

ORDINANCE NO. O2025-

AN ORDINANCE AMENDING SECTION 3-2-7 OF THE WARRENVILLE CITY CODE REGARDING THE CLASS F LIQUOR LICENSE

WHEREAS, the City is a home rule municipal corporation pursuant to Article VII, Section 6(a) of the Constitution of the State of Illinois of 1970; and

WHEREAS, Section 3-2-7 of the Warrenville City Code ("**City Code**") sets forth regulations regarding liquor license classifications; and

WHEREAS, the City desires to amend Subsection 3-2-7.M of the City Code to update the Class F liquor license regulations to authorize the sale or service of alcoholic beverages incidental to the operation of a full-service personal care establishment (collectively, the "**Amendments**"); and

WHEREAS, pursuant to the home rule authority of the City, the Mayor and the City Council have determined that it is in the best interest of the City and the public to approve the Amendments and amend the City Code as set forth in this Ordinance;

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF WARRENVILLE, DUPAGE COUNTY, ILLINOIS, AS FOLLOWS:

SECTION 1: Recitals. The recitals listed above are incorporated in this Ordinance as if fully set forth in this Ordinance.

SECTION 2: Class F Liquor License Regulations. Section 3-2-7, titled "License Classification, Fees, Number," of Chapter 2, titled "Liquor Control Regulations," of Title 3, titled "Business Regulations," of the City Code is hereby amended further to read as follows:

"3-2-7: LICENSE CLASSIFICATION, FEES, NUMBER:

* * *

M. Class F:

1. A license which shall authorize ~~and allow~~ the retail serving or sale of alcoholic beverages in the form of beer and wine, for consumption only on the licensed premises, and only as an incidental part of a **full-service personal care services** business with a primary function either as: (i) a full-service personal care services establishment, or (ii) a retail establishment for the sale of non-food goods and services (other than motor vehicle sales or massage), subject to the following conditions:

a. ~~The beer and/or wine that is served on the premises may be: (i) brought to the premises by the patron of the business located on the premises, and/or (ii) served by the business.~~

b. ~~The serving of beer and/or wine for consumption on the licensed premises~~**The service of beer and wine** must be merely incidental to the

[additions are **bold and double underlined**; deletions are ~~struck through~~]

primary business function of the licensee full-service personal care business function of the licensee such that (i) sales of alcoholic beverages may not comprise more than 10 percent of the gross revenue of the business; (ii) no more than 10 percent of the floor area of the business may be dedicated to the service or storage of alcoholic beverages; and (iii) alcoholic beverages may only be served to patrons of the business who are on the licensed premises for the purpose of receiving a personal care service. The licensed premises must not be advertised or held out to be a drinking establishment.

~~c.~~ No beer or wine may be served to or consumed by persons on the licensee's premises except as a complement to the patron's contemporaneous purchase or consumption of goods and services made available to the public by the licensee as part of its primary business function.

~~bd.~~ The licensee may only provide patrons of the business with individual servings of beer or wine in glasses or unsealed single-serving containers, including, without limitation, beer cans and bottles. at no charge; provided, however, that

~~c.~~ ~~no~~ No more than two servings of beer (each serving not to exceed ~~twelve~~ (12) ounces) or two servings of wine (each serving not to exceed four ounces), or one serving of beer and one serving of wine, may be provided to a patron of the business per calendar day, regardless of whether the alcoholic beverage is provided as a compliment or sold for a fee.

~~d.e.~~ Notwithstanding the provisions of 3-2-16 of this chapter, no person under the age of ~~twenty-one~~ (21) shall serve beer and/or wine on behalf of the licensee.

~~e.f.~~ In no case shall the serving or consumption of beer and/or wine on the licensed premises take place outside of the normal business hours of the licensed premises, and in no event outside of the hours for liquor service as ~~otherwise~~ permitted in section 3-2-14 of this chapter.

~~f.g.~~ The licensee, and its officers, associates, members, representatives, agents, or employees, shall not permit any patron to leave the licensed premises with an open container of beer or wine.

~~g.h.~~ No live entertainment such as live music, theater or dance performances, shall be permitted on the licensed premises.

~~h.i.~~ No sign shall be permitted on the licensed premises or surrounding property that is visible from the public right-of-way that indicates that alcoholic liquor is available for service or consumption on the licensed premises, ~~and no other external indicia of any kind, including social media,~~ shall indicate that alcoholic liquor is available for service or consumption

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on the licensed premises. **Any sign that is posted inside the licensed premises in compliance with this subsection and any other marketing materials (including social media posts) must make clear that alcoholic liquor is only incidental to the primary business and is only available for patrons on the premises for the purpose of receiving a personal care service.**

~~i.j.~~ Any beer or wine served by the establishment as part of a “paid package” service or for participation in an offering, such as “paint and sip” type parties, is subject to the provisions of the City Amusement Tax, see Title 3 Chapter 12.

~~i.k.~~ A Class F license shall not be issued to any business which holds any other class license under this chapter.

~~k.l.~~ For the purposes of a Class F license, a “full service personal care establishment” shall mean a business that offers at least four different personal care services, which may include, without limitation, hair treatments, haircuts, nail treatments, body packs and wraps, exfoliation, waxing, aromatherapy, and facials, but shall not include any massage services as defined in Title 3 Chapter 26 of this Code or any reflexology services.

- 2. Reserved.
- 3. The number of Class F licenses shall be limited to zero ~~(0)~~.
- 4. Video gaming, as defined by the Illinois Video Gaming Act, 230 ILCS 40/1 et seq., is not allowed in a Class F licensed premises. Class F licensees are ineligible for a supplemental Class V license.”

SECTION 3: EFFECTIVE DATE. This Ordinance shall be in full force and effect after its passage, approval, and publication in the manner provided by law.

PASSED THIS ____ day of _____, 2025.

APPROVED THIS ____ day of _____, 2025.

AYES: ____ NAYS: ____ ABSENT: ____ ABSTAIN: ____

MAYOR

ATTEST:

[additions are **bold and double underlined**; deletions are ~~struck through~~]