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# **THE VILLAGE OF BLOOMINGDALE**

DUPAGE COUNTY, ILLINOIS

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## **ORDINANCE NUMBER 2022-03**

**AN ORDINANCE AMENDING THE BLOOMINGDALE VILLAGE CODE;  
AS AMENDED, TITLE 4 (BUSINESS AND LICENSE REGULATIONS);  
CHAPTER 2 (ALCOHOLIC BEVERAGES); SECTION 8 (CLASSIFICATION OF  
LICENSES), SUB-SECTION B (CLASS D, DINING), 3.A (ADDITIONAL SERVICES,  
LIMITATIONS AND FEES), TO ADD "TO GO" MIXED DRINKS/COCKTAILS  
AND SINGLE SERVINGS OF WINE**

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Franco A. Coladipietro, Mayor  
Pamela S. Hager, Village Clerk

Vince Ackerman  
William Belmonte  
Bill Bolen  
Frank Bucaro  
Patrick Shannon  
Judi Von Huben

Village Board

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Published in pamphlet form by authority of the  
President and the Board of Trustees of the Village of Bloomingdale  
on this the 14<sup>th</sup> day of February, 2022

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**AN ORDINANCE AMENDING THE BLOOMINGDALE VILLAGE CODE,  
AS AMENDED, TITLE 4 (BUSINESS AND LICENSE REGULATIONS);  
CHAPTER 2 (ALCOHOLIC BEVERAGES); SECTION 8 (CLASSIFICATION OF  
LICENSES), SUB-SECTION B (CLASS D, DINING), 3.A (ADDITIONAL SERVICES,  
LIMITATIONS AND FEES), TO ADD "TO GO" MIXED DRINKS/COCKTAILS  
AND SINGLE SERVINGS OF WINE**

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**WHEREAS**, the Village of Bloomingdale ("Village") is a "Home Rule Unit" under the 1970 Illinois Constitution; and

**WHEREAS**, the Illinois Constitution of 1970 provides that 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; and

**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; and

**WHEREAS**, Chapter 2 of Title IV provides for the licensing of alcoholic beverages; and,

**WHEREAS**, the State of Illinois created a combined retailer licensee liquor license category for "On/Off-Premises Consumption" that permits restaurants to sell and deliver "to go" mixed drinks/cocktails and single servings of wine for both on premise and off premise consumption under the conditions set forth by the ILCC on June 25, 2021, with this combined retailer liquor license category scheduled to expire on January 3, 2024., and

**WHEREAS**, The State of Illinois has directed applicants for their Combined Retailer License to contact their local liquor control commissioner prior to engaging in the sale and delivery of "To Go" mixed drinks/cocktails and single servings of wine, to ensure it complies with local laws, and

**WHEREAS**, several Bloomingdale Class D-2 Liquor License establishments have expressed a desire to sell and deliver "To Go" mixed drinks and single servings of wine, but the Bloomingdale Village Code does not currently permit such sales, and

**WHEREAS**, the Village's Class D (Dining) liquor license provides for additional service options, subject to limitations and an additional fee.

**WHEREAS**, the Village desires to make the sale and delivery of "To Go" mixed drinks mixed drinks/cocktails and single servings of wine an option for Bloomingdale Class D-2 liquor license establishments subject to the terms and conditions of the State of Illinois Retailer Combined 1A liquor license.

**NOW THEREFORE**, BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF BLOOMINGDALE, DUPAGE COUNTY, ILLINOIS, AS FOLLOWS:

**SECTION 1:** Revise Title 4 (Business and License Regulations); Chapter 2 (Alcoholic Beverages); Section 8 (Classification of Licenses), Sub-Section B (Class D, Dining), 3 (Additional Services, Limitations and Fees), a. (Additional License Fees), to add an additional service for "To Go" Mixed Drinks/Cocktails and Single Servings of Wine, as follows:

- (6) Dining establishments with a D-2 full liquor license may request "To Go" mixed drinks/cocktails and single servings of wine for an additional license fee of five hundred dollars (\$750.00). Such sales and delivery require a State of Illinois Retailer Combined 1A Liquor License and rights terminate when the State liquor license category expires. The sale and delivery of "To Go" mixed drinks/cocktails and single servings of wine are further subject to the terms as conditions set forth by the State of Illinois Retailer Combined 1A liquor license, regarding but not limited to the following:
  - a) The use of a new/unused rigid container, what material it is made of and how it is to be filled and sealed.
  - b) Information required on each drink label.

- c) How sealed drink containers can be delivered to the consumer, either over the counter; curbside delivery by the retailer's employee; or by a home delivery by the retailer employee.
- d) Means of delivery that are prohibited (drive-through, or delivery by third-party company).
- e) Employee age and BASSET training requirements.

**SECTION 2:** All Ordinances or parts of Ordinances in conflict with the provisions of this Ordinance are to the extent that such conflicts exist, are hereby repealed:

Should any sentence, exception, clause, part or provision of this Ordinance be declared, by a court of competent jurisdiction, to be invalid; the same shall not affect the validity of the Ordinance as a whole or any part thereof other than the part declared to be invalid.

**SECTION 3:** This Ordinance shall be in full force and effect from and after its passage approval and publication is required by law.

**SECTION 4:** This Ordinance shall be published in book or pamphlet form as provided by the Illinois Municipal Code.

**SECTION 5:** 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 Village of Bloomingdale Village Code.

**SECTION 6:** This Ordinance shall be in full force and effect from and after its passage and approval as provided by law.

**DECIDED** pursuant to a roll call vote as follows:

	YES	NO	ABSENT	PRESENT
Vincent Ackerman	X			
William Belmonte	X			
Bill Bolen	X			
Frank Bucaro	X			
Patrick Shannon	X			
Judi Von Huben	X			
Franco A. Coladipietro (only if necessary)				
<b>TOTAL</b>	<b>6</b>	<b>0</b>	<b>0</b>	

**PASSED AND APPROVED** by the Village of Bloomingdale Board of Trustees on the 14<sup>th</sup> day of February, 2022.

  
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Franco A. Coladipietro, Village President

ATTEST:

  
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Pamela S. Hager, Village Clerk