

## ORDINANCE

### **AN ORDINANCE AMENDING CHAPTER 3 ("ALCOHOLIC LIQUOR DEALERS"), ARTICLE 4 ("TERM AND CLASSIFICATION"), SECTION 3-4-2 ("CLASSIFICATION AND NUMBER OF LIQUOR LICENSES AND FEES") OF THE OAK PARK VILLAGE CODE REGARDING THE CLASS C-7 SPECIALTY GOURMET FOODS SHOP LIQUOR LICENSE CLASSIFICATION**

WHEREAS, the Village of Oak Park ("Village") is a home rule unit of government as provided by the provisions of Article VII, Section 6 of the Illinois Constitution of 1970; and

WHEREAS, as a home rule unit of government, the Village is expressly empowered to perform any function pertaining to its government and affairs, including, but not limited to the power to regulate for the protection of the public health, safety, morals and welfare; and

WHEREAS, at its February 24, 2015 meeting, the Village's Liquor Control Review Board recommended that the Village amend its Specialty Gourmet Foods Shop C-7 Liquor License Classification to allow for the sale of package alcoholic liquors for off-site consumption; and

**WHEREAS**, the C-7 Liquor License Classification presently allows for the sale of wine and liqueurs only; and

**WHEREAS**, Section 3-1-1 of the Oak Park Village Code defines "alcoholic liquors" as "[a]ny alcohol, spirits, wine and beer, and every liquid or solid, patented or not, containing alcohol, spirits, wine or beer, and capable of being consumed as a beverage by a human being;" and

**WHEREAS**, the Board of Trustees agrees with the recommendation of the Local Liquor Control Review Board and finds that it is in the best interests of the Village to amend its Specialty Gourmet Foods Shop C-7 Liquor License Classification as set forth in this Ordinance to allow for the sale of alcoholic liquors.

**NOW THEREFORE, BE IT ORDAINED** by the President and Board of Trustees of the Village of Oak Park, Cook County, Illinois, in the exercise of their home rule powers, as follows:

**Section 1. Recitals Incorporated.** The above recitals are incorporated herein by reference as though fully set forth.

**Section 2. Village Code Amended.** Chapter 3 ("Alcoholic Liquor"), Article 4 ("Term and Classification"), Section 3-4-2 ("Classification and Number of Liquor Licenses and Fees") of the Village Code of Oak Park is amended to add the following underlined language to read as follows:

**3-4-2: CLASSIFICATION AND NUMBER OF LIQUOR LICENSES AND FEES:**

The Local Liquor Control Commissioner may only issue liquor licenses in accordance with the classifications set forth hereinbelow and only as specifically authorized in article 8 of this chapter.

\* \* \* \*

**C. Package Liquor Licenses:**

1. Package Liquor Class C Licenses: A package liquor class C license authorizes the sale of alcoholic liquor, beer and wine, in the original package not for consumption on the premises where sold, as hereinafter provided. All package liquor class C licenses are subject to the following restrictions:

\* \* \* \*

8. Specialty Gourmet Foods Shop Class C-7 License:

a. The primary business of the licensee must be the sale of gourmet foods, table-top gift items, and gift baskets.

b. A Class C-7 liquor license authorizes the retail sale of ~~wine and liqueurs only~~ alcoholic liquor in the original package for consumption off premises.

c. The wine and liqueurs authorized for retail sale by the Class C-7 liquor license shall only occupy ten percent (10%) of the of the shelf space of the public portion of the licensed premises.

d. Customer seating shall not be provided or permitted.

e. The annual fee for a Class C-7 liquor license shall be four hundred dollars (\$400.00).

**Section 3. Severability and Repeal of Inconsistent Ordinances.** If any section, paragraph, clause or provision of this Ordinance shall be held invalid, the invalidity thereof shall not affect any of the other provisions of this Ordinance. All ordinances in conflict herewith are hereby repealed to the extent of such conflict.

**Section 4. Effective Date.** This Ordinance shall be in full force and effect after its approval, passage and publication as provided by law.

**ADOPTED** this 16<sup>th</sup> day of March, 2015, pursuant to a roll call vote at follows:

Voting	Aye	Nay	Abstain	Absent
President Abu-Taleb			X	
Trustee Barber				
Trustee Brewer				
Trustee Lueck				
Trustee Ott				
Trustee Salzman				
Trustee Tucker				

**APPROVED** this 16<sup>th</sup> day of March, 2015.

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Village President Pro Tem

Attest:

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Teresa Powell, Village Clerk

Published in pamphlet form this 16<sup>th</sup> day of March, 2015.

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Teresa Powell, Village Clerk