

## ORDINANCE

**AN ORDINANCE AMENDING CHAPTER 3 (“ALCOHOLIC LIQUOR DEALERS”),  
ARTICLE 8 (“LIST OF LICENSES FOR EACH LICENSE 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 FOR THE ISSUANCE OF A RESTAURANT  
CLASS B-2 LIQUOR LICENSE TO SAIGON PHO & CAFÉ CORP.**

**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**, Saigon Pho & Café Corp. (“Saigon Pho & Cafe”) has applied for a Class B-2 Restaurant liquor license for the property located at 726 Lake Street, Oak Park, Illinois (“Property”); and

**WHEREAS**, at its meeting of June 26, 2018, the Village’s Local Liquor Control Review Board unanimously voted to recommend to the Local Liquor Control Commissioner (“Commissioner”) that Saigon Pho & Café’s application be granted a Class B-2 liquor license be issued and the Commissioner concurs with this recommendation; and

**WHEREAS**, in order for the Commissioner to issue the Class B-2 liquor license, the Oak Park Village Code (“Village Code”) must be amended to allow the issuance of the liquor license; and

**WHEREAS**, the Board of Trustees find that it is in the best interests of the Village to amend the Village Code so that a Class B-2 liquor license may be issued to Saigon Pho & Café.

**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 as though fully set forth.

**Section 2. 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 PERMITTED TO BE ISSUED PER LICENSE CLASS:**

B-2 No more than ~~eleven (11)~~ twelve (12) Class B-2 licenses shall be issued.

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

|           |                                    |   |   |                        |
|-----------|------------------------------------|---|---|------------------------|
|           | *                                  | * | * | *                      |
| CLASS B-2 | <u>Saigon Pho &amp; Café Corp.</u> |   |   | <u>726 Lake Street</u> |
|           | *                                  | * | * | *                      |

**Section 3. License Subject to Remittance of Alcoholic Liquor Purchase at Retail, Privilege Tax.** Any liquor license granted to Saigon Pho & Café Corp. 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 4. 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 5. 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 9th day of July, 2018, pursuant to a roll call vote at follows:

| Voting              | Aye | Nay | Abstain | Absent |
|---------------------|-----|-----|---------|--------|
| President Abu-Taleb |     |     |         |        |
| Trustee Andrews     |     |     |         |        |
| Trustee Boutet      |     |     |         |        |
| Trustee Button      |     |     |         |        |
| Trustee Moroney     |     |     |         |        |
| Trustee Taglia      |     |     |         |        |
| Trustee Tucker      |     |     |         |        |

**APPROVED** this 9th day of July 2018.

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Anan Abu-Taleb, Village President

**ATTEST**

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Vicki Scaman, Village Clerk

Published in pamphlet form this 9<sup>th</sup> day of July, 2018.

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Vicki Scaman, Village Clerk