

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 TO ESTABLISH A NEW B-5 LIQUOR LICENSE CLASSIFICATION AND TO ISSUE A B-5 LIQUOR LICENSE TO TWO BROTHERS RESTAURANT GROUP, LLC

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, at its March 28, 2017 meeting, the Village’s Local Liquor Control Review Board recommended that the Village establish a Restaurant with Retail Alcoholic Liquors Sales B-5 Liquor License Classification; 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 the B-5 classification as set forth in this Ordinance; and

WHEREAS, Two Brothers Restaurant Group, LLC (“Two Brothers”) has applied for a B-5 liquor license for the property located at 100 South Marion Street (“Property”); and

WHEREAS, the Village’s Local Liquor Control Review Board has recommended to the Local Liquor Control Commissioner (“Commissioner”) that Two Brothers’ application be granted and that a Class B-5 liquor license be issued for the Property, and the Commissioner concurs with this recommendation; and

WHEREAS, in order for the Commissioner to issue the Class B-5 liquor license, the Oak Park Village Code must be further amended to allow the liquor license to be issued for the Property; 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-5 liquor license may be issued to Two Brothers for the Property.

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.

* * * *

D. Restaurant Liquor Licenses:

1 - 4: * * * *

5. Restaurant with Retail Alcoholic Liquor Sales Class B-5 Liquor License: A restaurant with retail alcoholic liquor sales class B-5 liquor license shall be subject to the regulations and conditions governing class B-4 liquor licenses above. The following additional regulations and conditions shall also apply:

a. The retail sale of alcoholic liquors for consumption off the premises in the original package shall be permitted except in the area of premises where food is sold for immediate consumption.

b. The tasting of alcoholic liquors or food shall be permitted if the tasting or sampling is part of a promotion or sales device and no charge of any kind is made for such sampling or tasting.

c. The retail sales area shall not exceed 50% of the total square footage of the premises.

d. Authorized hours of business shall be as set forth in Section 3-5-7 of this Code for Class B-4 liquor licenses.

e. All staff who participates in the retail sales of alcoholic liquors must be BASSET trained and certified.

f. The annual fee for such liquor license is five thousand dollars (\$5,000.00).

Section 3. Village Code Amended. Chapter 3 (“Alcoholic Liquors”), Article 8 (“List of Licenses for Each License Class”), Section 3-8-1 (“Number of Licenses Permitted to Be Issued Per License Class”) of the Village Code of Oak Park is amended to add the following underlined language read as follows:

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

* * * *

B-5 No more than one (1) class B-5 license shall be issued.

* * * *

Section 4. Village Code Amended. Chapter 3 (“Alcoholic Liquors”), Article 8 (“List of Licenses for Each License Class”), Section 3-8-2 (“Licenses By Name and Address Per License”) of the Village Code of Oak Park is amended to add the following underlined language read as follows:

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

* * * *

Class B-5 Two Brothers Restaurant Group, LLC 100 South Marion Street

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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.

(THE REMAINDER OF THIS PAGE INTENTIONALLY LEFT BLANK)

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

ADOPTED this 17th day of April, 2017, pursuant to a roll call vote at follows:

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

APPROVED this 17th day of April, 2017.

Village President Pro Tem

ATTEST

Teresa Powell, Village Clerk

Published in pamphlet form this 17th day of April, 2017.

Teresa Powell, Village Clerk