

**UNITED CITY OF YORKVILLE
KENDALL COUNTY, ILLINOIS**

ORDINANCE NO. 2024-01

AN ORDINANCE OF THE UNITED CITY OF YORKVILLE, KENDALL COUNTY, ILLINOIS,
AMENDING THE REGULATIONS FOR LIQUOR LICENSES

Passed by the City Council of the
United City of Yorkville, Kendall County, Illinois
This 9th day of January, 2024

Published in pamphlet form by the
authority of the Mayor and City Council
of the United City of Yorkville, Kendall
County, Illinois on January 16, 2024.

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**AN ORDINANCE OF THE UNITED CITY OF YORKVILLE, KENDALL COUNTY, ILLINOIS,
AMENDING THE REGULATIONS FOR LIQUOR LICENSES**

WHEREAS, the United City of Yorkville, Kendall County, Illinois (the “City”) is a duly organized and validly existing non home-rule municipality created in accordance with the Constitution of the State of Illinois of 1970 and the laws of the State; and

WHEREAS, pursuant to section 5/4-1 of the Liquor Control Act of 1934 (the “Act”), as amended, (235 ILCS 5/1-1 et seq.) the corporate authorities have the power to determine the number, kind and classification of liquor licenses and the regulations for the sale of alcoholic beverages; and in addition pursuant to its powers to protect the public’s health, welfare and safety this Ordinance is hereby adopted; and

WHEREAS, Section 6-28.8 of the Act (235 ILCS 5/6-28.8) permits qualifying retailer licensees, which include restaurants and bars, to provide carryout and delivery of mixed drinks and single servings of wine for off-premises consumption; and

WHEREAS, Section 6-28.8 of the Act was scheduled to expire on January 3, 2023; and

WHEREAS, on May 31, 2023, Governor JB Pritzker signed into law Public Act 103-0004, extending the life of Section 6-28.8 of the Liquor Control Act until August 1, 2028; and

WHEREAS, the Mayor and City Council of the United City of Yorkville desire to amend the Yorkville City Code to permit certain liquor license holders to provide carryout and delivery of mixed drinks and single servings of wine for off-premises consumption.

NOW, THEREFORE, BE IT ORDAINED, by the Mayor and City Council of the United City of Yorkville, Kendall County, Illinois, as follows:

Section 1. That Title 3, Chapter 3 of the Yorkville City Code be and is hereby amended by adding the following Section 3-3-22: Cocktails To-Go:

3-3-22: Cocktails To-Go

A holder of a Class A1, A2, R1, R2, BG, and C license may be permitted to sell cocktails and/or mixed drinks to-go for off-premises consumption, subject to the following restrictions:

- A. **Transfer to Consumer:** To-go cocktails may be transferred to the consumer within the licensed premises for carryout, transferred via curbside pickup, or delivered by the retail licensee. To-go cocktails may only be sold or delivered by an employee of the retail licensee, who is at least 21 years-of-age, and has a valid Beverage Alcohol Sellers and Servers Education and Training (BASSET) license.
1. **Age Verification:** Before transferring or delivering a to-go cocktail to a consumer, the employee must verify the consumer is at least 21 years-of-age. If the employee cannot safely verify the consumer's age or intoxication level upon delivery, the employee must cancel the sale of the to-go cocktails and return the drinks to the retail licensee's location.
 2. **Employee Delivery / Curbside Pickup:** To-go cocktails must be placed in the trunk of the vehicle, or, if there is no trunk, in the vehicle's rear compartment that is not readily accessible to the passenger area. To-go cocktails must not be placed or transported in the passenger area of a vehicle.
 3. **Third-Party Delivery Prohibited:** Delivery of to-go cocktails by a third-party delivery service is prohibited.
- B. **Container / Packaging:** To-go cocktails must be packaged by the retail licensee at the licensee's location in a sealed, tamper-evident container:
1. **Sealed Container:** A new container that is rigid, with a secured lid or cap designed to prevent consumption without removal of the tamper-evident lid or cap. "Sealed container" does not include a container with a lid with sipping holes or openings for straws or a container made of plastic, paper, or polystyrene foam.
 2. **Tamper-evident:** The lid or cap must be sealed with a tamper-evident cover, such as wax dip or heat shrink wrap. Tamper-evident covers must be designed to make it apparent that the container has been opened or tampered with after the container was sealed by the retail licensee.
- C. **Labeling:** Each to-go cocktail container must have a label or tag attached that contains the following information:
1. The Cocktail or mixed drink name and ingredients, including but not limited to the type(s) of the alcohol in the drink;
 2. The name, State license number, and address of the retail licensee that filled the original container and sold the to-go cocktail;
 3. The volume of the cocktail, mixed drink, or single serving of wine in the sealed container; and
 4. Information showing that the sealed container was filled less than 7 days before the date of sale, such as a bottling date or packaging date.
- D. **Sunsetting Provision:** This Section 3-3-22 shall remain in full force and effect so long as Section 6-28.8 of the Illinois Liquor Control Act (235 ILCS 5/6-28.8)

remains in effect. Repeal of Section 6-28.8 of the Illinois Liquor Control Act shall result in the automatic repeal of this Section 3-3-22 of the Yorkville City Code.

Section 2. Each section, clause, and provision of this Ordinance shall be considered as separable, and the invalidity of one or more shall not have any effect upon the validity of other sections, clauses, or provisions of this Ordinance.

Section 3. This ordinance shall be in full force and effect upon its passage, approval, and publication as provided by law.

Passed by the City Council of the United City of Yorkville, Kendall County, Illinois this 9th day of January, A.D. 2024.

CITY CLERK

KEN KOCH	<u>AYE</u>	DAN TRANSIER	<u>AYE</u>
ARDEN JOE PLOCHER	<u>AYE</u>	CRAIG SOLING	<u>AYE</u>
CHRIS FUNKHOUSER	<u>AYE</u>	MATT MAREK	<u>AYE</u>
SEAVER TARULIS	<u>AYE</u>	RUSTY CORNEILS	<u>AYE</u>

APPROVED by me, as Mayor of the United City of Yorkville, Kendall County, Illinois this 16th day of January, A.D. 2024.

MAYOR

Attest:

CITY CLERK