

MCO- 14- 2015

**AN ORDINANCE AMENDING SECTION 36.11
ENTITLED "LIMITATION ON NUMBER OF LICENSES"
OF CHAPTER 36 ENTITLED "LIQUOR"
OF THE MUNICIPAL CODE OF ORDINANCES OF
THE CITY OF ELMHURST, ILLINOIS
(MOD Pizza)**

WHEREAS, the City of Elmhurst (the "City") is a home rule unit of government by virtue of Article VII, Section 6(a) of the 1970 Illinois Constitution; and

WHEREAS, Section 4-1 of the Illinois Liquor Control Act of 1934 (235 ILCS 5/4-1) expressly authorizes the corporate authorities of the City to establish regulations and restrictions upon the issuance and operations of local retail liquor licenses, within the boundaries of the City, that are not inconsistent with law and as the public good and convenience may require; and

WHEREAS, the table located in Section 36.11, entitled "Limitation on Number of Licenses," of Chapter 36, entitled "Liquor," of the Municipal Code of Ordinances of the City establishes the number of liquor licenses in each classification, as defined in Section 36.09, entitled "Classification of Licenses;" and

WHEREAS, MOD Pizza, to be located at 556 West St. Charles Road, Elmhurst, Illinois, is seeking a liquor license class "RSB" classification; and

WHEREAS, because of MOD Pizza's request for the liquor license, the corporate authorities of the City find it necessary, desirable and in the best interest of the City to amend the table located in Section 36.11 of the City Code to reflect the current number of liquor licenses in each classification; and

WHEREAS, such amendment to the table located in Section 36.11 will reflect that increase in Class "RSB" liquor licenses issued from seventeen (17) to eighteen (18) licenses.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and City Council of the City of Elmhurst, DuPage and Cook Counties, Illinois, as follows:

Section 1. The recitals set forth are incorporated herein by reference.

Section 2. The table located in Section 36.11, entitled "Limitation on Number of Licenses," of the City's Municipal Code of Ordinances is hereby deleted in its entirety and replaced with the following:

"36.11 – Limitation on Number of Licenses

License Class	Maximum Number of Licenses
B	9
PL	10
CBBW	1
CBW	5
C	1
RSB	18
RHA	2
RL	14
D	Unlimited
BRW	0
PD	1
H	4
SPR	0
SPB	0
WB	2
IWS	1
WBB	1
WBBS	2
DL	1
BF	2
GSWC	2
ECRL	1

Section 3. All ordinances or parts of ordinances in conflict with this Ordinance are hereby amended to the extent of the conflict.

Section 4. This Ordinance shall be in full force and effect upon its passage, approval and publication in accordance with law.

ADOPTED this 4th day of May, 2015, pursuant to a roll call vote as follows:

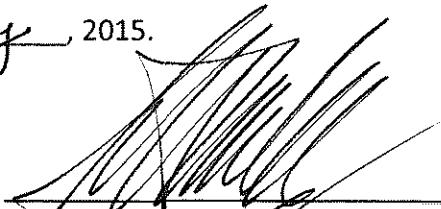
AYES: 14

NAYS: 0

ABSENT: 0

ABSTENTION: _____

APPROVED by me this 4th day of May, 2015.



Steven M. Morley, Mayor of the City of
Elmhurst, DuPage and Cook Counties, Illinois

ATTESTED and filed in my office,
this 4th day of May, 2015.

Patty Spencer

Patty Spencer, Clerk of the City of Elmhurst,
DuPage and Cook Counties, Illinois