

STATE OF ILLINOIS        )  
  ) SS.  
COUNTY OF COOK         )

CERTIFICATION

I, LUS E. CHAVEZ, do hereby certify that I am the duly qualified and acting Village Clerk of the Village of Burnham, Cook County, Illinois, (the "Village"), and as such Village Clerk, I am the keeper of the official journal of proceedings, books, records, papers, minutes, entries, documents, resolutions, ordinances, and files of the Village and of the President and Board of Trustees, (the "Corporate Authorities"), thereof, and that attached is a full, true, and correct copy of ORDINANCE NO. 2016-O-008 now on file in my office entitled:

“AN ORDINANCE AMENDING CHAPTER 6 -ALCOHOLIC BEVERAGES;  
SECTION 6-8, CLOSING HOURS, SECTION 6-94, CLASSIFICATIONS;  
HOURS AND FEES, SECTION 6-101 RENEWAL AND BY ADDING  
SECTION 6-103, PREMISES AND LIFE SAFETY INSPECTIONS OF THE  
CODE OF ORDINANCES, VILLAGE OF BURNHAM, COOK COUNTY,  
STATE OF ILLINOIS. “

I further certify that said Ordinance No. 2016-O-008 was duly passed on roll call vote by the Board of Trustees of the Village on the 22nd day of November 2016, and approved by the President of the Village on the 22nd day of November, 2016, and that said Ordinance attached is now in full force and effect and has not been rescinded.

I do further certify that the deliberations of the Corporate Authorities on the passage of said Ordinance was taken openly, that the vote on the passage of said Ordinance was taken openly; that said meeting was held at a specified time and place convenient to the public; that notice of said meeting was duly given to all newspapers, radio or television stations and other news media requesting such notice; and that said meeting was called and held in strict compliance with the provisions of "AN ACT in relation to meeting", approved July 11, 1957, as amended, and the Illinois Municipal Code, as amended, and that the Corporate Authorities have complied will all of the provisions of said Act and said Codes and with all of the procedural rules of the Corporate Authorities.

IN WITNESS WHEREOF, I have affixed hereunto my official signature as

Village Clerk of the Village and the seal of the Village this 22nd day of Novermber, 2016.



  
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LUS E. CHAVEZ  
Village Clerk

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**THE VILLAGE OF BURNHAM  
COOK COUNTY, ILLINOIS**

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**ORDINANCE NO. 2016 - O - 008**

**AN ORDINANCE AMENDING CHAPTER 6 -ALCOHOLIC BEVERAGES;  
SECTION 6-8, CLOSING HOURS, SECTION 6-94, CLASSIFICATIONS; HOURS  
AND FEES, SECTION 6-101 RENEWAL AND BY ADDING SECTION 6-103,  
PREMISES AND LIFE SAFETY INSPECTIONS OF THE CODE OF  
ORDINANCES, VILLAGE OF BURNHAM, COOK COUNTY,  
STATE OF ILLINOIS**

**WHEREAS**, the Village of Burnham, Cook County, Illinois has elected by referendum on March 11, 1980 to become a home rule unit, and accordingly, pursuant to the provisions of the *Constitution of the State of Illinois* of 1970, particularly Article VII Sec. 6 (a) thereof, the Village is a home rule unit; and

**WHEREAS**, pursuant to the powers of a home rule unit set forth in Article VII, Section 6(a) of the *Constitution of the State of Illinois* of 1970, the Village 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 Chief of Police of the Village of Burnham compiled statistics that support the fact that a majority of police activity incidents and calls occur after 2:00 a.m. at alcohol beverage locations and bars with capacities in excess of one-hundred twenty-five (125) persons; and

**WHEREAS**, it is the opinion of the Chief of Police of the Village of Burnham that defining and limiting the sales of alcoholic beverages by premises capacity and hours of operation would be in the best interest of the residents of the Village of Burnham; and

**WHEREAS**, it is the opinion of the Local Liquor Commissioner of the Village of Burnham that defining and limiting the sales of alcoholic beverages by premises capacity and hours of operation would be in the best interest of the residents of the Village of Burnham; and

**WHEREAS**, based upon the opinions and recommendations of the Chief of Police of the Village of Burnham, the Local Liquor Commissioner of the Village of Burnham and the Board of Trustees of the Village of Burnham does hereby determine and find that most police activity and calls occur after 2:00 a.m. at establishments where alcoholic beverages are sold with a capacity in excess of one-hundred twenty-five (125) persons; and

