

ORDINANCE

CHAPTER 3 (“ALCOHOLIC LIQUOR DEALERS”), ARTICLE 5 (“MISCELLANEOUS”), SECTION 3-5-7 (“CLOSING HOURS”) AND 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-1 LIQUOR LICENSE TO OAK PARK EGG HARBOR, LLC, DBA EGG HARBOR

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, Oak Park Egg Harbor, LLC (“Egg Harbor”) has applied for a Class B-1 liquor license for the property located at 1111 South Boulevard, Oak Park, Illinois;

WHEREAS, at its regular meeting of March 26, 2024, the Village’s Local Liquor Control Review Board (“LCRB”) unanimously voted to recommend to the Local Liquor Control Commissioner (“Commissioner”) that Egg Harbor’s application be granted and that a Class B-1 liquor license be issued and the Commissioner concurs with this recommendation;

WHEREAS, in addition, the LCRB unanimously voted to recommend that the Section 3-5-7 (“Closing Hours”) of the Oak Park Village Code (“Village Code”) be amended to allow for the sale and service of alcoholic liquors beginning at 7:00 a.m.;

WHEREAS, in order for the Commissioner to issue the Class B-1 liquor license, the Village Code must be amended to allow for the issuance of the liquor license; 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 B-1 liquor license may be issued to Egg Harbor.

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 5 (“Miscellaneous”), Section 3-5-7 (“Closing Hours”) of the Oak Park Village Code are amended by deleting the overstricken language and adding the underlined language to read as follows:

3-5-7: CLOSING HOURS:

A. No person licensed under subsections 3-4-2 A1, A2, A4, B1, B2, B3, B4, D2, D3, and D4,~~and D14~~ of this chapter as a seller of alcoholic liquor shall sell or permit to be sold or given away, any alcoholic liquor between the hours of one o'clock (1:00) A.M. and seven o'clock (7:00) ~~eleven o'clock (11:00)~~ A.M. Monday through Friday, except that sales may be made up to two o'clock (2:00) A.M. on Saturday or Sunday mornings and on the morning of New Year's Day, Memorial Day, Labor Day, Thanksgiving, and Christmas, however, no such sales shall be made between two o'clock (2:00) A.M. and seven ~~nine~~ o'clock (7:00) ~~(9:00)~~ A.M. on Saturday and Sunday.

Section 3. Village Code Amended. 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 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:

* * * *

B-1 No more than ~~sixteen (16)~~ seventeen (17) Class B-1 licenses shall be issued.

* * * *

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

* * * *

CLASS B-1 Oak Park Egg Harbor, LLC, DBA Egg Harbor 1111 South Boulevard

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Section 3. License Subject to Remittance of Alcoholic Liquor Purchase at Retail, Privilege Tax. Any liquor license granted to Oak Park Egg Harbor, LLC, DBA Egg Harbor 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.

ADOPTED this 11th day of April, 2024, pursuant to a roll call vote as follows:

| Voting | Aye | Nay | Abstain | Absent |
|------------------|-----|-----|---------|--------|
| President Scaman | | | | |
| Trustee Buchanan | | | | |
| Trustee Enyia | | | | |
| Trustee Parakkat | | | | |
| Trustee Robinson | | | | |
| Trustee Straw | | | | |
| Trustee Wesley | | | | |

APPROVED this 11th day of April, 2024.

Vicki Scaman, Village President

ATTEST

Christina M. Waters, Village Clerk

Published in pamphlet form this 11th day of April, 2024.

Christina M. Waters, Village Clerk