions set forth in Subsection (d) of Section 36.26 require bartenders and all bar or lounge area servers of alcoholic beverages employed by the licensee to have completed a State of Illinois certified alcohol awareness program; and

WHEREAS, the corporate authorities of the City find it desirable and in the best interest of the City to amend Section 36.26 (d) to include the requirement that such required certified

alcohol awareness program be a BASSET course, held in a classroom and taught by a BASSET certified trainer; and

WHEREAS, the corporate authorities of the City find it desirable and in the best interest of the City to amend Section 36.26 (d) to include the restriction that a BASSET online course does not fulfill the City's required BASSET certification.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Elmhurst, DuPage and Cook Counties, Illinois, as follows:

Section 1. The recitals set forth are incorporated herein by reference.

Section 2. That Subsection (d) of Section 36.26 entitled, "Restrictions and Requirement for Employees on Licensed Premises" of the Municipal Code of Ordinances of the City is hereby deleted in its entirety and replaced with the following:

"36.26 – Restrictions and Requirement for Employees on Licensed Premises.

(d) It shall be unlawful for a licensee to sell or serve any alcoholic beverage for consumption in a restaurant, bar or cocktail lounge on the licensed premises, unless the managers of liquor sales, the bartenders and all bar or lounge area servers of alcoholic beverages employed by the licensee, have completed a BASSET course, provided that only the manager of liquor sales need to complete such alcohol programs for restaurants having only a service bar. Such BASSET course must be completed in a classroom and taught by a certified BASSET trainer. An online BASSET training course does not fulfill such training certification required by the City of Elmhurst."

Section 3. All ordinances or parts of ordinances in conflict with this Ordinance are hereby amended to the extent of the conflict

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Section 4. This Ordinance shall be in full force and effect upon its passage, approval and publication in accordance with law.

ADOPTED this 21st day of February, 2012, pursuant to a roll call vote as follows:

AYES: 12

NAYS: 0

ABSENT: 2


ABSTENTION: _____

APPROVED by me this 21st day of February, 2012.



Peter P. DiCianni III, Mayor of the City of
Elmhurst, DuPage and Cook Counties, Illinois

ATTESTED and filed in my office,
this 21st day of January, 2012.



Patty Spencer, Clerk of the City of Elmhurst,
DuPage and Cook Counties, Illinois