
THE VILLAGE OF BLOOMINGDALE

DUPAGE COUNTY, ILLINOIS

ORDINANCE

NUMBER 2023-28

**AN ORDINANCE AMENDING
TITLE 4 OF
THE VILLAGE OF BLOOMINGDALE
CODE OF ORDINANCES;
(CLASS DR AND CLASS TS LIQUOR LICENSE)**

FRANCO A. COLADIPIETRO, Mayor

PAMELA S. HAGER, Village Clerk

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BILL BOLEN
FRANK BUCARO
PATRICK SHANNON
JUDI VON HUBEN

Village Board

Published in pamphlet form by authority of the
President and the Board of Trustees of the Village of Bloomingdale
on this the 26th day of June, 2023

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**AN ORDINANCE AMENDING
TITLE 4 OF
THE VILLAGE OF BLOOMINGDALE
CODE OF ORDINANCES;
(CLASS DR AND CLASS TS LIQUOR LICENSE)**

WHEREAS, the Village of Bloomingdale (hereinafter referred to as "Village") is a Home Rule unit of local government with authority granted pursuant to the Illinois Constitution of 1970, to exercise certain powers and perform certain functions pertaining to its local government and affairs;

WHEREAS, the Illinois Constitution of 1970 provides that the Village President and Board of Trustees (collectively, the "Corporate Authorities") of a Home Rule Unit may exercise any power and perform any function pertaining to its government and affairs, including but not limited to the power to regulate for the protection of the public health, safety, morals and welfare; to license, to tax; and to incur debt;

WHEREAS, the Village has in full force and effect a codified set of those ordinances of the Village which are of a general and permanent nature, which said codified set is known and designated as the Village Code of the Village of Bloomingdale, as amended;

WHEREAS, Section 4-1 of the Illinois Liquor Control Act of 1934 (235 ILCS 5/4-1), expressly authorizes the Corporate Authorities of each Village to determine, by ordinance, the number, classification of licenses and fees to be charged for such licenses for the sale of alcoholic liquor within the Village;

WHEREAS, Title 4 (Business and License Regulations) Chapter 2 (Alcoholic Beverages) Section 8 (Classification of Licenses) provides the available classifications of liquor licenses available within the Village;

WHEREAS, Title 4 (Business and License Regulations); Chapter 2 (Alcoholic Beverages); Section 10 (Number of Licenses) establishes the number of each classification of liquor license currently authorized for issuance within the Village;

WHEREAS, the Village desires to create a new classification of license relating to dining establishments that also include a retail sales component of the business for sale of alcoholic beverages for off-premises consumption;

WHEREAS, the Village desires to create a new supplemental licenses to allow establishments that already maintain certain license classifications to offer tastings and samples to prospective customers in anticipation of the sale of alcoholic beverages for off-premises consumption in its original packaging;

WHEREAS, the Corporate Authorities of the Village desire to amend the Village Code to provide for this classification and number of available liquor licenses; and

WHEREAS, the Corporate Authorities of the Village of Bloomingdale are of the opinion that the aforementioned amendment to the Village's Code of Ordinances is in the best interest of the public safety, health and welfare of the residents of the Village of Bloomingdale.

NOW, THEREFORE, BE IT ORDAINED, in open meeting assembled, by the Village President and Board of Trustees of the Village of Bloomingdale, DuPage County, Illinois, pursuant to the Village's Home Rule Powers, as follows:

Section One - Recitals

The Corporate Authorities hereby find that all of the recitals hereinbefore stated as contained in the preamble to the Ordinance are full, true and correct and do hereby, by reference, incorporate and make them part of this Ordinance as legislative findings.

Section Two – Amendment to Section 4-2-8

Title 4 (Business and License Regulations) Chapter 2 (Alcoholic Beverages) Section 8 (Classification of Licenses) shall be amended to add:

Q. Class DR, Dining Retail: A class DR license permits the retail sale of alcoholic beverages and liquors for consumption on the premises of a dining establishment that also includes a dedicated retail component of the premises. Such licenses shall only be issued to dining establishments where the service of alcoholic beverages and retail sale of wine is ancillary and incidental to service of food. Class DR licenses shall authorize the retail sale of wine in original packages only within the retail area of the premises. The retail wine area shall not exceed forty percent (40%) of the total square footage of the premises. Further, wine tasting and sampling bars shall be permitted in the retail wine area of said premises, but said tasting may only be conducted in accordance with, and after obtaining, a Class TS, Tasting License. The annual fee for such license shall be three thousand dollars (\$3,000.00).

