

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") AND ARTICLE 8 ("LIST OF LICENSES FOR
EACH LICENSE CLASS"), SECTION 3-8-1 ("NUMBER OF LICENSES 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 CLASS D-10 LIQUOR LICENSE TO SERENITEA, INC.**

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, Serenitea, Inc. ("Serenitea") has applied for a Coffee Bar Class D-10 Liquor License for the property located at 1046 Pleasant Street ("Property"); and

WHEREAS, the Village's Local Liquor Control Review Board has recommended to the Local Liquor Control Commissioner ("Commissioner") that Serenitea's application be granted and that a Class D-10 liquor license be issued, and the Commissioner concurs with this recommendation; and

WHEREAS, in order for the Commissioner to issue the Class D-10 liquor license, the Coffee Bar Class D-10 classification set forth in Section 3-4-2 ("Classification and Number of Liquor Licenses and Fees") of the Oak Park Village Code ("Village Code") must be amended to include tea shops as part of the classification; and

WHEREAS, Serenitea has further requested that it be permitted to sell beer and wine in addition to alcoholic liqueurs as part of its license and that the hours that it may be permitted sell alcoholic liqueurs, beer and wine pursuant to Section 3-4-2 of the Village Code be amended; and

WHEREAS, in order for the Commissioner to issue the Class B-4 liquor license, Sections 3-8-1 and 3-8-2 of the Village Code must also be amended to allow for 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 as set forth above so that a Class D-10 liquor license may be issued for the Property to Serenitea.

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 Oak Park Village Code 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 herein below and only as specifically authorized in Article 8 of this Chapter.

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D. Miscellaneous:

1 - 9: * * * *

10. Coffee Bar and Tea Shop Class D-10 Liquor License: Coffee bar and tea shop class D-10 liquor licenses shall authorize the retail sale of specified alcoholic liqueurs, beer and wine approved by the Liquor Control Commissioner as appropriate for serving with coffee in coffee bars and with tea in tea shops containing indoor seating at tables for thirty (30) or more patrons for consumption on the premises only, only from a service bar without barstools, and only at the table where coffee, tea or food service is provided. The service of alcoholic ~~liquors~~ liqueurs, beer and wine without the purchase and service of coffee ~~and teas or tea~~ is prohibited. ~~Alcoholic liquors shall be served in a cup or glass which by shape, color or other means is distinct from the cup or glass used for the service of nonalcoholic beverages, as approved by the Local Liquor Control Commissioner.~~ The age of employees who may draw, pour, mix, sell and/or serve alcoholic ~~liquor~~ liqueurs, beer and wine shall be governed by subsection 3-5-9C of this chapter. No alcoholic liquor shall be served prior to ~~five o'clock (5:00) P.M.~~ ten o'clock (10:00) A.M. on any day and no alcoholic ~~liquor~~ liqueurs, beer and wine shall be served after ten o'clock (10:00) P.M. on Sunday through Thursday and after twelve o'clock (12:00) midnight on Friday and Saturday. No alcoholic ~~liquor~~ liqueurs, beer and wine shall be displayed in the original package and it shall be unlawful to advertise such alcoholic ~~liquors~~ liqueurs, beer and wine in any other manner. The number of class D-10 liquor licenses which may be issued is limited as designated in section 3-8-1 of this

chapter. The annual fee for such liquor license shall be six hundred dollars (\$600.00).

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 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:

* * * *

D-10 No more than ~~zero~~ one (1) class D-10 licenses shall be issued.

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

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CLASS D-10 Serenitea, Inc. 1046 Pleasant Street

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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 20th day of April, 2015 pursuant to a roll call vote as follows:

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

APPROVED this 20th day of April, 2015.

Village President Pro Tem

Attest:

Teresa Powell, Village Clerk

Published in pamphlet form this 20th day of April, 2015.

Teresa Powell, Village Clerk