**WHEREAS**, the Board of Trustees has determined that it is in the best interests of the residents of the Village of Burnham that defining and limiting the sales of alcoholic beverages by premises capacity of no more than one-hundred twenty-five (125) persons past the hour of 2:00 a.m. and hours of operation in that no sales past 2:00 a.m. on premises with a capacity of one-hundred twenty-five (125); and

**WHEREAS**, the Corporate Authorities of the Village of Burnham have deemed it advisable and in the best interests of the residents of the Village of Burnham to increase the license fees for the sale of alcoholic beverages; and

**NOW THEREFORE BE IT ORDAINED**, by the Village President (Mayor) and Board of Trustees of the Village of Burnham, Cook County, Illinois, by and through its home rule powers, as follows:

**Section 1.** **THAT**, the Corporate Authorities of the Village hereby find that all the recitals contained in the preambles of this Ordinance are full, true and correct and do incorporate them into this Ordinance by this reference as if they were set forth verbatim in this section; and

**Section 2.** **THAT**, Section 6-8, Closing Hours, is hereby amended to read with additional subsections (K) and (L) as follows:

- (K) Capacity Limitations – It shall be unlawful for the holder of any alcohol license issued under this Code of Ordinance – Chapter 6 – Alcoholic Beverages, to remain open past the hour of 2:00 a.m. wherein the capacity of the specified premises is more than one-hundred twenty-five (125) persons as determined by the Village of Burnham’s Chief of the Fire Department.
- (L) It shall be unlawful for alcoholic beverages to be consumed off or adjacent to or in the near vicinity of the specified premises, such as but not limited to parking lots, drive-ways, streets or alleys.

**Section 3.** **THAT**, Section 6-94; Classification, Hours and Fees of the Code of Ordinances, Village of Burnham, Illinois is hereby amended to read as follows:  
The licenses required by this chapter shall be classified as follows and shall authorize the indicated activities:

- (1) Class A license, which shall authorize the sale at retail of alcoholic liquor to be consumed on the specified premises and shall also authorize the furnishing of entertainment on such premises. The sale or offer for sale at retail of alcoholic liquor and the furnishing of entertainment shall not be permitted on any day between the hours of 2:00 a.m. and 8:00 a.m. The annual fee for such license shall be \$1,500.00, payable in two installments of \$750.00 each on January 1 and July 1 of each year.
- (2) Class A-L license, which shall authorize the sale at retail of alcoholic liquor to be consumed on the specified premises and shall also authorize the furnishing of entertainment on such premises. The sale or offer for sale at retail of alcoholic liquor and the furnishing of entertainment shall not be permitted on any day between the hours of 4:00 a.m. and 8:00 a.m. The annual fee for such license shall be \$4,000.00, payable in two installments of \$2,000.00 each on January 1 and July 1 of each year.
- (3) Class B license, which shall authorize the sale at retail of alcoholic liquor to be consumed on the specified premises but shall not authorize the furnishing of entertainment on such premises. The sale or offer for sale at retail of alcoholic liquor shall not be permitted on any day between the hours of 2:00 a.m. and 8:00 a.m. The annual fee for such license shall be \$1,500.00, payable in two installments of \$750.00 each on January 1 and July 1 of each year.
- (4) Class B-L license, which shall authorize the sale at retail of alcoholic liquor to be consumed on the specified premises but shall not authorize the furnishing of entertainment on such premises. The sale or offer for sale at retail of alcoholic liquor shall not be permitted on any day between the hours of 4:00 a.m. and 8:00 a.m. The annual fee for such license shall be \$3,500.00, payable in two installments of \$1,750.00 each on January 1 and July 1 of each year.

