
THE VILLAGE OF BLOOMINGDALE

DUPAGE COUNTY, ILLINOIS

ORDINANCE NUMBER 2020-27

**AN ORDINANCE AMENDING THE BLOOMINGDALE VILLAGE CODE,
AS AMENDED, TITLE 4 (BUSINESS AND LICENSE REGULATIONS);
CHAPTER 2 (ALCOHOLIC BEVERAGES); SECTION 8 (CLASSIFICATION OF
LICENSES), DELETING CLASS GR (GROCERY/RETAIL), CREATING CLASS P4
(ON PREMISE CONSUMPTION), ADDING CURBSIDE PICKUP TO TELEPHONE
AND INTERNET SALES, AND REVISING SECTION 16 (HOURS OF OPERATION)**

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Patrick Shannon
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Village Board

Published in pamphlet form by authority of the
President and the Board of Trustees of the Village of Bloomingdale
on this the 9th day of November, 2020

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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), DELETING CLASS GR (GROCERY/RETAIL), CREATING CLASS P4 (ON PREMISE CONSUMPTION), ADDING CURBSIDE PICKUP TO TELEPHONE AND INTERNET SALES, AND REVISING SECTION 16 (HOURS OF OPERATION)

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, Class P, Packaged Liquor Sales: permits the Telephone and Internet Sales of alcoholic liquor for Class P-1 (Incidental Sales) and P-2 (Primary Sales) licensed establishments, to be delivered, mailed or shipped to the purchaser through the use of United Parcel Service or similar entity, and prohibits the direct delivery utilizing the employees or other agents of the licensee.

WHEREAS, several Class P license holders have requested the ability for their employees to deliver alcoholic liquor to a customer’s vehicle as part of a curbside pickup service,

WHEREAS, the current Class GR license does not include Telephone & Internet Sales or curbside pickup of alcoholic liquor,

WHEREAS, several P-1 and the current GR licensee have requested the ability to conduct Telephone & internet alcohol sale through a delivery service, and the ability for their employees to deliver alcoholic liquor to a customer's vehicle as part of a curbside pickup service,

WHEREAS, Village staff has reviewed the request to permit the delivery of liquor to curbside pickup customers and have no expressed concerns,

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 Section 4-2-8-A: Class A. Class P, Packaged Liquor Sales, as follows:

A. Class P, Packaged Liquor Sales: A class P license shall permit the retail sale of alcoholic liquor in sealed packages but not for consumption on the premises where sold.

1. P-1 License: Incidental sales, where the retail sale of alcoholic liquor is incidental to the sale of any other goods and products. Such licenses shall only be issued to business establishments with a minimum of ten thousand (10,000) square feet of floor area; provided, that the maximum area dedicated to the sale of alcoholic liquor shall not exceed ten percent (10%) of the total floor area. The retail sale of alcoholic liquor ordered by telephone, facsimile or other similar method and delivered, mailed or shipped to the purchaser or any other party is prohibited, except under a separate approval process and payment of an additional fee as noted in subsection **A4a A5a** of this section. The annual fee for such license shall be one thousand seven hundred fifty dollars (\$1,750.00).

2. P-2 License: Primary sales, where the retail sale of alcoholic liquor in sealed packages is not incidental to the sale of any other goods or products, subject to any and all conditions set forth in any special use permit ordinances pertaining to the location. The annual fee for such license is one thousand five hundred dollars (\$1,500.00) for a business establishment with a maximum floor area below eight thousand (8,000) square feet, and two thousand two hundred fifty dollars (\$2,250.00) for a business establishment with a maximum floor area of eight thousand (8,000) square feet or

greater. The retail sale of alcoholic liquor ordered by telephone, facsimile or other similar method, delivered, mailed or shipped to the purchaser or any other party is prohibited, except where separate approval and additional fees have been secured as noted in subsection **A4a A5a** of this section.

