

STATE OF ILLINOIS    )  
                                  )  
COUNTY OF LAKE     )

CERTIFICATE

I, Sol C. Cabachuela, certify that I am the duly appointed Municipal Clerk for the Village of Mundelein, Lake County, Illinois.

I further certify that on April 8, 2019 the Corporate Authorities of such Village passed and approved

Ordinance No. 19-04-28

which is entitled

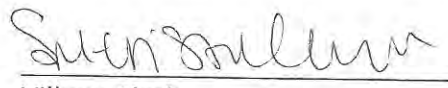
AN ORDINANCE AMENDING CHAPTER 5.76 OF THE MUNDELEIN MUNICIPAL CODE TO  
ESTABLISH BRING YOUR OWN (BYO) WINE AUTHORIZATION FOR THE CLASS FB LIQUOR LICENSE  
CATEGORY

which provides by its terms that it should be published in pamphlet form.

The pamphlet form of said Ordinance, including the Ordinance and a cover sheet thereof was prepared and a copy of such Ordinance was posted in the Village Hall commencing on April 11, 2019 and was posted for at least ten days thereafter.

Copies of such Ordinance are available for public inspection upon request in the Customer Service Office.

Dated at Mundelein, Illinois this 11<sup>th</sup> day of April 2019.

  
Village Clerk

ORDINANCE NO. 19-04-28

AN ORDINANCE AMENDING CHAPTER 5.76 OF THE MUNDELEIN MUNICIPAL CODE TO ESTABLISH  
BRING YOUR OWN (BYO) WINE AUTHORIZATION FOR THE CLASS FB LIQUOR LICENSE CATEGORY

Published in pamphlet form by the authority  
of the President and Board of Trustees  
of the Village of Mundelein, Illinois

Date of Publication: 4/11/19

**ORDINANCE NO. 19-04-28**

**AN ORDINANCE AMENDING CHAPTER 5.76 OF THE MUNDELEIN MUNICIPAL CODE TO ESTABLISH BRING YOUR OWN (BYO) WINE AUTHORIZATION FOR THE CLASS FB LIQUOR LICENSE CATEGORY**

**WHEREAS**, the Board of Trustees has determined that it would be in the best interest of the Village to amend Chapter 5.76 of the Mundelein Municipal Code to establish bring your own (BYO) wine authorization for the Class FB liquor license category; and

**NOW, THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF MUNDELEIN, LAKE COUNTY, ILLINOIS**, that:

**Section I.** Subsection F1 of Section 5.76.140, License Classification; Fees, Number; Hours, is hereby repealed and replaced with the following:

F1. Class FB LICENSE (Restaurants/No Bar/Packaged Liquor Sales-Beer and Wine Only), which shall authorize the retail sale of alcoholic liquor for consumption at tables on the licensed restaurant premises where sold, as well as retail sales of beer and wine for off-premises consumption. Consumption of alcoholic liquor at or over a bar or counter is specifically prohibited on premises covered by a Class FB license. Such licenses may be issued to and retained by those establishments which:

- (a) Have a seating capacity at tables for a minimum of fifty (50) persons for food service; and
- (b) Are, in fact, operated and licensed as restaurants; and
- (c) Offer their patrons full and complete meals, including dinner menu, and in which the service of alcoholic beverages is incidental and complimentary to the service of such meals.

The annual fee for each such license shall be Two Thousand Five Hundred Dollars (\$2,500.00) and there shall be no more than a total of one (1) Class FB license outstanding and in force at any one time. Said establishment shall be closed from midnight to 6:00 a.m. on weekdays, and from midnight to 6:00 a.m. on Saturdays, Sundays, and holidays, during which time no alcoholic liquor shall be sold, or offered for sale, on the premises.

Class FB license holders are permitted to allow patrons to bring their own wine to be consumed on the licensed premises with their meal as authorized in Section 5.76.350 of this Code.

