

ORDINANCE NUMBER 24 - 12

**AN ORDINANCE OF THE VILLAGE OF EAST DUNDEE,
COOK AND KANE COUNTIES, ILLINOIS, GRANTING A
CLASS E-2 LIQUOR LICENSE TO LUCY'S BISTRO LLC AND
AMENDING SECTION 116.05(B) OF THE VILLAGE CODE TO
INCREASE THE NUMBER OF CLASS E-2 LIQUOR LICENSES AND TRANSFER OF
SUPPLEMENTAL VIDEO GAMING TERMINAL LICENSE
(Lucy's Bistro LLC d/b/a)**

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, the Illinois Liquor Control Act, 235 ILCS 5/1-1, *et seq.*, authorizes the Village to determine the number, kind and classification of licenses for the retail sale of alcohol liquor, and to establish rules and regulations for the sale thereof; and

WHEREAS, Lucy's Bistro LLC, an Illinois limited liability company ("Licensee"), held a Class E-2 Liquor License issued by the Village ("Existing Liquor License") to permit the sale of alcoholic beverages at the premises located at 505 Dundee Avenue, East Dundee, Illinois ("Premises"); and

WHEREAS, the Existing Liquor License is supplemented by a supplemental video gaming terminal license, permitting the operation of video gaming terminals at the Premises ("Gaming License"); and

WHEREAS, Melissa Buckholt and Jerry DeLaurentis ("Applicants") intend to purchase and operate the Licensee; and

WHEREAS, pursuant to Section 116.06 of "the Code of the Village of East Dundee" ("Village Code"), transfers in the ownership of a liquor license holder is deemed a transfer of the liquor license; and

WHEREAS, pursuant to Section 116.05(l) of the Village Code, the termination of the Existing Liquor License reduced the number of permitted Class E-2 liquor licenses; and

WHEREAS, pursuant to Section 116.06(A), the transfer of the Existing Liquor License is prohibited and the Applicants must submit an application for a new liquor license in order to serve liquor at the Premises; and

WHEREAS, the Village has received a request from the Applicants to: (i) amend Section 116.05(B) to increase the number of Class E-2 liquor licenses, from four to five; (ii) issue a new Class E-2 liquor license to the Licensee; and (iii) transfer the Gaming License to the Applicants; and

WHEREAS, the President and Board of Trustees have deemed it to be in the best interest of the Village to: (i) amend Section 116.05(B) to increase the number of permitted Class E-2 liquor licenses from four to five; (ii) grant a Class E-2 liquor license to the Licensee for the Premises; and (iii) transfer the Gaming License to the Applicants;

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 in this Section 1 as if restated herein.

SECTION 2: Amendment of Section 116.05(B). That Section 116.05(B) be amended to increase the number of permitted Class E-2 liquor licenses from four to five.

SECTION 3: Granting of Class E Liquor License. That the Local Liquor Control Commissioner or their designee is hereby authorized to issue a Class E-2 liquor license to the Licensee for the Premises.

SECTION 4: Transfer of Gaming License. That the Local Liquor Control Commissioner or their designee is hereby authorized to transfer the Gaming License to the Applicants.

SECTION 5: Continuation. That all provisions of the Village Code not amended herein shall remain in full force and effect.

SECTION 6: Severability. That if any Section, paragraph or provision of this Ordinance shall be held to be invalid or 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 7: Repeal. That all ordinances, resolutions, motions or parts thereof in conflict with this Ordinance shall be and the same are hereby repealed.

SECTION 8: Effect. That this Ordinance shall be in full force and effect upon its adoption, approval and publication in pamphlet form as provided by law.

ADOPTED this 15th day of April, 2024 pursuant to a roll call vote as follows:

AYES: Mahony, Kunze, Brittin, Saviano and Sauder

NAYES: Ø


ABSENT: Treiber

APPROVED by me this 15th day of April, 2024.



Jeffrey Lynam, Village President

ATTEST:



Katherine Diehl, Village Clerk

Published in pamphlet form this 15th day of April, 2024, under the authority of the Village President and Board of Trustees.

Recorded in the Village records on April 22, 2024.