

**ORDINANCE NUMBER 24- 07**  
**AN ORDINANCE OF THE VILLAGE OF EAST DUNDEE, COOK AND KANE**  
**COUNTIES, ILLINOIS, AMENDING VILLAGE CODE CHAPTER 116, ALCOHOLIC**  
**BEVERAGES, AND CHAPTER 37, FEES AND FINES**

**WHEREAS**, the Village of East Dundee (“Village”) is a home rule unit of local government pursuant to Section 6 of Article VII of the Constitution of the State of Illinois, and has the authority to exercise any power and perform any function pertaining to its government and affairs; and

**WHEREAS**, Section 116.06 of the “Code of the Village of East Dundee,” as amended (“Code”), sets forth the regulations governing the transferability of liquor licenses in the Village; and

**WHEREAS**, there are contradictory provisions within the subparagraphs of Section 116 of the Code as to whether a liquor license is transferable; and

**WHEREAS**, Section 37.01(U)(6) of the Code sets forth the liquor license fee refund amounts for the transfer of liquor licenses; and

**WHEREAS**, the Village desires to amend the Code to remove the contradictory provisions of the Code; and

**WHEREAS**, the President and Board of Trustees have determined it to be in the best interest of the Village to amend the Village Code; and

**NOW THEREFORE BE IT ORDAINED BY THE VILLAGE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF EAST DUNDEE, COOK AND KANE COUNTIES, ILLINOIS, AS FOLLOWS:**

**SECTION 1: Incorporation.** That the recitals above shall be and are hereby incorporated as Section 1 as if restated herein.

**SECTION 2: Amendment to Chapter 116.** That Section 116.06, titled “Transfer of License,” of Chapter 116, titled “Alcoholic Beverages,” of the Village Code is hereby amended as follows, with additions **bold** and double-underlined and deletions ~~struck through~~:

“§116.06      TRANSFER OF LICENSE.

\*            \*            \*

~~(C) Any transfer of ownership of 5% or more of the applicant business entity, whether that be in the individual, corporate or partnership form, shall require the submission of new information to the village updating the application of the licensee then on file. Any transfer of the legal or beneficial ownership of more than 50% of the voting securities or legal or equitable interest of the licensee, whether that licensee be an individual, corporation or partnership, shall be a transfer of ownership as defined in this section and shall be deemed to be a transfer of the license of licensee requiring that the transferee reapply for a~~

license as otherwise provided in this chapter and pay the appropriate license fee. The transferor of the legal or beneficial ownership of more than 50% of the voting securities or legal or equitable interest of the licensee shall receive a prorated refund of the fees it paid the village for its liquor license(s), in the amount set forth in § 37.01(U)(7) of this code."

**SECTION 3: Amendment to Chapter 37.** That Section 37.01, titled "Fee and Fine Schedule," of Chapter 37, titled "Fees and Fines," of the Village Code is hereby amended as follows, with additions **bold** and double-underlined and deletions struck through:

~~"§37.01 FEE AND FINE SCHEDULE.~~

~~FEE SCHEDULE~~

~~The fines in this Chapter 37 are minimum amounts.~~

~~\* \* \*~~

~~(U) Alcoholic beverages (Chapter 116).~~

~~\* \* \*~~

~~(6) Liquor license fees refunds. The transferor of the legal or beneficial ownership of more than 50% of the voting securities or legal or equitable interest of a liquor licensee shall receive a prorated refund of the fees it paid the village for its liquor license(s), in the following amount, based on the date of transfer:~~

- ~~— (a) January 1 – March 31: refund of 100% of the fees paid;~~
- ~~— (b) April 1 – June 30: refund of 75% of the fees paid;~~
- ~~— (c) July 1 – September 30: refund of 50% of the fees paid; and~~
- ~~— (d) October 1 – December 31: refund of 25% of the fees paid."~~

**SECTION 4: Continuation.** That all provisions of the Village Code not amended herein shall remain in full force and effect.

**SECTION 5: Severability.** That if any Section, paragraph, or provision of this Ordinance shall be held to be invalid and unenforceable for any reason, the invalidity or unenforceability of such Section, paragraph, or provision shall not affect any of the remaining provisions of this Ordinance.

**SECTION 6: Repeal.** That all ordinances, resolutions, motions or parts thereof in conflict with this Ordinance shall be hereby repealed.

**SECTION 7: Effect.** That this Ordinance shall be in full force and effect upon its adoption, approval and publication in pamphlet form as provided by law.

[SIGNATURE PAGE FOLLOWS]

**PASSED** this 19<sup>th</sup> day of February 2024 pursuant to a roll call vote as follows:

**AYES:** Mahony, Kunze, Brittin, Saviano and Sauden

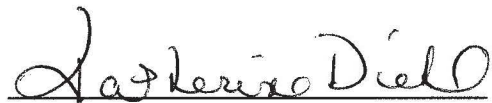
**NAYES:** Ø

**ABSENT:** Treiber

**APPROVED** by me this 19<sup>th</sup> of February 2024.

  
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Jeffrey Lynam, Village President

**ATTEST:**

  
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Katherine Diehl, Village Clerk