
**VILLAGE OF SUGAR GROVE
BOARD REPORT**

TO: VILLAGE PRESIDENT & BOARD OF TRUSTEES
FROM: BRENT EICHELBERGER, VILLAGE ADMINISTRATOR
ALISON MURPHY, ASSISTANT TO THE VILLAGE
ADMINISTRATOR/VILLAGE CLERK
SUBJECT: ORDINANCE: AMENDING VILLAGE CODE REGARDING LOCAL
LIQUOR LICENSES FOR ELECTED OFFICIALS
AGENDA: APRIL 19, 2022 REGULAR BOARD MEETING
DATE: APRIL 11, 2022

ISSUE

Should the Village Board approve an ordinance amending Village Code Section 3-2-2 and Section 3-2-5 regarding Local Liquor Licenses for Elected Officials.

DISCUSSION

At the April 4, 2022 Village Board meeting, the Board discussed staff's report regarding amending the Village Code to allow for elected officials to hold local liquor licenses. Current State Statute (235 ILCS 5/6-2) does provide that a president or any member of the village board of trustees may obtain a liquor license for a location in the Village with certain restrictions and some surrounding communities including Geneva, Batavia and St. Charles do allow it.

Following discussion, the Board reached consensus to direct staff to bring back an ordinance for consideration that repeals the current restriction for elected officials to hold a local liquor license and establishes provisions for elected officials to obtain a license as provided in state statute.

COST

There will be a small cost to codify the ordinance that is already included in the budget.

RECOMMENDATION

That the Village Board approve an ordinance amending Village Code Section 3-2-2 and Section 3-2-5 regarding Local Liquor Licenses for Elected Officials.



VILLAGE OF SUGAR GROVE

ORDINANCE NO. 20220419B

**An Ordinance Amending Village Code Section 3-2-2 and Section 3-2-5
Regarding Local Liquor Licenses for Elected Officials**

PASSED BY THE PRESIDENT AND BOARD OF TRUSTEES
OF THE VILLAGE OF SUGAR GROVE, KANE COUNTY, ILLINOIS
THIS 19TH DAY OF APRIL, 2022.

PUBLISHED IN PAMPHLET FORM BY AUTHORITY
OF THE PRESIDENT AND BOARD OF TRUSTEES
OF THE VILLAGE OF SUGAR GROVE, KANE COUNTY, ILLINOIS
THIS 19TH DAY OF APRIL, 2022

**VILLAGE OF SUGAR GROVE
ORDINANCE NO. 20220315B**

**An Ordinance Amending Village Code Section 3-2-2 and Section 3-2-5
Regarding Local Liquor Licenses for Elected Officials**

BE IT ORDAINED by the President and Board of Trustees of the Village of Sugar Grove, Kane County, Illinois, as follows;

WHEREAS, the Village of Sugar Grove is not a home rule municipality within Article VII, Section 6A of the Illinois Constitution and accordingly, acts pursuant to the powers granted to it under 65 ILCS 5/1-1 *et seq.*; and,

WHEREAS, the Illinois Liquor Control Act, 235 ILCS 5/6-2(a)(14), provides that a liquor license may be granted, in a city of village with a population of 55,000 or less, to any alderperson, member of a city council, or member of a village board of trustees in relation to premises that are located within the territory subject to the jurisdiction of the official if certain requirements are satisfied; and,

WHEREAS, the Village of Sugar Grove is a Village with a population of less than 55,000 residents; and,

WHEREAS, in accordance with the foregoing, the Village of Sugar Grove Board of Trustees shall have the power to provide that the President or any member of the Village Board of Trustees may hold a liquor license for a location in the Village so long as they maintain compliance with the statutory restrictions and those set forth in the Village Code of Ordinances (“Village Code”); and,

WHEREAS, the Village wishes to update Village Code Section 3-2-2-C and Section 3-2-5-N to make certain changes with regard to local liquor licenses for elected officials; and,

