ORDINANCE NO. 2021-34

AN ORDINANCE OF THE VILLAGE OF POPLAR GROVE ILLINOIS AMENDING ARTICLE II BUSINESS AND LICENSE REGULATIONS, CHAPTER 2 LIQUOR CONTROL, OF THE VILLAGE OF POPLAR GROVE CODE OF ORDINANCES

WHEREAS, Governor Pritzker signed into law Illinois Senate Bill 54 on April 2, 2021, which permanently permits the delivery of alcoholic liquors through third-party facilitators (i.e. Grubhub, DoorDash) to residential homes or other designated locations of a consumer; and

WHEREAS, the Village of Poplar Grove, Illinois ("Village") has adopted a Village Code of Ordinances ("Code"); and

WHEREAS, Article II of the Code governs Business Licenses and Regulations; and

WHEREAS, Chapter 2 of Article II governs Liquor Control; and

WHEREAS, the Village desires to amend Chapter 2 of the Code to permit the sale of and delivery to of alcoholic liquors to a residential home or other designated locations of a consumer; and

WHEREAS, the Village has determined it is in the best interest of the Village and its citizens to make such amendments.

NOW THEREFORE, be it ordained by the President Board of Trustees of the Village of Poplar Grove, Illinois as follows:

1. The above recitals are incorporated herein and made a part hereof.

That Section 2-2-3-1entitled "Delivery of alcoholic liquors to a home by a retailer or third-party facilitator." is hereby created to read as follows (additions shown as **bold and underlined** and deletions as ~~strikethroughs~~) (all other sections not amended shall remain as written):

"**Delivery of alcoholic liquors to a home by a retailer or third-party facilitator.**

1. **Home delivery of alcoholic liquors by a retailer or a retailer via a mobile application order shall be permitted under the following conditions:**
    1. **The alcoholic liquors are delivered by the retailer's employee.**
    2. **The retailer or its employee who delivers the alcoholic liquors verifies that the individual accepting the delivery is at least 21 years of age.**
    3. **If the retailer or its employee intends to serve the alcoholic liquors to the consumer, the retailer or its employee providing the service has completed the responsible alcohol service serve training (235 ILCS 5/6-27.1).**

2. **All businesses permitting home delivery of alcoholic liquors via a mobile application order shall apply for a Class ___ liquor license. To be eligible for a Class __ license, the licensee must also have a Class __ license.**
3. **Any business utilizing home delivery of alcoholic liquors must provide the alcohol in a sealed container, that is tamper-proof or tamper-evident, which must contain the following information:**
    i. **The cocktail or mixed drink ingredients, type and name of the alcohol;**
    ii. **The name, license number and address of the retail licensee that filled the original container and sold the product;**
    iii. **The volume of the cocktail or mixed drink in the sealed container; and**
    iv. **The sealed contained was filled less than 7 days before the date of the sale.**
4. **The employee transferring the cocktail or mixed drink shall hold a valid server certificate by a certified Beverage Alcohol Sellers and Servers Education and Training (BASSET) trainer and be 21 years of age or older.**
5. **The container a container of a mixed drink or cocktail shall be transported in the passenger area of a vehicle.**
6. **The fee for such license shall be _____.**
7. **The holder of such Class __ license shall authorize the holder to facilitate the delivery of alcoholic liquors to a home which is lawful and fully in compliance with all rules, regulations, statutes of the state and the city.**

2. That Section 2-2-4 entitled "License Classifications, Fees, Number Issued" is hereby amended to create a new subparagraph _____ to read as follows (additions shown as **bold and underlined** and deletions as ~~strikethroughs~~) (all other sections not amended shall remain as written):

    ([#]) *Class ___ license* A Class __ license shall authorize the home delivery of retail sales of alcoholic liquors sold by a retailer or a retailer via a mobile application order.

3. If any provision of this Ordinance or application thereof to any person or circumstances is ruled unconstitutional or otherwise invalid, such invalidity shall not affect other provisions or applications of this Ordinance that can be given effect without the invalid application or provision, and each invalid provision or invalid application of this Ordinance is severable.

4. All other ordinances of the Village shall remain in effect as previously enacted except that those ordinances, or parts thereof, in conflict are hereby repealed to the extent of such conflict.

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

PASSED UPON MOTION BY _____

SECONDED BY _____

BY ROLL CALL VOTE THIS _____ DAY OF _____, 2021

AS FOLLOWS:

VOTING “AYE”: _____

_____

VOTING “NAY”: _____

_____

ABSENT, ABSTAIN, OTHER _____

_____

APPROVED_____, 2021

ATTEST:

_____ _____

CLERK PRESIDENT