

ORDINANCE NO. 2017-2214

**AN ORDINANCE AMENDING CHAPTER 5.36, ENTITLED “LIQUOR SALE,”
OF TITLE 5, ENTITLED “BUSINESS LICENSES AND REGULATIONS,”
OF THE WESTCHESTER MUNICIPAL CODE**

WHEREAS, Chapter 5.36, entitled “Liquor Sale,” of Title 5, entitled “Business Licenses and Regulations,” of the Westchester Municipal Code provides for the licensing and regulation of the sale of alcoholic liquor in the Village of Westchester.; and

WHEREAS, Section 5.36.130, entitled “Number of licenses,” of Chapter 5.36, entitled “Liquor Sale,” of Title 5, entitled “Business Licenses and Regulations of the Westchester Municipal Code provides for the automatic rescission, non-restoration and reduction in the class of liquor license from the total number of liquor licenses available in that given class, upon surrender, cancellation, revocation, suspension or termination for any reason; and

WHEREAS, Section 5.36.150, entitled “License—Transfer and Renewal,” of Chapter 5.36, entitled “Liquor Sale,” of Title 5, entitled “Business Licenses and Regulations of the Westchester Municipal Code provides that a liquor license is purely a personal privilege and not subject to being transferred; and

WHEREAS, the current holder of a class “B” liquor license has sold its business to another entity seeking to obtain a class “B” liquor license, and will commence operations on or before February 8, 2017; and

WHEREAS, upon cessation of business by the current class “B” liquor license holder, the class “B” liquor licenses will be reduced by one (1) and upon commencement of business by the new entity, the class “B” liquor licenses will be increased by one (1) with the net effect in the number of class “B” liquor licenses being no change; and

WHEREAS, the corporate authorities of the Village of Westchester have determined that it is advisable, necessary and in the public interest to amend the regulations regarding the number of Class “B” liquor licenses which regulate the retail sale of beer and wine only in the original package, not for consumption on the premises where sold.

NOW, THEREFORE, BE IT ORDAINED by the President and Board of Trustees of the Village of Westchester, Cook County, Illinois:

Section 1: The facts and statements contained in the preamble to this Ordinance are found to be true and correct and are hereby adopted as part of this Ordinance.

Section 2: Section 5.36.130, entitled “Number of licenses,” of Chapter 5.36, entitled “Liquor Sale,” of Title 5, entitled “Business Licenses and Regulations,” of the Westchester Municipal Code is hereby amended as follows:

5.36.130 – Number of licenses.

- (a) The total number and classification of liquor licenses to be issued by the Village shall be, unless otherwise changed by action of the corporate authorities of the Village of Westchester:
- (1) Five class A licenses.
 - (2) Three class B licenses.
 - (3) As many Class C licenses as are required for persons or entities meeting the requirements of section 5.36.080(a)(3) of this Code.
 - (4) Five class D-1 licenses.
 - (5) Three class D-2 licenses.
 - (6) One class D-3 license.
 - (7) One class D-4 licenses.
 - (8) Two class D-5 (BYOB) licenses issued at this time.
 - (9) No class E license issued at this time.
 - (10) One class F license.
 - (11) One class G license.
 - (12) One class H license.
 - (13) Two class I-1 licenses.
 - (14) Two class I-2 licenses.
- (b) If any license of any class is not renewed or the license is surrendered, canceled, revoked, suspended, or otherwise terminated, such license shall be rescinded and

not be restored, and the total number of liquor licenses of that class to be issued by the Village shall be automatically reduced accordingly.

Section 3: Any ordinance or portion of any ordinance in conflict with any provisions of this Ordinance is hereby repealed solely to the extent of such conflict.

Section 4: This Ordinance shall be in full force and effect upon its passage and approval as provided by law.

ADOPTED this 7th day of February, 2017, pursuant to a roll call vote as follows:

Angelo A. Calcagno	<u>Aye</u>	Celestine Reda	<u>Aye</u>
Carl C. Celestino	<u>Aye</u>	Nick Steker	<u>Aye</u>
Frank Perry	<u>Absent</u>	Tom Yurkovich	<u>Aye</u>
		President Pulia	<u>Aye</u>

APPROVED this 7th day of February, 2017.



Sam D. Pulia, Village President

ATTEST:



Sherby J. Miller, Village Clerk