NOW, THEREFORE, BE IT ORDAINED by the President and the Board of Trustees of the Village of Sugar Grove, Kane County, Illinois, as follows:

SECTION ONE: TEXT AMENDMENTS

Section 3-2-2 (Local Liquor Control Commissioner) of the Village Code shall be amended to read as follows:

3-2-2-C. Presidential Interest in Alcoholic Liquor

C. Presidential Interest in Alcoholic Liquor - If the Village President has an interest in the manufacture, sale, or distribution of alcoholic liquor, the Village President must direct the Board of Trustees to appoint, by majority vote, a person other than him or her to serve as the Local Liquor Control Commissioner. The president cannot make nominations or serve any other role in the

appointment. The appointment must be made within thirty (30) days from the day on which after the Village President (i) takes office or (ii) has an interest in the manufacture, sale, or distribution of alcoholic liquor.

To prevent any conflict of interest, the Village President with the interest in the manufacture, sale or distribution of alcoholic liquor shall not participate in any meetings, hearings, or decisions on matters impacting the manufacture, sale, or distribution of alcoholic liquor. Further, the individual appointed to serve as the Local Liquor Control Commissioner:

- a) shall be an attorney with an active license to practice law in the State of Illinois;
- b) shall not legally represent liquor license applicants or holders before the Board of Trustees or before the Liquor Control Review Board, or before an adjacent jurisdiction;
- c) shall not have an interest in the manufacture, sale, or distribution of alcoholic liquor; and
- d) shall not be appointed to a term to exceed the term of the Village President, or members of the Board of Trustees.

Section 3-2-5 (Restrictions on Issuance of License) of the Village Code shall be amended to read as follows:

~~N. Any law enforcing public official, village president or member of the board of trustees of Sugar Grove and no such official shall be interested in any way, either directly or indirectly, in the manufacture, sale or distribution of alcoholic liquor.~~

N. Any law enforcing public official, including the Village President or any member of the Board of Trustees, interested directly or indirectly in the manufacture, sale or distribution of alcoholic liquor whether as an individual or under a corporate entity in such liquor related business, except:

1. A license may be granted to such official in relation to premises that are not located within the territory subject to the jurisdiction of that official if the issuance of such license is approved by the State Liquor Control Commission;
2. A license may be granted to the Village President or any member of the Board of Trustees in relation to premises that are located within the territory subject to the jurisdiction of that official if
 - i. the sale of alcoholic liquor pursuant to the license is incidental to the selling of food,
 - ii. the issuance of the license is approved by the State Liquor Control Commission,
 - iii. the issuance of the license is in accordance with all applicable local ordinances in effect where the premises are located,
 - iv. the official granted a license does not vote on alcoholic liquor issues pending before the Board of Trustees to which the license holder is elected, and
 - v. in the case of the Village President, an alternative Local Liquor Control Commissioner has been appointed as outlined in 3-2-2-C.

SECTION TWO: GENERAL PROVISIONS

REPEALER: All ordinances or portions thereof in conflict with this Ordinance are hereby repealed.

SEVERABILITY: Should any portion of this Ordinance be declared invalid by a court of competent jurisdiction; the remaining provisions will remain in full force and effect the same as if the invalid provision had not been a part of this Ordinance.

EFFECTIVE DATE: This Ordinance shall be in full force and effect after its approval, passage, and publication in pamphlet form as provided by law.

PASSED AND APPROVED by the President and Board of Trustees of the Village of Sugar Grove, Kane County, Illinois, this 19th day of April, 2022.

Jennifer Konen,
Village President

ATTEST:

Alison Murphy,
Village Clerk

	Aye	Nay	Absent	Abstain
Trustee Matthew Bonnie	_____	_____	_____	_____
Trustee Sean Herron	_____	_____	_____	_____
Trustee Heidi Lendi	_____	_____	_____	_____
Trustee Michael Schomas	_____	_____	_____	_____
Trustee Ryan Walter	_____	_____	_____	_____
Trustee James F. White	_____	_____	_____	_____