

ORDINANCE NO. 22-___
AN ORDINANCE IMPOSING A TEMPORARY MORATORIUM ON THE
ISSUANCE OF NEW CLASS 22 AND CLASS 23 LIQUOR LICENSES WHICH
ALLOW ESTABLISHMENTS TO ENGAGE IN VIDEO GAMING

WHEREAS, the Village of Westmont is a municipal corporation duly organized and operating pursuant to the laws of the State of Illinois; and

WHEREAS, Illinois statutes provide local government with authority to regulate liquor within the local government borders pursuant to 235 ILCS 5/4-1 through 5/4-7; and

WHEREAS, the Village of Westmont Board of Trustees has previously amended Chapter 10, Article II, Section 10-36 of the Westmont Code of Ordinances to create a Class 22 liquor license classification, which allows an establishment to sell beer and wine for consumption on the premises where the primary business of the establishment is a video gaming café; and

WHEREAS, the Village of Westmont Board of Trustees has also previously amended Chapter 10, Article II, Section 10-36 of the Westmont Code of Ordinances to create a Class 23 liquor license classification, which allows an establishment with certain prescribed and existing liquor licenses to sell alcohol for consumption on the premises in conjunction with video gaming, where video gaming is an accessory use to the primary business on the premises; and

WHEREAS, there has been a proliferation of licensed video gaming establishments within the Village, and the Local Liquor Commissioner and the Village Board of Trustees have raised concerns over the number of existing Class 22 and Class 23 liquor licenses and the potential further expansion of video gaming establishments within the Village; and

WHEREAS, the Local Liquor Commissioner has also expressed concerns over whether establishments with Class 23 liquor licenses operate video gaming operations as their primary business versus as an accessory business, and whether further regulations or restrictions are necessary; and

WHEREAS, as a result of these concerns and upon the recommendation of the Local Liquor Commissioner, the Village of Westmont Board of Trustees desires to impose a temporary moratorium on the issuance of any and all new Class 22 and Class 23 liquor licenses so that the Local Liquor Commissioner and the Village Board can study and evaluate the growth of video gaming within the Village, the need for additional video gaming establishments, and whether additional regulations and restrictions of establishments with video gaming are warranted; and

WHEREAS, the Village of Westmont Board of Trustees intends that this temporary moratorium will automatically expire on December 31, 2022, or such earlier time as determined by an ordinance approved by the Board of Trustees; and

WHEREAS, the Village of Westmont Board of Trustees finds that imposing this temporary moratorium is within the Village's power to regulate liquor within its borders, and

further finds that this temporary moratorium is in the public interest and will promote and protect the public health, safety and welfare.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Board of Trustees of the Village of Westmont, DuPage County, Illinois, as follows:

Section 1: The above-stated recitals are hereby restated and incorporated into this Section 1 as though fully set forth herein.

Section 2: There is hereby imposed a temporary moratorium on the issuance of any and all new Class 22 and Class 23 liquor licenses within the Village to existing and/or new businesses. The purpose of this temporary moratorium is to allow the Local Liquor Commissioner and the Village Board of Trustees to study and evaluate the growth of video gaming within the Village, the need for additional video gaming establishments, if any, and whether additional regulations and restrictions of establishments with video gaming are warranted.

Section 3: This temporary moratorium shall automatically expire on December 31, 2022, or such earlier time as determined by an ordinance approved by the Village Board of Trustees.

Section 4: During the time period that this temporary moratorium is in effect, the Village will not accept or process any new liquor license applications for either a Class 22 or Class 23 liquor license. Any previously-submitted liquor license applications for a Class 22 or Class 23 liquor license which have not yet been approved or denied shall be held in abeyance for so long as this temporary moratorium is in effect.

Section 5: All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed to the extent of the conflict.

Section 6: This ordinance shall be in full force and effect after its passage, approval and publication as provided by law.

PASSED AND APPROVED by the Mayor and Board of Trustees of the Village of Westmont, DuPage County, Illinois, this 13th day of January, 2022.

Ayes:_____ Nays:_____ Absent:_____

APPROVED:

Ronald J. Gunter, Mayor

ATTEST:

Virginia Szymiski, Village Clerk

EXHIBIT "A"

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