- (5) Class C license, which shall authorize the sale at retail of alcoholic liquor to be consumed within, the established location of a club by the members thereof and shall authorize entertainment on the specified premises. The sale or offer for sale at retail of alcoholic liquor shall not be permitted on any day between the hours of 2:00 a.m. and 8:00 a.m. The annual fee for such license shall be \$400.00, payable in two installments of \$200.00 each on January 1 and July 1 of each year.
- (6) Class D (special one-day) license, which shall authorize the sale of alcoholic liquor for consumption on the specified premises by village entities where food is sold, served or dispensed. Such special one-day licenses shall be issued, subject to the following conditions:
- a. No more than four special one-day licenses shall be issued to any sales address in any one calendar year.
  - b. No applicant shall receive more than two special one-day licenses within any calendar year.
  - c. Only village entities may receive the special one-day license. The term "village entities," as used in this subsection means individuals residing within the village, businesses with permanent address in the village, and not-for-profit organizations located within the village.
  - d. The sale of alcoholic liquor shall only take place from 10:00 a.m. to 12:00 midnight on any day, provided that food is sold, served or dispensed during those hours.
  - e. The license shall be issued to and valid only for the sales premises described on the application.
  - f. The application shall contain the following information:
    1. The name of applicant, address, and phone number;
    2. The sales premises for which the license is applicable, a description of the approximate area of the sales premises, whether or not it is indoors or outside, and whether the event will be held on public or private property;
    3. Whether or not the event is sponsored by a religious organization;
    4. The hours of operation of the event, the sale date, the name of the property owner and a written statement of consent from the property owner, if other than the applicant;
    5. The person's name, phone number, and address who is responsible for conducting the event, and who will be on the premises during the actual event;
    6. A statement that: "If I (we) am (are) granted this special liquor license, I (we) specifically recognize and agree that the local liquor control commissioner may revoke this license at any time at the absolute discretion of the local liquor control commissioner; and upon acceptance of this special liquor license, the holder specifically acknowledges the special privilege of obtaining this type of license and consent to all requirements, including the requirement of immediate forfeiture without reason.";
    7. Signature of applicant.
  - g. A copy of a certificate of liquor liability insurance, naming the village as certificate holder for the period during which liquor will be sold.
  - h. The fee for a class D liquor license shall be \$75.00 per day and shall be deposited with the application.
  - i. No special one-day liquor license shall be required for the gratuitous service of alcoholic beverages on streets, sidewalks, parkways, and public parkways by village entities to whom a block party permit has been approved by the village board of trustees.

- j. Religious organizations are exempt from the provisions of subsection (6) h of this section pertaining to the fee for a special one-day liquor license.
- k. Applications for special one-day liquor licenses shall be submitted to the liquor control commissioner in accordance with the provisions of subsection (4) of this section. The liquor control commissioner shall have the authority to grant or refuse to grant all special one-day liquor licenses.

(7) Class E license, which shall authorize the sale at retail of alcoholic liquor on the specified premises but shall not permit consumption thereon or adjacent thereto. The sale or offer for sale at retail of alcoholic liquor shall not be permitted on any day between the hours of 2:00 a.m. and 8:00 a.m. A class E license shall not authorize any entertainment on the specified premises. The annual fee for such license shall be \$1,500.00, payable in two installments of \$750.00 each on January 1 and July 1 of each year.

(8) Class E-L license, which shall authorize the sale at retail of alcoholic liquor on the specified premises but shall not permit consumption thereon or adjacent thereto. The sale or offer for sale at retail of alcoholic liquor shall not be permitted on any day between the hours of 4:00 a.m. and 8:00 a.m. A class E-L license shall not authorize any entertainment on the specified premises. The annual fee for such license shall be \$3,750.00, payable in two installments of \$1,875.00 each on January 1 and July 1 of each year.

(9) Class F license, which shall authorize the retail sale of beer only in unopened packages or containers to be consumed off of the premises, and not for consumption on the specified premises where sold, or adjacent thereto. The sale or offer for sale at retail of beer only shall not be permitted on any day between the hours of 2:00 a.m. and 8:00 a.m. The annual fee for such license shall be \$925.00, payable in two installments of \$462.50 each on January 1 and July 1 of each year.

(10) Class F-L license, which shall authorize the retail sale of beer only in unopened packages or containers to be consumed off of the premises, and not for consumption on the specified premises where sold, or adjacent thereto. The sale or offer for sale at retail of beer only shall not be permitted on any day between the hours of 4:00 a.m. and 8:00 a.m. The annual fee for such license shall be \$3,125.00, payable in two installments of \$1,562.50 each on January 1 and July 1 of each year.

(11) Class A-E license, which shall authorize the sale at retail of alcoholic liquor to be consumed on the specified premises, shall authorize the furnishing of entertainment on such premises and shall authorize the sale of alcoholic liquor in unopened packages or containers to be consumed off the premises. The sale or offer for sale at retail of alcoholic liquor and the furnishing of entertainment shall not be permitted on any day between the hours of 2:00 a.m. and 8:00 a.m. The annual fee for such license shall be \$2,500.00, payable in two installments of \$1,250.00 each on January 1 and July 1 of each year.

(12) Class A-E-L license, which shall authorize the sale at retail of alcoholic liquor to be consumed on the specified premises, shall authorize the furnishing of entertainment on such premises and shall authorize the sale of alcoholic liquor in unopened packages or containers to be consumed off the premises. The sale or offer for sale at retail of alcoholic liquor and the furnishing of entertainment shall not be permitted on any day between the hours of 4:00 a.m. and 8:00 a.m. The annual fee for such license shall be \$5,000.00, payable in two installments of \$2,500.00 each on January 1 and July 1 of each year.

