

**THE CITY OF ELMHURST
ORDINANCE MCO-17-2019**

**AN ORDINANCE TO AMEND SECTION 36.01, ENTITLED "DEFINITIONS,"
OF ARTICLE 1, ENTITLED "IN GENERAL," AND SECTION 36.09,
ENTITLED "CLASSIFICATION OF LICENSES," OF ARTICLE II,
ENTITLED "RETAIL LICENSES," OF CHAPTER 36, ENTITLED
"LIQUOR," OF THE MUNICIPAL CODE OF THE CITY OF ELMHURST**

WHEREAS, the Public Affairs and Safety Committee (the "Committee") of City of Elmhurst (the "City") has recommended that the City amend its Municipal Code as it relates to the Class "RL" liquor license classification; and

WHEREAS, the corporate authorities of the City find it desirable and in the best interest of the City to amend Section 36.01, entitled "Definitions," of Article 1, entitled "In General," and subsections (a) and (r) of Section 36.09, entitled "Classification of Licenses," of Article II, entitled "Retail Licenses," of Chapter 36 entitled "Liquor" of the Elmhurst Municipal Code.

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. Section 36.01, entitled "Definitions," of Article 1, entitled "In General," as amended, is hereby further amended to add the following definition, in proper alphabetical order:

"(b) Growler/Crowler. A glass, ceramic, plastic or steel bottle that holds up to 128 fluid ounces of beer and is designed to be sealed, including a one-time use tamper-proof seal, for off-premise consumption."

The remaining subsections of Section 36.01 shall be renumbered c, d, e, f g, and h, respectively.

SECTION 2. Subsection (a) of Section 36.09, entitled "Classification of License," of Article 11, entitled "Retail Licenses," of Chapter 36, entitled "Liquor," is hereby amended to read as follows:

"(a) A Class "B" liquor license shall authorize the retail sale of alcoholic beverages for consumption on the premises described in the license. Beer may be sold in growlers and crowlers for off-premise consumption only as may be authorized by Section 6-6.5 of The Liquor Control Act of 1934 (235 ILCS 5/6-6.5). Alcoholic liquor may also be sold at retail in the original package by a premises described in the license. Partially consumed bottles of wine sealed as required by subsection 36.39(d) of this Chapter and accompanied by a dated receipt may

be removed from the premises pursuant to said subsection 36.39(d). No merchandise shall be displayed in original packages except on the back bar of said premises, and it shall be unlawful to advertise such merchandise in any other matter."

SECTION 3. That subsection (r) of Section 36.09, entitled "Classification of Licenses," of Article II, entitled "Retail Licenses," of Chapter 36, entitled "Liquor," is hereby amended to read as follows:

"(r) A Class "RL" liquor license shall authorize the retail sale of alcoholic liquor in restaurants for consumption on the premises. A Class "RL" license may operate and sell alcoholic liquor in a room separate from the restaurant facility and shall provide food service at all hours of operation except the last hour prior to closing. Beer may be sold in growlers and crowlers for off-premise consumption only as may be authorized by Section 6-6.5 of The Liquor Control Act of 1934 (235 ILCS 5/6-6.5). Alcoholic liquor may also be sold at retail in the original package by a Class "RL" licensee, but only incidental to a customer making a purchase for consumption off the premises described in the license. Partially consumed bottles of wine sealed as required by subsection 36.39(d) of this Chapter and accompanied by a dated receipt may be removed from the premises pursuant to said subsection 36.39(d). No merchandise may be displayed in the original package except on the back of the bar in such premises, and it shall be unlawful to advertise such merchandise in any other manner."

SECTION 4. The remainder of Section 36.09 entitled "Classification of Licenses" of Article II entitled "Retail Licenses" of Chapter 36 entitled "Liquor" of the City of Elmhurst Municipal Code shall remain in full force and effect and unchanged.

SECTION 5. That all ordinances or parts of ordinances in conflict with the provisions of this Ordinance are hereby repealed.

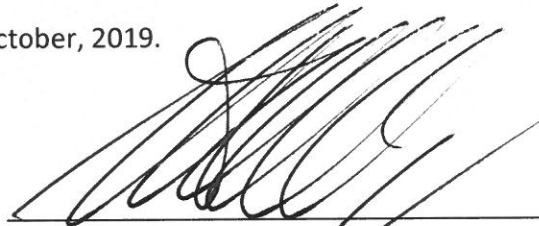
[REMAINDER OF PAGE INTENTIONALLY LEFT BLANK]

SECTION 6. That this Ordinance shall be in full force and effect upon and after its passage and approval in the manner provided by law.

ADOPTED this 21st day of October, 2019, pursuant to a roll call vote as follows:

AYES: 12
NAYS: 0
ABSENT: 2
ABSTENTION: 0

APPROVED by me this 21st day of October, 2019.



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

ATTESTED and filed in my office,
this 21st day of October, 2019.



Amanda Melone, Deputy Clerk of the
City of Elmhurst, DuPage and Cook Counties, Illinois