

MCO- 10- 2014

**AN ORDINANCE AMENDING SECTION 36.11, ENTITLED "LIMITATION
ON NUMBER OF LICENSES," OF CHAPTER 36, ENTITLED
"LIQUOR," OF THE MUNICIPAL CODE OF ORDINANCES OF
THE CITY OF ELMHURST, ILLINOIS (Café Amano)**

WHEREAS, the City of Elmhurst (the "City") is a home rule unit of government by virtue of Article VII, Section 6(a) of the 1970 Illinois Constitution; and

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

WHEREAS, Section 36.09, entitled "Classification of Licenses," of Chapter 36, entitled "Liquor," of the City's Municipal Code of Ordinances sets forth the classes of retail liquor licenses issued by the City; and

WHEREAS, Subsection 36.09(e) sets forth the provisions of a Class "RSB" liquor license which authorizes the retail sale of alcoholic liquor in restaurants and recreational facilities for consumption only on the premises, only from a service bar, without bar stools, and only at the table where food service is provided; and

WHEREAS, Subsection 36.09(e) sets forth the provisions of a Class "RL" liquor license which authorizes the retail sale of alcoholic liquor in restaurants for consumption only on the premises. A Class "RL" license may operate and sell alcoholic liquor in a room separate from

the restaurant facility, but such room must be adjacent to and on the licensed premises, shall not exceed fifty (50) percent of the total floor area of the restaurant facility, and shall provide food service at all hours of operation except the last hour prior to closing; and

WHEREAS, as contained in the table located in Section 36.11, entitled "Limitation on Number of Licenses," of Chapter 36, entitled "Liquor," the City's Municipal Code of Ordinances establishes the number of retail liquor licenses, as defined in Section 36.09, entitled "Classification of Licenses," in each respective class of license issued by the City and such number may, from time to time, be increased or decreased by formal action of the City Council; and

WHEREAS, Half Full, Inc. d/b/a/ Café Amano ("Café Amano") currently holds a Class "RSB" liquor license; and

WHEREAS, due to Café Amano's plan to relocate to a larger space, Café Amano has requested a change in their liquor license from a Class "RSB" liquor license to a Class "RL" liquor license; and

WHEREAS, pursuant to the request to change Café Amano's liquor license classification, the corporate authorities of the City find it necessary, desirable and in the best interests of the City to amend the table located in Section 36.11, entitled "Limitation on Number of Licenses," of Chapter 36, entitled "Liquor," of the City's Municipal Code of Ordinances to reflect the current number of retail liquor licenses in each classification issued by the City; and

WHEREAS, such amendment to the table located in Section 36.11, entitled "Limitation on Number of Licenses," of Chapter 36, entitled "Liquor," of the City's Municipal Code of

Ordinances shall reflect the decrease in the maximum number of Class “RSB” liquor licenses issued from sixteen (16) to fifteen (15) licenses; and

WHEREAS, such amendment to the table located in Section 36.11, entitled “Limitation on Number of Licenses,” of Chapter 36, entitled “Liquor,” the City’s Municipal Code of Ordinances shall also reflect the increase in the maximum number of Class “RL” liquor licenses issued from thirteen (13) to fourteen (14) licenses.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and 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. The table located in Section 36.11, entitled “Limitation on Number of Licenses,” of the City’s Municipal Code of Ordinances is hereby deleted in its entirety and replaced with the following:

“36.11 – Limitation on Number of Licenses

| License Class | Maximum Number of Licenses |
|---------------|----------------------------|
| B | 9 |
| PL | 10 |
| CBBW | 1 |
| CBW | 5 |
| C | 1 |
| RSB | 15 |
| RHA | 2 |

| | |
|------|-----------|
| RL | 14 |
| D | Unlimited |
| BRW | 0 |
| PD | 1 |
| H | 4 |
| SPR | 0 |
| SPB | 0 |
| WB | 2 |
| IWS | 1 |
| WBB | 1 |
| WBBS | 2 |
| DL | 1 |
| BF | 2 |
| GSWC | 1" |

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

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

ADOPTED this 4th day of August, 2014, pursuant to a roll call vote as follows:

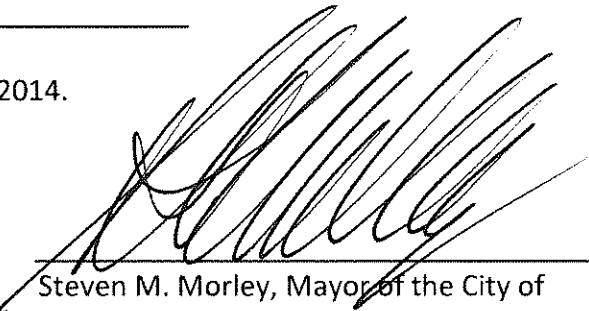
AYES: 12

NAYS: 0

ABSENT: 2

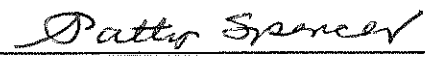
ABSTENTION: _____

APPROVED by me this 4th day of August, 2014.



Steven M. Morley, Mayor of the City of
Elmhurst, DuPage and Cook Counties, Illinois

ATTESTED and filed in my office,
this 4th day of August, 2014.



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

COUNCIL ACTION SUMMARY

SUBJECT: An Ordinance to Amend Section 36.11, entitled "Limitation on Number of Licenses," of Chapter 36, entitled "Liquor," of the Municipal Code of Ordinances of the City of Elmhurst, Illinois

ORIGINATOR: Public Affairs and Safety Committee and City Attorney

DESCRIPTION OF SUBJECT MATTER:

Pursuant to the recommendations of the Public Affairs and Safety Committee, the City Attorney prepared an ordinance amending Section 36.11, entitled "Limitation on Number of Licenses," of Chapter 36, entitled "Liquor," of the City's Municipal Code of Ordinances to reflect the addition of one (1) Class "RL" liquor license and the subtraction of one (1) Class "RSB" liquor license.