R. Class TS, Tasting: A class TS tasting supplemental license permits on premise wine and beer tasting during the normal business hours of the primary liquor license, but only in connection with the bona fide sale of wine or beer in the original package for consumption not on the premises. Wine and beer tasting shall be restricted to samples of not more than one and one-half ounce (1.5oz.) of wine and two ounces (2 oz.) of beer in conjunction with the anticipated sale of wine and beer to individuals twenty-one (21) years of age or older.

(i) Class TS-1: A Class TS-1 license shall permit tastings and samples to be provided without compensation and each individual customer shall be served no more than two (2) alcoholic samples during any one calendar day. The annual fee for such license shall be fifty dollars (\$50.00).

(ii) Class TS-2: A Class TS-2 license shall permit tastings and samples to be provided with compensation in accordance with a dedicated tasting menu and/or business model to be submitted and approved by the Local Liquor Commissioner. The annual fee for such license shall be five hundred dollars (\$500.00).

Section Three – Amendment to Section 4-2-10

Title 4 (Business and License Regulations); Chapter 2 (Alcoholic Beverages); Section 10 (Number of Licenses) shall be amended, as set forth on the attached Exhibit A, to establish the Class DR license and the Class TS-1 & TS-2 license resulting in the maintenance of zero (0) total licenses for each.

Section Four – Amendment to Section 4-2-16

Title 4 (Business and License Regulations) Chapter 2 (Alcoholic Beverages) Section 16 (Hours of Operation) shall be amended to provide for , as follows:

Liquor Class	Open	Close
<u>Class DR; Dining Retail:</u>		
<u>Monday - Thursday</u>	<u>11:00 A.M.</u>	<u>9:00 P.M.</u>
<u>Friday - Saturday</u>	<u>11:00 A.M.</u>	<u>10:00 P.M.</u>
<u>Sunday</u>	<u>11:00 A.M.</u>	<u>9:00 P.M.</u>

Section Five – Codification

The title, chapter(s) and section(s) adopted by this Ordinance shall be numbered and placed in an appropriate title, chapter(s), and sections(s) sections when and during the codification of the Bloomingdale Municipal Code.

Section Six – Home Rule Preemption

This Ordinance represents an exercise of the home rule powers conferred upon the Village of Bloomingdale by the Constitution of the State of Illinois. This Ordinance is specifically intended to preempt state law pertaining to the extent permitted under the Constitution of the State of Illinois.

Section Seven – Effective Date:

This Ordinance shall be in full force and effect from and after its passage, approval and publication as provided by law.

Section Eight - Publication

This Ordinance shall be published in book or pamphlet form as provided by the Illinois Municipal Code.

Section Nine - Conflict Clause

That all ordinances or parts of ordinances in conflict with the terms of this Ordinance shall be repealed to the extent of said conflict.

Section Ten– Saving Clause

If any section, paragraph, clause or provision of this Ordinance is declared by a court of law to be invalid or unconstitutional, the invalidity or unconstitutionality thereof shall not affect the validity of the remaining provisions of the Village’s Municipal Code, which are hereby declared to be separable.

Section Eleven - Recording


This Ordinance shall be entered into the minutes and upon the journals of the Board of Trustees of the Village of Bloomingdale.

[Remainder of Page Intentionally Left Blank; Roll Call to Follow]

DECIDED pursuant to a roll call vote as follows:

	YES	NO	ABSENT	PRESENT
Vince Ackerman	X			
William Belmonte			X	
Bill Bolen	X			
Frank Bucaro	X			
Patrick Shannon	X			
Judi Von Huben	X			
Franco A. Coladipietro (only if necessary)				
TOTAL	5	0	1	

PASSED AND APPROVED by the Village of Bloomingdale Board of Trustees on the 26th day of June, 2023.



Franco A. Coladipietro
Village President

ATTEST:



PAMELA S. HAGER
Village Clerk

EXHIBIT A

NUMBER OF LICENSES PER CLASS

The total number of all licenses issued for each class in force at any one time shall not exceed the number set forth as follows:

Classification	Number of Licenses
C	3
D-1	5
D-2	20
D-2/BP	0
E-1	0
F	1
G	1
H	1
MB	1
MT-2	0
MW	1
O	1
P-1	9
P-2	4
P-3	1
P-4	2
R	0
T	4
V (Video Gaming)	8
S	5
DR	0
TS-1	0
TS-2	0

If any such license described herein is revoked, surrendered, or abandoned that class of license shall automatically be reduced by one.

Revised: Ord. # _____