- (13) Class B-E license, which shall authorize the sale at retail of alcoholic liquor to be consumed on the specified premises and shall authorize the sales of alcoholic liquor in unopened packages or containers to be consumed off the premises but shall not authorize the furnishing of entertainment on such premises. The sale or offer for sale at retail of alcoholic liquor shall not be permitted on any day between the hours of 2:00 a.m. and 8:00 a.m. The annual fee for such license shall be \$2,000.00, payable in two installments of \$1,000.00 each on January 1 and July 1 of each year.
- (14) Class B-E-L license, which shall authorize the sale at retail of alcoholic liquor to be consumed on the specified premises and shall authorize the sale of alcoholic liquor in unopened packages or containers to be consumed off the premises but shall not authorize the furnishing of entertainment on such premises. The sale or offer for sale at retail of alcoholic liquor shall not be permitted on any day between the hours of 4:00 a.m. and 8:00 a.m. The annual fee for such license shall be \$4,250.00, payable in two installments of \$2,125.00 each on January 1 and July 1 of each year.
- (15) Class G license, which shall authorize the sale at retail of alcoholic liquor for consumption only with meals at a counter or table on the specified premises having a dining room seating a minimum of 250 persons, and only as an incident to a food catering business which is regularly licensed and operated as a business in chief or principal business of the owner. A class G license shall authorize:
  - a. The sale at retail of beer and wine only on Tuesdays and Thursdays to be consumed with dinner meals served by the owner in the dining room area of the specified premises between the hours of 4:00 p.m. and 10:00 p.m., and shall not authorize the sale at retail of beer and wine in unopened packages or containers to be consumed off the premises; and
  - b. The sale at retail of alcoholic liquor incidental to private contracted banquets, parties, socials, meetings, and/or similar occasions for the service of food by the owner in the dining room area of the specified premises on any day between the hours of 12:00 noon and 12:00 midnight, and shall not authorized the sale at retail of alcoholic liquor in unopened packages or containers to be consumed off the premises, provided that the owner shall in writing notify the local liquor control commissioner and chief of police one month in advance of all private contracted banquets, parties, socials, meeting and/or similar occasions. The annual fee for such license shall be \$900.00, payable in two installments of \$450.00 each on January 1 and July 1 of each year.
- (16) Class H license, which shall authorize the sale at retail of alcoholic liquor on the specified premises in unopened packages or containers to be consumed off the premises and not for consumption on the specified premises where sold. A class H license shall authorize the sale at retail of alcoholic liquor on the specified premises in unopened packages or containers to be consumed off the premises and not for consumption on the specified premises where sold on Mondays—Saturdays between the hours of 8:00 a.m. and 11:00 p.m. and on Sundays between the hours of 12:00 noon and 11:00 p.m. The annual fee for such license shall be \$1,500.00, payable in two installments of \$750.00 each on January 1 and July 1 of each year.
- (17) Class I license, the annual fee for the seasonal license for Burnham Woods Golf Course shall be \$500.00, payable in two installments of \$250.00 each on January 1 and July 1 of each year.

- (18) Article I – In General; Section 6-8 – Closing Hours and Article III – Licenses; the Subsection is added to the Code of Ordinances as follows:

Chapter 6 – Alcoholic Beverages. – Capacity Limitations

Notwithstanding anything contained to the contrary in the Code of Ordinances, Village of Burnham, Chapter 6 – Alcoholic Beverages; no license issued under the Code of Ordinances, Chapter 6 – Alcoholic Beverages, shall authorize the sale for consumption of alcoholic liquor to be consumed on or off or adjacent to and the near vicinity of the specified premises with a capacity of more than one-hundred twenty-five (125) persons as determined by the Village of Burnham’s Fire Chief past the hour of 2:00 a.m. In addition, no entertainment, whatsoever, of any kind or nature shall be furnished on said premises or adjacent to said premises and the near vicinity of the specified premises with a capacity of more than one-hundred twenty-five (125) persons past 2:00 a.m.

