
VILLAGE OF ANTIOCH

22-04-24

***AN ORDINANCE AMENDING SECTION 4-2B-15 OF THE MUNICIPAL CODE
OF ANTIOCH REGARDING THE GROSS SALES RATIO REQUIREMENT
FOR ESTABLISHMENTS SELLING FOOD AND/OR BEVERAGES***

**ADOPTED BY THE MAYOR AND BOARD OF TRUSTEES
OF THE
VILLAGE OF ANTIOCH, ILLINOIS
ON
APRIL 27, 2022**

**Published in pamphlet form by authority of the Village Board of the
Village of Antioch, Lake County, Illinois,
this 27th day of April, 2022.**

SCOTT J. GARTNER	Mayor	MARY C. DOMINIAK	Trustee
		MARY J. PEDERSEN	Trustee
LORI K. ROMINE	Clerk	ED MACEK	Trustee
		SCOTT A. PIERCE	Trustee
DEL GALDO LAW GROUP, LLC	Attorney	PETRINA A. BURMAN	Trustee
		BRENT C. BLUTHARDT	Trustee

Ordinance No. 22-04-24

AN ORDINANCE AMENDING SECTION 4-2B-15 OF THE MUNICIPAL CODE OF ANTIOCH REGARDING THE GROSS SALES RATIO REQUIREMENT FOR ESTABLISHMENTS SELLING FOOD AND/OR BEVERAGES

WHEREAS, the Village of Antioch (“Village”) is an Illinois non-home rule municipality organized and operating under the Illinois Municipal Code (65 ILCS 5/1, et seq.) (the “Code”); and

WHEREAS, the Mayor (the “Mayor”) and the Village Board of Trustees (the “Village Board”, and together with the Mayor, the “Corporate Authorities”) are committed to the health, safety, and welfare of its residents; and

WHEREAS, Section 4-2B-15 of the Municipal Code of Antioch (the “Village Code”) prohibits the Village Board from creating a license for any proposed business that projects the sales of food and/or beverages at a proposed location to be less than fifty percent (50%) of the business’ gross sales (the “Gross Sales Ratio Requirement”); and

WHEREAS, the Corporate Authorities have determined that an exception to the Gross Sales Ratio Requirement should be established for certain businesses; and

WHEREAS, based on the foregoing, the Corporate Authorities have determined that it is necessary, advisable, and in the best interests of the Village, and its residents, to amend Section 4-2B-15 of the Village Code;

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

SECTION 1: The Village Code is hereby amended, notwithstanding any provision, ordinance, resolution, or Village Code section to the contrary, by amending Title 4, Chapter 2, Article B, Section 4-2B-15 of the Village Code as set forth below (additions underlined; deletions ~~stricken~~):

4-2B-15: REQUIRED GROSS SALES RATIOS:

A. ~~From and after July 1, 2020, no license shall be created by the village board for any proposed business which shall project sales of food and/or beverages to be less than fifty percent (50%) of the gross sales of the business at the proposed site;~~ From and after July 1, 2020, the village board shall not create a license if it determines that the sales of food and/or beverages at a proposed location is projected to be less than fifty percent (50%) of the gross sales of the business.

B. However, despite the prohibition in this subsection, the village board may create a license for an applicant if (i) the sales of beverages and entertainment at a proposed location is projected to be greater than fifty percent (50%) of the gross sales of the business. For purposes of this subsection, the word “entertainment”

shall mean: (1) an activity involving physical exertion and skill in which an individual competes alone without others for recreation and the activity requires the individual to use certain equipment to participate, (2) an activity involving physical exertion and skill in which an individual or team competes against another for recreation and the activity requires individuals to use certain equipment to participate, or (3) an amusement activity such as any games, excluding regulated games of chance, rides, theaters, escape rooms, painting studios or other generally known amusement activities.

CB. The village board shall ~~have the right to~~ consider all evidence it deems necessary from any ~~petitioner~~ applicant seeking ~~creation of~~ a license to determine whether or not the proposed business model is one which is reasonably calculated to generate sales of food and/or beverages or beverages and entertainment in excess of the fifty percent (50%) ~~described in subsection A.~~

DE. The village board shall have the sole and unlimited discretion to determine whether the business plan submitted by any ~~petitioner~~ applicant is reasonably calculated to generate sales of food and/or beverages or beverages and entertainment in excess of the fifty percent (50%) of the gross sales of the business ~~described in subsection A.~~

ED. Nothing in this section is intended to have any effect whatsoever on any liquor license created and in existence on or before June 30, 2020. (Ord. 20-06-20, 6-8-2020)

SECTION 2: The Corporate Authorities hereby approve the amendment of Title 4, Chapter 2, Article B, Section 4-2B-15 of the Village Code.

SECTION 3: All ordinances, resolutions and orders or parts of ordinances, resolutions and orders in conflict with this Ordinance are repealed to the extent of such conflict.

SECTION 4: The Village Clerk shall cause this Ordinance to be published in pamphlet form.

SECTION 5: This Ordinance shall be in full force and effect after passage and publication and at the earliest time as provided by law.

[Remainder of this page left blank]

PASSED by the Mayor and Board of Trustees of the Village this 27th day of April, 2022.

Voting Aye (list names): 4: Macek, Pedersen, Bluthardt and Burman.

Voting Nay (list names): 1: Pierce.

Abstaining (list names): 0.

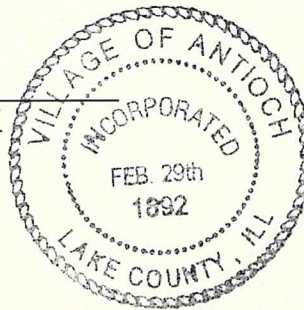
Absent (list names): 1: Dominiak.

APPROVED:


SCOTT J. GARTNER, MAYOR

ATTEST:


LORI K. ROMINE, VILLAGE CLERK



STATE OF ILLINOIS)
) SS
COUNTY OF LAKE)

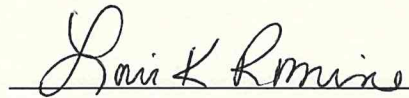
CERTIFICATE

I, Lori K. Romine, certify that I am the duly appointed Municipal Clerk of the Village of Antioch, Lake County, Illinois.

I certify that on April 27, 2022, the Corporate Authorities of such municipality passed and approved Ordinance No. 22-04-24 entitled "***AN ORDINANCE AMENDING SECTION 4-2B-15 OF THE MUNICIPAL CODE OF ANTIOCH REGARDING THE MINIMUM GROSS SALES REQUIREMENT FOR ESTABLISHMENTS SELLING FOOD AND/OR BEVERAGES***" which provided by its terms that it should be published in pamphlet form.

The pamphlet form of **Ordinance No. 22-04-24**, including the Ordinance and cover sheet thereof, was prepared, and a copy of such Ordinance was posted in the municipal building, commencing on April 27, 2022 and continuing for at least ten days thereafter. Copies of such Ordinance were also available for public inspection upon request in the office of the Municipal Clerk.

DATED at Antioch, Illinois, this 27th day of April, 2022



Lori K. Romine, RMC/CMC
Village Clerk

