

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”), 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-6 LIQUOR LICENSE TO VFJ ENTERPRISES II INC., DBA CHICAGO’S HOME OF CHICKEN & WAFFLES

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, VFJ Enterprises II Inc., DBA Chicago’s Home of Chicken & Waffles (“Chicken & Waffles”) has applied for a Restaurant Class B-6 liquor license for the property located at 543 Madison Street, Oak Park, Illinois;

WHEREAS, at its regular meeting of April 23, 2024, the Village’s Local Liquor Control Review Board (“LCRB”) unanimously voted to recommend to the Local Liquor Control Commissioner (“Commissioner”) that Chicken & Waffles’ application be granted and that a Class B-6 liquor license be issued and the Commissioner concurs with this recommendation;

WHEREAS, in addition, the LCRB unanimously voted to recommend that Section 3-4-2 (“Classification and Number of Liquor Licenses and Fees”) of the Oak Park Village Code (“Village Code”) be amended to allow for a corkage fee to be charged by Class B-6 liquor licensees and amend the fees to be charged for a Class B-6 license;

WHEREAS, in order for the Commissioner to issue the Class B-6 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-6 liquor license may be issued to Chicken & Waffles.

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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B. Restaurant Liquor Licenses:

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6. Restaurant Class B-6 Liquor License: A bring-your-own ("BYO") restaurant Class B-6 liquor license authorizes a licensee to allow customers to carry their own beer and wine into the BYO establishment as defined in subsection 3-4-2B6a of this section for consumption within that establishment, subject to the conditions set forth in subsection 3-4-2B6b of this section.

a. BYO Establishments; Conditions: BYO establishments are authorized to allow BYO beer and wine and consumption of BYO beer and wine within the licensed premises provided that the establishment does not otherwise hold another Class B restaurant license. A restaurant that holds another Class B restaurant license is not eligible for a Class B-6 license, and no establishment that sells alcoholic liquor may provide BYO services.

b. BYO Establishment Requirements:

(1) BYO is limited to beer and wine only. A BYO licensee shall ensure that no more than one (1) 750ml bottle of wine or thirty-six (36) ounces of beer per person be brought into the establishment.

(2) No BYO establishment may sell alcoholic liquors to any customer at any time.

(3) A BYO establishment must secure, maintain and provide evidence to the Local Liquor Control Commissioner that it has required insurance coverage set forth in section 3-4-6 of this article.

(4) A BYO establishment shall be responsible for ensuring that no persons under twenty one (21) years of age are in possession of BYO beer and wine or consume BYO beer and wine at any time.

(5) BYO beer and wine may be consumed only between the hours of ~~twelve~~ seven o'clock ~~(12:00)~~ (7:00) ~~noon~~ A.M. and eleven o'clock (11:00) P.M., and only when food is available for purchase.

(6) ~~No~~ A BYO establishment may impose any fee or charge on its customers related to the consumption of BYO beer or wine within the establishment, including without limitation any corkage fee or fee for supplies, disposal, storage or other services.

(7) A BYO establishment may provide corkscrews, bottle openers, glassware, ice, disposal services and similar items to customers ~~without a fee.~~

(8) No employee of a BYO establishment shall serve, pour or otherwise handle a customer's BYO beer and wine.

(9) A BYO establishment shall be responsible for ensuring that no customer is intoxicated. The establishment shall refuse BYO consumption for any intoxicated customers.

(10) No BYO establishment may permit any customer to enter or leave the establishment with any open beer or wine container except for an unsealed and partially consumed bottle of wine that is sealed pursuant to the requirements of section 3-5-10.

(11) Unless otherwise provided for by law, BYO establishments are subject to all State of Illinois and Village requirements, regulations, and penalties as any other Class B licensee.

(12) Any employee of a BYO establishment that serves customers shall complete the BASSET education and training requirement set forth in section 3-2-4 of this chapter.

(13) A BYO establishment must have a BASSET-certified manager or employee twenty-one (21) years of age or older at the licensed premises at all times while BYO consumption is permitted.

(14) The annual fee for a restaurant Class B-6 license ~~shall be one hundred dollars (\$100.00)~~ with a seating capacity of one hundred (100) or more persons shall be four-hundred fifty (\$450.00.00). For a restaurant with a seating capacity of

between ninety-nine (99) and fifty (50) persons, the annual fee shall be three-hundred thirty (\$350.00). For a restaurant with a seating capacity of below forty-nine (49) persons, the annual fee shall be three-hundred dollars (\$250.00).

Section 3. Village Code Amended. Chapter 3 (“Alcoholic Liquor Dealers”), Article 5 (“Miscellaneous”), Section 3-5-7 (“Closing Hours”) of the Oak Park Village Code is 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 3-4-2A1, A2, A4, B1, B2, B3, B4, B5, B6, D2, D3, and D4 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) 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 o'clock (7:00) A.M. on Saturday and Sunday.

No establishment licensed under subsection 3-4-2A1 of this chapter shall sell or serve alcoholic liquor in meeting rooms and reception rooms in hotels between twelve o'clock (12:00) midnight and nine o'clock (9:00) A.M.

B. No person licensed under either subsection 3-4-2A3 or E1 of this chapter 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 nine o'clock (9:00) A.M. and all patrons and customers of said licensee shall leave the premises not later than thirty (30) minutes following the closing hours herein established.

C. Patrons who have been served a meal in food establishments under class A-1 (in hotels with less than 100 rooms), B-1, B-2, B-3, ~~or B-4~~, B-5 or B-6 liquor licenses may continue to be served alcoholic liquor or consume for one hour after the service of food has ceased, but in no event later than the hours of closing established above.

D. Patrons of food establishments under class A-1 liquor licenses, in hotels with one hundred (100) rooms or more, may continue to be served alcoholic liquor for two (2) hours after the service of food has ceased, but in no event later than the hours of closing established above.

Section 4. 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-2 No more than ~~ten (10)~~ nine (9) Class B-2 licenses shall be issued.

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B-6 No more than ~~one (1)~~ two (2) Class B-6 licenses shall be issued.

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

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CLASS B-2 ~~VFJ Enterprises II Inc., DBA Chicago's Home Of Chicken & Waffles~~ 543 Madison Street

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CLASS B-6 VFJ Enterprises II Inc., DBA Chicago's Home Of Chicken & Waffles 543 Madison 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.

Section 6. 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 30th day of April, 2024, 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 Straw				
Trustee Wesley				

APPROVED this 30th day of April, 2024.

Vicki Scaman, Village President

ATTEST

Christina M. Waters, Village Clerk

Published in pamphlet form this 30th day of April, 2024.

Christina M. Waters, Village Clerk