3. **P-3 License: Convenience sales** package sales allowed as an adjunct to a grocery establishment wherein the area set aside for groceries is a minimum of two thousand five hundred (2,500) square feet of floor space. The preliminary purpose of the grocery establishment being the sale of food and food items with the area set aside for liquor sales not to exceed one hundred (100) square feet of total floor area which may include refrigerated space and/or total floor area. The sale of individual beer can and/or bottle is prohibited as is any sampling for purposes of marketing the sale of wine or beer for off premises consumption. The advertisement of beer and wine sales on windows and/or exterior signage is prohibited. The annual fee for such license is one thousand five hundred dollars (\$1,500.00). (Ord. 2015-51, 12-7-2015)

4. **Class P4: On Premise Consumption: retail sale of packaged alcoholic liquors for consumption off the premises and the sale of spirits, beer, wine and sake for consumption on the premises as an incidental part of a grocery store that has a minimum gross floor area of thirty thousand (30,000) square feet. Class P4 licenses shall be subject to the following conditions and limitations for the sale of alcohol, in original packages, unopened only as follows:**

- a. Not more than ten percent (10%) of the gross floor area shall be devoted to the sale of liquor products.
- b. Alcohol sold in original packages and intended for off premises consumption shall not be opened or consumed on the premises or in any designated seating/serving area.
- c. The sale of liquor intended for consumption on the premises shall be limited to individual servings of spirits, beer, wine or sake.
- d. The sale of spirits, beer, wine or sake, for consumption on the premises, shall be served only in a designated seating/serving area, which includes an area where food is prepared and regularly served on the premises. Such food shall include

hot or cold sandwiches, appetizers, tapas, sushi, baked goods or other similar foods.

- e. The consumption of spirits, beer, wine and sake on the premises shall be permitted in the designated seating/serving area as well as the shopping areas throughout the premises; however, the licensee shall mark, with conspicuous signage, the area past which consumption of spirits, beer, wine and sake is no longer permitted.
 - f. The designated seating/serving area for customers consuming spirits, beer, wine or sake on the premises shall be limited to five percent (5%) of the gross floor area.
 - g. It is intended that the service of spirits, beer, wine and sake is merely adjunct to the operation of a grocery store and that the facility shall not be advertised or otherwise held out to be a drinking establishment.
 - h. Hours for the sale of packaged alcoholic liquor, for consumption off the premises shall be in accordance with this Code but in no case shall the sale of spirits, beer, wine or sake take place outside of the normal business hours of the grocery store.
 - i. The establishment does not engage in the retail sale of goods outside of groceries such as, but not limited to, clothing, shoes, home goods, electronics, and sporting goods.
 - j. The annual fee for such license shall be two thousand seven hundred fifty dollars (\$2,750.00).
 - k. The retail sale of alcoholic liquor ordered by telephone, facsimile or other similar method, delivered, mailed or shipped to the purchaser or any other party is prohibited, except where separate approval and additional fees have been secured as noted in subsection A5a of this section.
5. **Additional Services, Limitations & Fees, as follows:**
- a. **Telephone and Internet Sales:** Telephone and internet sales of alcoholic liquor in sealed packages for consumption off the premises shall be permitted only after obtaining a driver's license number or verifying that such license number is currently on file establishing that the person placing the order is twenty-one (21)

years of age or older. The licensee shall have full responsibility for **securing** proof of age as with any other type of transaction involving the sale of alcoholic liquor. Deliveries of alcoholic liquor **to a customer vehicle parked in the designated curbside pickup locations in the parking area of the licensee shall only be performed by BASETT Trained employees of the licensee who are twenty-one (21 years of age or older. Deliveries of alcoholic liquor to a business or residence, is limited to the use of the delivery service, such as Instacart, and United Parcel Service or similar entity, and all packages must have a label requiring a signature, upon delivery, of a person twenty-one (21) years of age or older, and deliveries may only be accepted by persons twenty-one (21) years of age or older. A written record shall be made at the time of delivery to a business or residence** showing that delivery was made to a person twenty-one (21) years of age or older. Said records shall be maintained for a period of two (2) years for village auditing purposes. Direct delivery **to a business or residence** utilizing the employees or other agents of the licensee shall be prohibited, except when delivery is to another employee of the licensee. The additional annual fee for this additional service shall be seven hundred fifty dollars (\$750.00).

