

AN ORDINANCE AMENDING CHAPTER 13
OF THE MUNICIPAL CODE OF THE VILLAGE OF ARLINGTON HEIGHTS
REGARDING CLASS J ALCOHOLIC LIQUOR LICENSEES

WHEREAS, the Village of Arlington Heights is a home rule municipal corporation in accordance with Article VII, Section 6(a) of the Constitution of the State of Illinois of 1970; and

WHEREAS, the Village has the authority to adopt ordinances and to promulgate rules and regulations that pertain to its government and affairs; and

WHEREAS, Chapter 13 of the Municipal Code of Arlington Heights, Illinois, 1995, as amended ("*Village Code*"), sets forth rules and regulations for the licensing of, and sale of alcoholic liquor by, alcoholic liquor licensees in the Village; and

WHEREAS, Section 13-501(m) of the Village Code establishes the "Class J" alcoholic liquor license, which may be issued and retained only by an indoor not-for-profit live theater, and permits the sale of alcoholic beverages on the premises where sold only one-half hour prior to and during intermission of any live theatrical performance; and

WHEREAS, the Village President and Board of Trustees recognize that not-for-profit live theaters are crucial parts of the social and economic fabric of the Village, and have worked diligently and creatively since the beginning of the COVID-19 pandemic to continue their operations and provide service to residents of the Village and neighboring communities in compliance with applicable public health guidance and restrictions; and

WHEREAS, during the 2021 calendar year, the President and Board of Trustees recognize that, while applicable public health guidance may gradually allow partial attendance at indoor theaters, some Class J licensees may desire to offer performances, and conduct related licensed retail sales of alcoholic liquor, outdoors within portions of the public right-of-way, as may be approved by the Village President and Board of Trustees; and

WHEREAS, the President and Board of Trustees has determined that it would be in the best interest of the Village, its residents, and its business community to authorize Class J licensees, during the 2021 calendar year, to conduct the retail sale of alcoholic beverages within those portions of the public right-of-way authorized by resolution of the Village President and Board of Trustees, and subject to the terms and conditions of the Village Code, the Illinois Liquor Control Act, and any regulations and guidelines promulgated by the Illinois Liquor Control Commission; and

WHEREAS, the President and Board of Trustees have determined that it will serve and be in the best interests of the Village and its residents to amend the Village Code pursuant to this Ordinance;

NOW, THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF ARLINGTON HEIGHTS:

SECTION 1. RECITALS. The facts and statements contained in the preamble to this Ordinance are found to be true and correct and are hereby adopted as part of this Ordinance.

SECTION 2. CLASS J LICENSE REQUIREMENTS. Section 13-501 of the Village Code is hereby amended further to read as follows:

Additions are bold and double-underlined; ~~deletions are struck through.~~

"13-501 Classification. Licenses issued hereunder shall be divided into one of the following classes:

* * *

- m. Class "J" license which shall authorize the retail sale of alcoholic beverages for consumption on the premises where sold. Such licenses may be issued and retained only by an indoor not-for-profit live theater and shall permit said sales **both within indoor theater premises, and, during the 2021 calendar year only, within those portions of Village-owned rights-of-way designated, by Village Board resolution duly adopted, for sales of alcoholic beverages by Class "J" licensees, and in either event** only one-half hour prior to and during the intermission of any live theatrical performance."

SECTION 3. SEVERABILITY. If any provision of this Ordinance or part thereof is held invalid by a court of competent jurisdiction, the remaining provisions of this Ordinance are to remain in full force and effect, and are to be interpreted, applied, and enforced so as to achieve, as near as may be, the purpose and intent of this Ordinance to the greatest extent permitted by applicable law.

SECTION 4. EFFECTIVE DATE. This Ordinance will be in full force and effect from and after its passage, approval, and publication in the manner provided by law.

[SIGNATURE PAGE FOLLOWS]

Additions are bold and double-underlined; ~~deletions are struck through.~~

AYES:

NAYS:

PASSED AND APPROVED THIS ____ day of April, 2021.

Village President

ATTEST:

Village Clerk