
THE VILLAGE OF BLOOMINGDALE
DUPAGE COUNTY, ILLINOIS

ORDINANCE
NUMBER 2021-04

**AN ORDINANCE AMENDING
TITLE 4 CHAPTER 2 SECTION 4-2-5 OF
THE VILLAGE OF BLOOMINGDALE
CODE OF ORDINANCES**

FRANCO A. COLADIPIETRO, Mayor

JANE E. MICHELOTTI, Village Clerk

VINCE ACKERMAN
WILLIAM BELMONTE
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 25th day of January, 2021

ORDINANCE NO. 2021-04

**AN ORDINANCE AMENDING
TITLE 4 CHAPTER 2 SECTION 4-2-5 OF
THE VILLAGE OF BLOOMINGDALE
CODE OF ORDINANCES**

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 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, staff occasionally reviews the Village of Code of Ordinances to ensure that the ordinances are consistent with State Statute and/or to ensure that the provisions reflect the practices, procedures and policies of the Village;

WHEREAS, the Village's Zoning code currently provides for regulations and restrictions related to the issuance of liquor licenses and the related eligibility of elected officials with respect to the ability to have a direct interest in a license;

WHEREAS, the Corporate Authorities of the Village of Bloomingdale are of the opinion that elected officials should be permitted to have an interest in a liquor license as long as that the manufacture, sale or distribution of alcoholic liquor pursuant to said license is incidental to the primary use of the business;

WHEREAS, the Village Board finds it necessary and proper pursuant to its Home Rule Powers to amend said Title, Chapter, and Section of the Village of Bloomingdale Code of Ordinances pertaining to the issuance of 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 Title 4 Chapter 2 Section 4-2-5

Title 4 Chapter 2 Section 4-2-5 O shall be amended as follows:

O. ~~Any law enforcing public official, including the local liquor control commissioner, the president of the village board of trustees or any member of a village board of trustees, and no such official shall have a direct interest in the manufacture, sale or distribution of alcoholic liquor; except, that a license may be granted to such official in relation to premises that is not located within the territory subject to the jurisdiction of that official if the issuance of such license is approved by the state liquor control commission; and except that a license may be granted to any member of the village board of trustees in relation to premises that is located within the village if: 1) the sale of the alcoholic liquor pursuant to the license is incidental to the selling of food primary use; 2) the issuance of the license is approved by the state commission; 3) the issuance of the license is accordance with all applicable local ordinances; and 4) the official granted a license does not vote on alcoholic liquor issues pending before the board to which the license holder is elected. Notwithstanding any provision of this subsection to the contrary, a A member of the village board of trustees other than the president may have a direct interest in the manufacture, sale, or distribution of alcoholic liquor as long as he or she is not a law enforcing public official or the village board president and the sale of the alcoholic liquor pursuant to the license is incidental to and not the primary use. To prevent any conflict of interest, the elected official with the direct interest in the manufacture, sale, or distribution of alcoholic liquor cannot participate in any meetings, hearings, or decisions on matters impacting the manufacture, sale, or distribution of alcoholic liquor with respect to said liquor license or any liquor license of the same classification. Furthermore, the Village President may have the same interest in the manufacture, sale, or distribution of alcoholic liquor as long as the village board has made a local liquor control~~

commissioner appointment which complies with the requirements of the Illinois Liquor Control Act as may be amended.

Section Three – 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 Four – 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 Five – Effective Date:

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

Section Six - Publication

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

Section Seven - 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 Eight – 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 Nine - Recording

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

DECIDED pursuant to a roll call vote as follows:


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

PASSED AND APPROVED by the Village of Bloomingdale Board of Trustees on the 25th day of January, 2021.



Franco A. Coladipietro
Village President

ATTEST:



Jane E. Michelotti
Village Clerk