

**VILLAGE OF GILBERTS**

**ORDINANCE 05-2022**

**AN ORDINANCE AMENDING CHAPTER 2 OF TITLE 3 OF THE VILLAGE CODE REGARDING THE NUMBER OF CLASS A AND CLASS G LIQUOR LICENSES**

**WHEREAS**, the Village is authorized by the Illinois Liquor Control Act, 235 ILCS 5/1 *et seq.* to license and regulate the sale of alcoholic beverages in the Village; and

**WHEREAS**, the Village has established local liquor license regulations in Chapter 2 of Title 3 of the Gilberts Village Code; and

**WHEREAS**, pursuant to Section 3-2-9(C) of the Gilberts Village Code ("**Village Code**"), the number of outstanding Class A liquor licenses is currently four (4); and

**WHEREAS**, the Village Board of Trustees desires to amend the Village Code to reflect the current number of outstanding Class A liquor licenses; and

**WHEREAS**, the Village Board of Trustees also desires to amend the Village Code to increase the number of available Class G liquor licenses; and

**WHEREAS**, the Village Board of Trustees finds it to be in the best interests of the Village and its residents to amend the Village Code regarding the number of Class A and Class G Liquor Licenses as set forth in this Ordinance.

**NOW, THEREFORE, BE IT ORDAINED** by the Village Board of the Village of Gilberts, Kane County, Illinois pursuant to its non-home rule powers, as follows:

**SECTION 1. RECITALS** The recitals set forth above are incorporated into Section 1 as set forth herein.

**SECTION 2. AMENDMENT TO SECTION 3-2-9 OF THE VILLAGE CODE.** Section 3-2-9 "Number of Licenses" of Chapter 2 "Liquor Control" of Title 3 of the Gilberts Village Code shall hereby be amended to read as follows (deletions in ~~strikethrough~~, additions in **bold** and **underline**):

"3-2-9. – Number of Licenses.

A. The Liquor Commissioner shall be authorized to issue the following number of licenses to be outstanding at any one time:

Class Of License	Number Of Licenses
A	<b><u>54</u></b>

B	0
C	1
D	0
D1	0
E	1
F	0
OS	1
G	<u>23</u>
H	3

**SECTION 3. CONTINGENCY.** The increase in the Class G License category from two (2) licenses to three (3) licenses is contingent upon the issuance by the Liquor Commissioner of an additional Class G License to a qualified and valid applicant on or before February 22, 2022. If an additional Class G liquor license is not approved and issued by the Liquor Commissioner on or before February 22, 2022, then the number of Class G liquor licenses shall revert to two (2) by operation of law without further legislative action by the Village.

**SECTION 4. SEVERABILITY.** In the event that any section, clause, provision, or part of this Ordinance shall be found and determined to be invalid by a court of competent jurisdiction, all valid parts that are severable from the invalid parts shall remain in full force and effect. If any part of this Ordinance is found to be invalid in any one or more of its several applications, all valid applications shall remain in effect.

**SECTION 5. REPEAL AND SAVINGS CLAUSE.** All ordinances or parts of ordinances in conflict herewith are hereby repealed; provided, however that nothing in this Ordinance shall affect any rights, actions, or causes of action which shall have accrued to the Village of Gilberts prior to the effective date of this Ordinance.

**SECTION 6. EFFECTIVE DATE.** This Ordinance shall only be effective upon the passage, approval, and publication in the manner required by law.

ADOPTED THIS 15 DAY OF Feb., 2022, pursuant to roll call vote as follows:

	<u>Ayes</u>	<u>Nays</u>	<u>Absent</u>	<u>Abstain</u>
Trustee Jeanne Allen	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Trustee Dan Corbett	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Trustee Brandon Coats	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Trustee Lou Hacker	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

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Trustee Justin Redfield  
Trustee David LeClercq  
President Guy Zambetti

<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>



APPROVED THIS 15 DAY OF Feb, 2022

*Guy Zambetti*  
Village President, Guy Zambetti

*Courtney Baker*  
Village Clerk, Courtney Baker

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