

STATE OF ILLINOIS)
) SS.
COUNTY OF COOK)

C E R T I F I C A T I O N

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, and as such Village Clerk, I am the keeper of the official journal, records, papers, entries, documents, Resolutions and Ordinances of the Village of Burnham and of the Village President and Board of Trustees of the Village of Burnham (the "Corporate Authorities") and that attached is a full, true, and correct copy of Ordinance No. 2022-O-001 now on file in my office entitled:

ELIMINATION OF 4:00 A.M. LIQUOR LICENSES

ORDINANCE NO. 2022 - O - 001

AN ORDINANCE AMENDING CHAPTER 6 -ALCOHOLIC BEVERAGES; SECTION 6-8, CLOSING HOURS, SECTION 6-94, CLASSIFICATIONS; HOURS AND FEES, AND SECTION 6-99-NUMBER OF LICENSES, OF THE CODE OF ORDINANCES, VILLAGE OF BURNHAM, COOK COUNTY, STATE OF ILLINOIS

I further certify that said Ordinance No. 2022-O-001 was duly passed on roll call vote by the Board of Trustees of the Village of Burnham, Cook County, Illinois, on the 29th day of June, 2022 and approved by the Village President (Mayor) on the 29th day of June, 2022, and that said Ordinance attached is now in full force and effect and has not been rescinded.

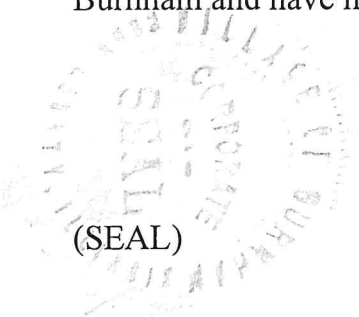
I do further certify that the deliberations of the Corporate Authorities on the passage of said Ordinance was taken openly, that the vote on the passage of said Ordinance was taken openly; that said meeting was held at a specified time and place convenient to the public; that notice of said meeting was 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 hereunto set my hand as Village Clerk of the Village of Burnham and have hereunto affixed the seal of said Village of Burnham this 29th day of June, 2022.



LUS E. CHAVEZ
Village Clerk

(SEAL)



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

ELIMINATION OF 4:00 A.M. LIQUOR LICENSES

ORDINANCE NO. 2022 - O - 001

**AN ORDINANCE AMENDING CHAPTER 6 -ALCOHOLIC BEVERAGES;
SECTION 6-8, CLOSING HOURS, SECTION 6-94, CLASSIFICATIONS; HOURS
AND FEES, AND SECTION 6-99-NUMBER OF LICENSES, OF THE CODE OF
ORDINANCES, VILLAGE OF BURNHAM, COOK COUNTY,
STATE OF ILLINOIS**

WHEREAS, the Village of Burnham was organized as a municipal corporation on February 8, 1907, by court order under the Cities, Villages, and Towns Act of the Illinois Revised Statues in Cook County, Illinois; and

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 3:00 a.m. at alcohol beverage locations; and

WHEREAS, it is the opinion of the Chief of Police of the Village of Burnham that by limiting the sales of alcoholic beverages 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 by limiting the sales of alcoholic beverages by the 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 Board of Trustees of the Village of Burnham that by limiting the sales of alcoholic beverages by the 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 3:00 a.m.; and

WHEREAS, the Board of Trustees has determined that it is in the best interests of the residents of the Village of Burnham by prohibiting the sales of alcoholic beverages past the hour of 3:00 a.m.; and

WHEREAS, the Mayor and Board of Trustees of the Village of Burnham deem it advisable and in the best interests of the residents of the Village of Burnham and for the protection of the public health, safety, morale, and welfare of its residents and the public to limit the hours of operation for the sale of alcoholic beverages, and prohibit the sale of alcoholic beverages past the hour of 3:00 a.m.; 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, Subsections (A), (B), (C), (D), (E), (G), (H), and (I) are here by amended to read as follows:

(A) It shall be unlawful for the holder of any class C (Bona fide non-profit club) license to sell or offer for sale at retail any alcoholic liquor and to furnish any entertainment after the hour of 2:00 a.m. and before the hour of 8:00 a.m. on any day.

(B) Repealed and deleted.

(C) It shall be unlawful for the holder of any class E license to sell or offer for sale at retail any alcoholic liquor after the hour of 2:00 a.m. and before the hours of 8:00 a.m. on any day.

(D) It shall be unlawful for the holder of any class B-E-L license to sell or offer for sale at retail any alcoholic liquor after the hour of 3:00 a.m. and before the hour of 8:00 a.m. on any day.

(E) It shall be unlawful for the holder of any class D (special one day) license to sell or offer for sale at retail any alcoholic liquor before the hour of 10:00 a.m. and after the hour of 12:00 midnight on any day.

(F) Repealed and deleted.

(G) Repealed and deleted.

(H) Repealed and deleted.

(I) Repealed and deleted.

And further amended to read with additional subsections (M), (N), and (O) as follows:

(M) Closing Hours. It shall be unlawful for the holder of any classification of a liquor license to sell, or offer to sell, any alcoholic liquor or remain open after the hour of its classification time to close and absolutely not after the hour of 3:00 a.m. The specified premises must be vacant by all persons at the closing time.

(N) Unlawful to remain open after hours. It shall be unlawful for the holder of any classification of an alcohol license to sell, or offer to sell any alcoholic liquor or remain open after the hour of their classification time to close and absolutely not after the hour of 3:00 a.m.

(O) Hearing process for administrative hearing or liquor commissioner, and penalties for violation of closing hours.