- b. Sampling: For purposes of marketing the sale of wine, wine coolers or premium beers for off premises consumption, the holder of a valid class P liquor license may offer for consumption on the licensed premises wine, wine coolers, or premium beer samplings, not to exceed two (2) one-ounce samples per patron during any business day. Sampling distribution for P-1 **and P-4** licensees shall be conducted within or immediately adjacent to an area containing wine and/or beer for retail sale and shall be no closer than fifteen feet (15') from the closest interior edge of any checkout lane. A person otherwise qualified under this section to deliver wine and beer shall be present and deliver all samples to potential customers. (Ord. 2009-35, 9-29-2009; amd. 2012 Code; Ord. 2015-51, 12-7-2015)

SECTION 2: Delete Section 4-2-8-K: Class GR (Grocery/Retail) in its entirety, and transfer the current licensee to liquor Class P4 (On Premise Consumption)

SECTION 3: Revise Section 4-2-16: HOURS OF OPERATION, as follows:

Liquor Class	Open	Close
GR, Grocery store:		
Sunday – Saturday	7:00 A.M.	12:00 midnight (off premises same as P-1 license)
P-1, Packaged liquor - incidental sales:		
Sunday - Saturday	7:00 A.M.	12:00 midnight
P-2, Packaged liquor - primary sales:		
Sunday - Saturday	9:00 A.M.	12:00 midnight
P-3, Packaged liquor - incidental sales:		
Sunday - Saturday	7:00 A.M.	12:00 midnight (same as the P-1 license)
P-4, On Premise Consumption:		
Sunday - Saturday	7:00 A.M.	12:00 midnight (off premises same as P-1 license)

SECTION 4: Title 4 (Business and License Regulations); Chapter 2 (Alcoholic Beverages); Section 10 (Number of Licenses) of the Bloomingdale Village Code is hereby amended, as set forth on the attached Exhibit A, to delete Class GR whereby decreasing the number of GR liquor licenses by one (1), resulting in a final count of zero (0) total GR liquor licenses. Adding the Class P-4 liquor with one (1) total Class P-4 liquor license. Per Village Ordinance 2018-27, “If any such license described herein is revoked, surrendered, or abandoned that class of license shall automatically be reduced by one.” A summary of the expired licenses since the passage of Ordinance 2019-26 are summarized in the table below.

Classification	Current #	Expired Licenses	New License	New #
E-1	2	Round One Entertainment Inc.		1
D2-BP	1	JC BREWERY, LLC. D/B/A 25 WEST BREWING CO		0

SECTION 5: 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 6: This Ordinance shall be in full force and effect from and after its passage approval and publication is required by law.

SECTION 7: This Ordinance shall be published in book or pamphlet form as provided by the Illinois Municipal Code.

SECTION 8: 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 9: This Ordinance shall be in full force and effect from and after its passage and approval as provided by law.

SECTION 5: 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.

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SECTION 8: 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 9: This Ordinance shall be in full force and effect from and after its passage and approval as provided by law.

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	6
D-2	22
D-2/BP	0
E-1	1
G	1
GR	0
H	1
MB	1
MT-2	1
O	2
P-1	7
P-2	3
P-3	1
P-4	1
R	1
T	4
V (Video Gaming)	8


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

Revised: Ord. # _____

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)				
TOTAL	6	0	0	

PASSED AND APPROVED by the Village of Bloomingdale Board of Trustees on the 9th day of November, 2020.



Franco A. Coladipietro, Village President

ATTEST:



Jane E. Michelotti, Village Clerk