**Section II.** Section 5.76.350, Bring your own (BYO) wine authorization, is hereby repealed and replaced with the following:

**5.76.350 - Bring your own (BYO) wine authorization.**

- A. Any person or entity with a Village Class A, A1, F, FB, or G liquor license under Section 5.76.140 of this Code is permitted to allow customers to bring their own wine for consumption on the licensed premises pursuant to this Section.
- B. The BYO authorization for Village Class A, A1, F, FB, or G liquor license holders allows patrons to consume wine that was not purchased on the licensed premises but was brought to the licensed premises by patrons, subject to the following conditions:
  - (1) Patrons may only consume commercially manufactured wine as defined by 235 ILCS 5/1-3.03. Patrons are prohibited from bringing their own alcoholic beverages other than wine, such as spirits or beer, for service or consumption on the licensed premises;
  - (2) Any patron who brings wine to the licensed premises for consumption must give the wine to a BASSET qualified employee of the licensee who shall inspect the wine to ensure that it is commercially manufactured wine as provided herein, and in its original, sealed bottle. After such inspection, the BASSET qualified employee shall open the wine for consumption by patrons at their table; Patrons are not allowed to open their own wine bottles;
  - (3) Patrons will not be allowed to leave the licensed premises with open partially-filled wine bottles. However, if patrons wish to cork their wine bottles, the corking must comply with 235 ILCS 5/6-33 and the licensee must place the bottle of wine in a securely sealed, transparent one-time use tamper-proof bag;
  - (4) Any wine not consumed by the patron and not corked in accordance with Subsection 5.76.350(B)(3) above shall be destroyed by the licensee or its agents or employees;
  - (5) Wine shall be limited to no more than one bottle per patron not exceeding seven hundred and fifty milliliters (750 ml) and shall only be consumed with a meal;
  - (6) The licensee may charge a corkage fee or comparable fee for uncorking or opening bottles under this authorization.
  - (7) The licensee, its agents and employees shall comply with the provisions of Section 5.76.190 in allowing customers to bring their own wine for consumption on the licensed premises pursuant to this Section 5.76.350.
- C. If the licensee's Class A, A1, F, FB, or G liquor license under Section 5.76.140 is suspended or revoked, the BYO authorization is also suspended or revoked.
- D. The BYO authorization shall only be effective during the hours of operation established by the licensee's Class A, A1, F, FB, or G license under Section 5.76.140.

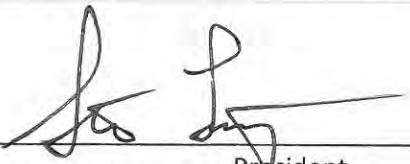
**Section III.**     **Severability.** If any section, clause, paragraph, or provision of this Ordinance shall be found invalid by a court of competent jurisdiction, such judgement shall not affect, impair, invalidate, or nullify the remainder of this Ordinance, but only that part found invalid by such court.

**Section IV.** Repeal of Prior Ordinances. All prior Ordinances in conflict or inconsistent herewith are hereby expressly repealed only to the extent of such conflict or inconsistency.

**Section V.** Effective Date. This Ordinance shall be in full force and effect from and after its passage, approval, and publication in pamphlet form as provided by law.

ADOPTED this 8th day of April, 2019 by a roll call vote as follows:

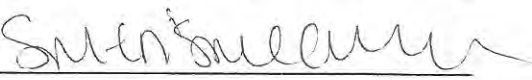
**RESULT:** CARRIED [UNANIMOUS]  
**MOVER:** Scott Black, Trustee  
**SECONDER:** Dawn Abernathy, Trustee  
**AYES:** Rekus, Russell, Black, Abernathy, Meier, Semple

  
\_\_\_\_\_  
President

ADOPTED: April 8, 2019

APPROVED: April 8, 2019

PUBLISHED in pamphlet form: April 11, 2019

ATTEST:   
Village Clerk