

ORDINANCE

AN ORDINANCE AMENDING CHAPTER 3 (“ALCOHOLIC LIQUOR DEALERS”), SECTION 3-3-1 (“DEFINITIONS”) AND SECTION 3-4-2 (“CLASSIFICATION AND NUMBER OF LIQUOR LICENSES AND FEES”) OF THE OAK PARK VILLAGE CODE TO ESTABLISH A NEW CLASS D-18 MOVIE THEATRE LIQUOR LICENSE CLASSIFICATION AND TO ISSUE A CLASS D-18 MOVIE THEATER LIQUOR LICENSE TO TIVOLI ENTERPRISES, INC., DBA LAKE THEATRE

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;

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;

WHEREAS, at its October 27, 2022 special meeting, the Village’s Local Liquor Control Review Board unanimously recommended that the Village create a new Class D-18 movie theater liquor license classification pursuant to the application of Tivoli Enterprises, LLC, DBA Lake Theatre (“Tivoli”) as more fully set forth herein; and

WHEREAS, the Local Liquor Control Review Board also unanimously that Tivoli’s application for a D-18 movie theater liquor license be granted and that the Local Liquor Control Commissioner (“Commissioner”) issue such a license to Tivoli’s pursuant to Tivoli’s application for the property located at 1022 Lake Street; 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 establish a Class D-18 movie theater liquor license classification as set forth in this Ordinance and that such a license be issued to Tivoli; and

WHEREAS, in order for the Commissioner to issue the Class D-18 liquor license, the Oak Park Village Code (“Village Code”) must be amended to allow for the issuance of the liquor license and the creation of the classification; and

WHEREAS, the Board of Trustees find that it is in the best interest of the Village to amend the Village Code so that a Class D-18 movie theater liquor license may be issued to Tivoli and the creation of the classification.

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 Dealers”), Article 1 (“General Provisions”), Section 3-1-1 (“Definitions”) of the Oak Park Village Code is amended by deleting the overstricken language and adding the underlined language to read as follows:

3-1-1: DEFINITIONS:

The following words and phrases shall have the meanings, and are hereby defined, as follows:

* * * *

MOVIE THEATRE: A facility kept, used, maintained, advertised or held out to the public as a place within the Central Business Area as a place for the presentation of regularly scheduled motion pictures and films.

* * * *

Section 3. Village Code Amended. 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 is amended by adding the 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.

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D. Miscellaneous:

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18. Movie Theatre Class D-18 Liquor License: Movie theatre class D-18 liquor license shall authorize the retail sale of alcoholic liquor for consumption on the licensed premises where the primary business is that of a movie theater as defined herein subject to the conditions listed below.

a. Sales of alcoholic liquor shall be limited to contracted theatre rentals, theater production/box office events and regularly scheduled motion pictures or films.

b. Alcoholic liquors shall not be served more than one (1) hour prior to a scheduled event, rental or the advertised time of the first motion picture or film showing on any day.

It shall be unlawful for the holder of a Class D-18 license to sell alcoholic liquor before the hours of eleven o'clock (11:00) A.M. or after the hour of twelve o'clock (12:00) midnight.

c. Sales of alcoholic liquors shall be made from service bars containing alcoholic liquor, mixes and related preparation materials. Such service bars shall not have seats or stools for customers at which to sit.

d. Food service must be available during all times alcoholic liquor is available for purchase on the premises.

e. A licensee shall not serve or deliver more than two (2) alcoholic beverages to a person at a time and no customer shall have in the customer's possession two (2) alcoholic beverages at any time.

f. Containers in which alcoholic liquors are served must be a different color, size and design of those in which non-alcoholic beverages are served by the licensee.

g. Alcoholic liquors shall be served only in single-servings and not served in bottles, pitchers or buckets.

h. There shall be no signage outside the licensed establishment to indicate the sale of alcoholic liquors.

i. Licensees shall comply with section 3-2-4 of this chapter requiring BASSET training of all managers, supervisors, sellers and servers of alcoholic liquors.

j. The annual fee for a Class D-18 license shall be two thousand five-hundred dollars (\$2,500.00).

Section 3. Village Code Amended. Chapter 3 ("Alcoholic Liquor Dealers"), Article 8 ("List of Licenses for Each Class"), Section 3-8-1 ("Number of Licenses Permitted to be Issued Per License Class") and Section 3-8-2 ("Licenses by Name and Address Per License") of the Oak Park Village Code are amended by deleting the overstricken language and adding the underlined language to read as follows:

3-8-1 NUMBER OF LICENSES TO BE ISSUED PER LICENSE CLASS:

	*	*	*	*
<u>D-18</u>	<u>No more than one (1) Class D-18 licenses shall be issued.</u>			
	*	*	*	*

3-8-2: LICENSES BY NAME AND ADDRESS PER LICENSE:

* * * *

CLASS D-18 Tivoli Enterprises, Inc., DBA Lake Theatre 1022 Lake Street

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Section 4. License Subject to Remittance of Alcoholic Liquor Purchase at Retail, Privilege Tax. Any liquor license granted Tivoli Enterprises, Inc., DBA Lake Street Theatre pursuant to this Ordinance shall strictly be subject to the payment of the Village’s “Alcoholic Liquor Purchase at Retail, Privilege Tax” set forth in Chapter 23A (“Taxes”), Article 2 (“Alcoholic Liquor Purchase at Retail, Privilege Tax”) of the Village Code. Failure to remit payment of the tax shall subject the applicable liquor license to suspension or revocation pursuant to Section 23A-2-10 of the Village Code.

Section 5. 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 6. Effective Date. This Ordinance shall be in full force and effect after its approval, passage and publication as provided by law.

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ADOPTED this 7th day of November, 2022, pursuant to a roll call vote at follows:

Voting	Aye	Nay	Abstain	Absent
President Scaman				
Trustee Buchanan				
Trustee Enyia				
Trustee Parakkat			x	
Trustee Robinson				
Trustee Taglia				
Trustee Wesley				

APPROVED this 7th day of November, 2022.

Vicki Scaman, Village President

ATTEST

Christina M. Waters, Village Clerk

Published in pamphlet form this 7th day of November, 2022.

Christina M. Waters, Village Clerk