**Section 4.** THAT, Section 6-101- Renewal is hereby amended to read as follows:

Sec. 6-101. - Renewal

Any licensee may renew his license at its expiration, provided that he is then qualified to receive a license and the premises for which such renewal license is sought are suitable for such purpose. The renewal privilege provided for in this section shall not be construed as a vested right which shall in any case prevent the Village President and the Board of Trustees from decreasing the number of licenses to be issued with its jurisdiction or the Local Liquor Commissioner denying the renewal. An application for a renewal of a license under this chapter shall be made in the same manner and form as is provided for first applications for licenses. Application for renewal shall be made at least twenty-one (21) days prior to expiration. Application for renewal of a license shall be submitted to the Village Clerk on a form prescribed by the Village Local Liquor Commissioner along with supporting information and documentation such as current Driver’s License, Property Leases and Certificates of Good Standing and insurance certificates in the cases of a Corporation or Limited Liability Partnership. Such applications and documentation must be submitted **no less than 21 days prior to the date of expiration of the current license.** The Village Clerk, the Village Police Department and the Local Liquor Commissioner have at least twenty-one (21) days to review said information prior to the issuance or denial of a renewal of an existing license. No license shall be issued until such time as all requested documentation is on file with the Village Clerk and fees paid.

**Section 5.** THAT, Chapter 6- Alcoholic Beverages, of the Code of Ordinances, of the Village of Burnham, Illinois is hereby amended by adding the following subsection and to read as follows:

Sec. 6 – 103. - Premises and Life Safety Inspections.

Upon the application for a new license or renewal thereof and/or in the event of a public safety incident upon the premises and at least once (1) annually the license premises or applicant shall submit the premises to a life safety inspection pursuant to the Life Safety Code by the National Fire Protection Act, to be performed by the Burnham Fire Department and any other building code, electrical or plumbing inspections as requested by the Village of Burnham Fire Department.

**Section 6.** THAT, this Ordinance and each of its terms shall be the effective legislative act of a home rule municipality without regard to whether such Ordinance should (a) contain terms contrary to the provisions of current or subsequent non-preemptive state law, or, (b) legislate in a manner or

regarding a manner not delegated to municipalities by state law. It is the intent of the Corporate Authorities of the Village of Burnham, Cook County, Illinois that to the extent that the terms of this Ordinance should be inconsistent with any no-preemptive state law that this Ordinance should supersede state law in that regard within its jurisdiction.

**Section 7. THAT**, if any section, paragraph, clause or provision of this Ordinance shall be held invalid, the invalidity thereof shall not affect any other provision of this Ordinance.

**Section 8. THAT**, all Ordinances, Resolutions, Motions or Orders in conflict with this Ordinance are hereby repealed to the extent of such conflict.

**Section 9. THAT**, this Ordinance shall be in full force and effect after its passage, approval and publication according to law.

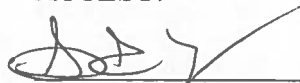
**Section 10. THAT**, this Ordinance shall be published in pamphlet form by the authority of the Village President (Mayor) and the Board of Trustees of the Village of Burnham, Cook County, Illinois.

**PASSED** by the Village President (Mayor) and Board of Trustees of the Village of Burnham, Cook County, Illinois, this 22nd day of November, 2016.

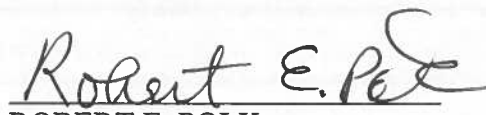
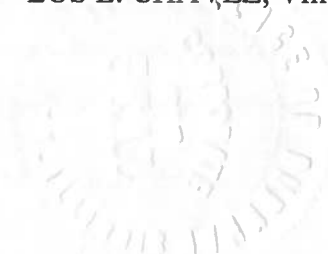
**PRESIDENT AND VILLAGE BOARD MEMBERS**

	AYES:	NAYS:	ABSENT:	ABSTAIN:
Trustee John Cap Jr.	<u>  x  </u>	<u>          </u>	<u>          </u>	<u>          </u>
Trustee Paris Ellison	<u>  x  </u>	<u>          </u>	<u>          </u>	<u>          </u>
Trustee Grace Garcia	<u>  x  </u>	<u>          </u>	<u>          </u>	<u>          </u>
Trustee Brenda Greer	<u>  x  </u>	<u>          </u>	<u>          </u>	<u>          </u>
Trustee Carmela Richardson	<u>  x  </u>	<u>          </u>	<u>          </u>	<u>          </u>
Trustee Travis Claybrooks	<u>  x  </u>	<u>          </u>	<u>          </u>	<u>          </u>

ATTEST:



LUS E. CHAVEZ, Village Clerk (SEAL)

  
ROBERT E. POLK  
Village President (Mayor)



Recorded in Village Records:

Published in pamphlet form by authority of the Village President (Mayor) and Board of Trustees of the Village of Burnham, Cook County, Illinois on 22nd day of November, 2016.

ATTEST:



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LUS E. CHAVEZ, VILLAGE CLERK

(SEAL)

