

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-1 LIQUOR LICENSE CLASSIFICATION TO ALLOW FOR THE TASTING OR SAMPLING OF ALCOHOLIC LIQUORS

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 voted to recommend that the Village amend the Package Liquor Class C-1 Liquor License classification as more fully set forth herein to allow for the tasting or sampling of alcoholic liquors by C-1 liquor licenses holders and the Local Liquor Control Commissioner agrees with this recommendation; 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 the Class C-1 liquor license 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 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 deleting the overstricken language and 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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C. Package Liquor Licenses:

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2. Package Liquor Class C-1 License: A package liquor Class C-1 license authorizes the retail sale of alcoholic liquor in the original package not for consumption on the premises where sold and authorizes the tasting or sampling of alcoholic liquors on the premises if the tasting or sampling is part of a promotion or a sales device for the sale of alcoholic liquors and no charge of any kind is made for such tasting or sampling.

In addition to the restrictions contained in subsection 3-4-2C1 of this section, Class C-1 liquor licenses are subject to the following:

a. Class C-1 liquor licenses shall only be issued to a premises located in a retail store building containing five thousand (5,000) or more square feet of retail space.

b. The package liquor business must be subject to an adequate control system. An "adequate control system", for purposes of this section shall be a means of controlling access to and the security of the package liquor business and may include one or more of the following (without limitation):

(1) Enclosing the package liquor business on at least two (2) sides, so as to physically separate it from other types of businesses on the premises;

(2) Inventory controls specific to the package liquor business; and/or

(3) Other effective control methods proposed by the licensee as may be specifically approved by the Local Liquor Control Commissioner and/or the Liquor Control Review Board; such as inventory location in constant employee view, inventory under constant surveillance and/or subject to separate register and checkout.

It shall be a condition of renewal of a Class C-1 liquor license that an adequate control system remains in place.

c. The sale of alcoholic liquor in the original package and not for consumption on the premises where sold, as authorized by a Class C-1 liquor license, shall be incidental to the sale of products other than alcoholic liquor, such as food, drugs, gift items, sundries and similar products. Such products shall not include gasoline and/or diesel fuel.

(1) The test to determine whether the sale of alcoholic liquor is incidental to the main business of the establishment containing the licensed premises shall be a comparison of the gross revenue derived by the licensee from the sale of alcoholic liquor to the gross revenue obtained by the licensee from the sale of all products other than alcoholic liquor, during the period in which the liquor license is granted.

(2) For purposes of this chapter, "gross revenue" is defined to mean the total amount of cash or other consideration (including all taxes collected by the seller) received by the licensee as the result of the transfer of goods, or the provision of services, to another.

(3) It shall be a condition for the renewal of a Class C-1 liquor license that, for the period during which the applicant for renewal was a licensee in such class, the licensee's gross revenue from the sale of alcoholic liquor authorized by the licensee's liquor license did not exceed twenty five percent (25%) of the licensee's revenue from the sale of all other products made, and the provision of services, in the ordinary course of business by the licensee, both on the licensed premises and in the business conducted by the licensee to which the sale of alcoholic liquor is incidental.

(4) If the Commissioner determines that the licensee is not attempting in good faith to comply with the provisions of the licensee's liquor license concerning the sale of alcoholic liquor as an incidental part of the licensee's business, and with the limitations imposed upon the gross revenue from the sale of alcoholic liquor as provided herein, the Local Liquor Control Commissioner may proceed as provided in section 3-7-5 of this chapter.

d. The licensee shall maintain adequate books and records in accordance with generally accepted accounting standards, which shall clearly indicate gross revenue from the sale of alcoholic liquor separately from gross revenue for the sale of all other products in the business operated by the licensee to which the sale of alcoholic liquor is incidental.

The licensee shall make such books and records available for inspection by the Commissioner, or the Commissioner's designee. Such inspection may be conducted during normal business hours on the licensed premises, or at such other location in the Village as directed by the Commissioner. The Commissioner shall determine, as a result of such inspection, whether, in the Commissioner's opinion, the books and records maintained by the licensee meet the requirements of this chapter, and whether there is cause for the Commissioner to conduct proceedings as provided in section 3-7-5 of this chapter.

e. The premises where packaged liquor is to be sold shall be equipped with an alarm system, both for holdups and burglaries. Also, all employees of the licensee shall be fingerprinted and photographed by the Oak Park Police Department. The Commissioner may adopt regulations, pursuant to section 3-7-2 of this chapter, requiring additional security measures to be taken by the holders of Class C-1 liquor licenses for the protection of the licensed premises and the surrounding neighborhood. The regulations shall provide the Commissioner with the discretion to modify security requirements to address safety issues which may be unique to a particular application or set of circumstances. The Commissioner may not issue a liquor license to a premises which does not so comply. If the premises do not so comply with the requirements imposed by the Commissioner under such regulations, the Commissioner shall not issue or renew the liquor license.

f. The annual fee for such liquor license is three thousand dollars (\$3,000.00).

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 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