1). A violation of Section 6-8 Closing Hours of this Code of Ordinances may be commenced before the Village of Burnham's Administrative Hearing Officer as designated by the local liquor commissioner as an assistant local liquor commissioner hearing officer or commenced before the local liquor commissioner.

2). The penalty for the violation of closing hours for the first offense shall be a mandatory fine of no less than five hundred dollars (\$500.00); for a second violation the minimum mandatory fine shall be no less than seven hundred fifty dollars (\$750.00); and for any other penalty including suspension or revocation of the license.

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.* This classification is hereby repealed and deleted.
- (2) *Class A-L license.* This classification is hereby repealed and deleted.
- (3) *Class B license.* This classification is hereby repealed and deleted.
- (4) *Class B-L license.* This classification is hereby repealed and deleted.
- (5) *Class C license. (Bona fide non-profit club).* This classification 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 live 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. Bona fide non-profit club means a corporation, lodge, fraternity, order or post organized under the law of this state, or a national charter, and not for pecuniary profit, solely for the promotion of some common benevolent purpose other than the sale of consumption of alcoholic liquors, kept, used and maintained by its members, through the payment of annual dues, and owning, hiring, or leasing a building or space in a building of such extent and character as may be suitable and adequate for the reasonable and comfortable use and accommodation of its members and its guests; provided that its affairs and management are conducted by a board of directors, executive committee or similar body chosen by the members at their annual meeting and that no member or any officer, agent, or employee of the club is paid, or directly or indirectly receives in the form of salary or other compensation any profits from the distribution or sale of alcoholic liquor to the club or its members; and has established by laws, a constitution, or both to govern its activities, and which organization is

exempt from taxation of federal and state income tax under the Internal Revenue laws of the United States as a Bona Fide fraternal, charitable, religious, benevolent or non-profit organization; and has been in existence for at least five (5) years prior to its application for a liquor license.

- (6) *Class D (special one-day) license.* This classification 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, (Retail sale)*. This classification shall authorize the sale at retail of alcoholic liquor in unopened packages or containers 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 live 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*. This classification is hereby repealed and deleted.
- (9) *Class F license*. This classification is hereby repealed and deleted.
- (10) *Class F-L license*. This classification is hereby repealed and deleted.
- (11) *Class A-E license*. This classification is hereby repealed and deleted.
- (12) *Class A-E-L license*. This classification is hereby repealed and deleted.
- (13) *Class B-E license*. This classification is hereby repealed and deleted.
- (14) *Class B-E-L license*. This classification 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 permit consumption on its parking lots or adjacent properties, and shall not authorize the furnishings of live 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 3:00 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 each year.
- (15) *Class G license*. This classification is hereby repealed and deleted.
- (16) *Class H license*. This classification is hereby repealed and deleted. The license previously issued to International Food and Liquor Discount Inc. shall be grandfathered to the classification of Class E with a revised Class E license issued at no additional cost.
- (17) *Class I license*. This classification is solely for the premises known as the Burnham Woods Golf Course and shall authorize the sale of alcoholic liquor to be consumed on the specified premises not only in the club house but also from a mobile beverage cart or vehicle to golfing patrons' throughout the golf course while playing golf. It shall not authorize the furnishing of live entertainment on such premises unless by a separate special permit issued by the Village. The sale or offer for sale of alcoholic liquor shall be permitted from sunrise to sundown central standard time while golf is being played in season. The annual fee for such seasonal license shall be \$500.00 payable in two installments of \$250.00 each on January 1st and July 1st of each year.

(18) 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 6-99, Subparagraph (A) Number of Licenses, of the Code of Ordinances, Village of Burnham, Illinois, is hereby amended to read as follows:

- (a) The maximum number of liquor licenses for each of the following classifications is set forth below:
- | | |
|---|----------|
| 1). Class C Bona Fide Non-Profit Club License - | One (1) |
| 2). Class D Daily License – | Four (4) |
| 3). Class E Retail Sale – | Two (2) |
| 4). Class B-E-L 3:00 a.m. license – | Two (2) |
| 5). Class I Burnham Wood’s license – | One (1) |

Section 5. 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.

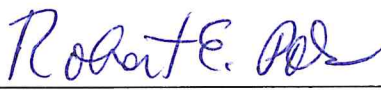
Section 6. THAT, if any section, paragraph, clause or provision of this Ordinance shall be held invalid, and the invalidity thereof shall not affect any other provision of this Ordinance.

Section 7. THAT, all Ordinances, Resolutions, Motions or Orders in conflict with this Ordinance are hereby repealed to the extent of such conflict.

Section 8. THAT, this Ordinance shall be in full force and effect after its passage, approval and publication according to law.

Section 9. 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 29th day of June, 2022.



ROBERT E. POLK
Village President (Mayor)


PRESIDENT AND VILLAGE BOARD MEMBERS

	AYES:	NAYS:	ABSENT:	ABSTAIN:
Trustee John Cap Jr.	_____	<u> X </u>	_____	_____
Trustee Jefferey Hodges	<u> X </u>	_____	_____	_____
Trustee Graciela Garcia	_____	_____	<u> X </u>	_____
Trustee Brenda Greer	<u> X </u>	_____	_____	_____
Trustee Carmella Richardson	<u> X </u>	_____	_____	_____
Trustee Travis Claybrooks	<u> X </u>	_____	_____	_____



 ROBERT E. POLK
 Village President (Mayor)

ATTEST:

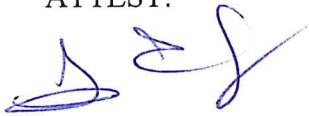


LUS E. CHAVEZ, Village Clerk (SEAL)

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 29th day of June, 2022.

ATTEST:



LUS E. CHAVEZ, VILLAGE CLERK

(SEAL)