

ORDINANCE NO. 2021- 21-2381

AN ORDINANCE OF THE VILLAGE OF WESTCHESTER, COOK COUNTY, ILLINOIS  
AMENDING CHAPTER 5.36.080 AND 5.136.130 OF TITLE 5 OF THE OF THE  
WESTCHESTER MUNICIPAL CODE TO CREATE CLASS K-1 AND K-2 LIQUOR  
LICENSE CLASSIFICATIONS

PASSED AND APPROVED BY THE  
PRESIDENT AND BOARD OF TRUSTEES  
THIS 9<sup>th</sup> DAY OF MARCH 2021

Published in pamphlet form by  
Authority of the Corporate  
Authorities of Westchester, Illinois  
the 9<sup>th</sup> day of March 2021

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**AN ORDINANCE OF THE VILLAGE OF WESTCHESTER, COOK COUNTY, ILLINOIS AMENDING CHAPTER 5.36.080 AND 5.36.130 OF TITLE 5 OF THE OF THE WESTCHESTER MUNICIPAL CODE TO CREATE CLASS K-1 AND K-2 LIQUOR LICENSE CLASSIFICATIONS**

**WHEREAS**, the Village of Westchester, Cook County, Illinois (the "*Village*") is a duly organized and existing municipal corporation created under the provisions of the laws of the State of Illinois and under the provisions of the Illinois Municipal Code, as from time to time supplemented and amended; and

**WHEREAS**, the Village President and Board of Trustees of the Village of Westchester, Cook County, Illinois (the "*Corporate Authorities*") may from time to time amend the text of the Westchester Municipal Code (the "*Code*") when it is determined to be necessary, desirable and in the best interests of the health, safety and welfare of the Village and its residents; and

**WHEREAS**, the Corporate Authorities find that the creation of Class K-1 and K-2 Liquor License Classifications, as set forth herein, is in the best interests of the health, safety and welfare of the residents of the Village.

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

**Section 1:** The above recitals and legislative findings are found to be true and correct and are hereby incorporated herein and made a part hereof, as if fully set forth in their entirety.

**Section 2:** The Corporate Authorities find and determine that the adoption of this Ordinance is in the best interests of the Village as well as in the public interest.

**Section 3:** Chapter 5.36.080 ("Classification and fees") of Chapter 5.36 ("Liquor Sale") of Title Five ("Business Licenses and Regulations") of the Westchester Municipal Code is hereby amended by deleting the stricken language and adding the underlined language to read, as

follows:

## **Chapter 5.36. – LIQUOR SALE**

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### **5.36.080 – Classification and fees.**

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(16) Class K-1: Retail sale of alcoholic liquors for consumption on the premises when the premises are authorized and licensed by the Village of Westchester under the Illinois Video Gaming Act to provide video gaming. Conditions for Class K-1 licenses are as follows: (1) the primary business of the licensee shall be the sale of food and beverages and not video gaming and (2) the sale of food and beverages at the proposed licensed premises must have taken place for not less than two years prior to the licensee’s submission of the application for the license. For the purposes of this subsection, the term “primary business shall be the sale of food and beverages” means that the sale of any food and beverages, including alcoholic liquors, shall account for at least sixty percent of the licensed establishment’s annual gross sales revenue from all sources. The annual fee for such a license shall be five thousand dollars.

(17) Class K-2: Retail sale of beer and wine only for consumption on the premises when the premises is authorized and licensed by the Village of Westchester under the Illinois Video Gaming Act to provide video gaming. Conditions for Class K-1 licenses are as follows: (1) the primary business of the licensee shall be the sale of food and beverages and not video gaming and (2) the sale of food and beverages at the proposed licensed premises must have taken place for not less than two years prior to the licensee’s submission of the application for the license. For the

purposes of this subsection, the term “primary business shall be the sale of food and beverages” means that the sale of any food and beverages, including beer and wine, shall account for at least sixty percent of the licensed establishment's annual gross sales revenue from all sources. The annual fee for such a license shall be five thousand dollars.

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**5.36.130 – Number of Licenses.**

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(17) No class K-1 licenses at this time.

(18) No class K-2 licenses at this time.

**Section 4:** If any section, paragraph, clause or provision of this Ordinance shall be held invalid, the invalidity thereof shall not affect any other provision of this Ordinance.

**Section 5:** All ordinances, resolutions, motions or orders in conflict with this Ordinance are hereby repealed to the extent of such conflict.

**Section 6:** The Village Clerk is hereby authorized and directed to publish this Ordinance in pamphlet form and this Ordinance shall be in full force and effect immediately after its adoption, approval and publication to ensure the public health, safety and welfare of the residents of the Village.

*(Intentionally left blank)*

**ADOPTED** this 9<sup>th</sup> day of March 2021, pursuant to a roll call vote as follows:

Angelo A. Calcagno	<u>A</u>	Robert Morales	<u>A</u>
Cathy Kuratko	<u>A</u>	Frank Perry	<u>A</u>
Tracy Hart Markey	<u>A</u>	Nick Steker	<u>A</u>

President Gattuso A

**APPROVED** this 9<sup>th</sup> day of March 2021.

  
Paul Gattuso, Village President

ATTEST:

  
Stanley V. Kolodziej, Village Clerk