

## **ORDINANCE**

**AN ORDINANCE AMENDING CHAPTER 3 ("ALCOHOLIC LIQUOR DEALERS"), ARTICLE 1 ("GENERAL PROVISIONS"), SECTION 3-1-1 ("DEFINITIONS"), 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 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 CLASS D-17 LIQUOR LICENSE TO MRM THREE, LLC, DBA SPILT MILK**

**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 April 25, 2022 special meeting, the Village's Local Liquor Control Review Board voted to recommend that the Village delete the previous Class D-17 liquor license classification and create a new Class D-17 liquor license classification as more fully set forth herein and that the Local Liquor Control Commissioner ("Commissioner") issue a Class D-17 license to MRM Three, LLC, DBA Spilt Milk ("Spilt Milk") pursuant to Spilt Milk's application for the property located at 811 South Boulevard; 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 a Class D-17 liquor license classification as set forth in this Ordinance and that such a license be issued to Spilt Milk; and

**WHEREAS**, in order for the Commissioner to issue the Class D-17 liquor license, the Oak Park Village Code ("Village Code") must be amended to allow for the issuance of the liquor license and the creation of the classification; 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 D-17 liquor license may be issued to Spilt Milk and the creation of the 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 1 (“General Provisions”), Section 3-1-1 (“Definitions”) of the Oak Park Village Code is amended by adding the underlined language to read as follows:

**3-1-1: DEFINITIONS:**

The following words and phrases shall have the meanings, and are hereby defined, as follows:

\* \* \* \*

BAKESHOP: Any public place kept, used, maintained, advertised and held out to the public as a place where cakes, cookies, pies, tarts, brownies, pastries, breads and other baked goods are produced on-site and sold for both on-site and off-site consumption, where the service of beer or wine is complementary and subsidiary to the sale and service of baked goods. Establishments that do not produce on-site all of the baked-goods which are sold on-site shall not qualify as a bakeshop.

\* \* \* \*

**Section 3. 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.

\* \* \* \*

**D. Miscellaneous:**

\* \* \* \*

~~17. Work Lounge Class D 17 Liquor License: A work lounge Class D 17 liquor license shall authorize the sale and service of alcoholic liquors only for consumption on the premises by persons at least twenty one (21) years of age, subject to the following additional regulations and conditions:~~

~~a. The sale and service of alcoholic liquors and live entertainment uses shall only be on the first floor of a work lounge and the first floor shall constitute the licensed premises.~~

~~b. The work lounge space, including the licensed premises, shall be a minimum of two thousand five hundred (2,500) square feet.~~

~~c. No bar shall be permitted.~~

~~d. The sale of prepackaged snacks will be available at all times alcoholic liquors are sold.~~

~~e. Service of alcoholic liquors shall be provided through a computerized beverage dispensing system that shall automatically limit the number of servings of alcoholic liquors to no more than two (2) per customer per sixty (60) minute time period. No person under twenty one (21) years of age shall operate the computerized beverage dispensing system.~~

~~f. No individual dispensed serving of beer shall be larger than thirteen (13) fluid ounces in size. The sale of beer in growlers is prohibited. No individual service size of wine shall be more than six (6) fluid ounces and no individual service size of spirits, mixed or otherwise, shall be larger in size than 1.5 ounces.~~

~~g. A licensee shall not prohibit patrons who intend to consume alcoholic liquors at the premises from providing and consuming their own food.~~

~~h. No person under the age of twenty one (21) years shall be on the premises without the supervision of a parent or legal guardian twenty one (21) years of age or older. Signage shall be posted at the entrance of the premises to reflect this requirement.~~

~~i. All staff must be BASSET trained and certified.~~

~~j. If the holder of a Class D-17 liquor license also has a pool table on the premises, the license holder must also possess a current license for the operation of a pool and/or billiard hall. The number of pool tables shall be limited to one table per twenty (20) seats available in the establishment and in no case shall the total number of pool tables exceed two (2) tables.~~

~~k. There shall be no signage outside the licensed premises to indicate the sale of alcoholic liquors. The licensee is also prohibited from displaying signage, visible from outside the licensed premises, advertising the sale of alcoholic liquors.~~

~~l. Authorized hours of business shall be as set forth in subsection 3-5-7A of this chapter for Class B liquor licenses and entertainment shall be permitted during the authorized hours of business.~~

~~m. The annual fee for a Class D-17 liquor license is two thousand dollars (\$2,000.00).~~

17. Bakeshop Class D-17 Liquor License: A bakeshop Class D-17 liquor License shall authorize the retail sale of beer and wine in the original package for off-premises consumption

and shall authorize the sale of beer and wine for on-site consumption with food by persons at least twenty-one (21) years of age, subject to the following additional regulations and conditions:

a. The licensee must be a bakeshop as defined in section 3-1-1 of this chapter and all baked goods sold to the public must be produced on-premises and there shall be at least five (5) different types, not flavors, of baked goods produced on-site for retail sale;

b. The licensee must be located within the boundaries of the business areas as defined in section 3-1-1 of this chapter;

c. The licensee's total square footage under roof shall be a minimum of one thousand (1,000) square feet with table seating for at least eight (8) customers;

d. The sale of beer and wine for both on-site and off-site consumption shall be incidental to the bakeshop business with less than twenty five percent (25%) of a licensee's gross revenue derived from beer and wine sales;

e. No bar shall be permitted;

f. The sale of baked-goods shall be available at all times that beer and wine are sold for on-site consumption;

g. No individual dispensed serving of beer shall be larger than twelve (12) fluid ounces and no individual dispensed serving of wine shall be larger than six (6) fluid ounces in size; the sale of beer in growlers is prohibited;

h. In addition to the sale of beer and wine, customers of the licensee must be given the opportunity to purchase non-alcoholic drink products;

i. All staff must be BASSET trained and certified;

j. The beer or wine authorized to be sold may occupy no more than twenty (20) percent of a licensee's available and visible display space in the public portion of the licensed premises and may not be visible from outside of the premises or be within sight of the public entryway on the inside of the business premises;

k. There shall be no signage outside the licensed premises to indicate the sale of alcoholic liquors and a licensee is prohibited from displaying signage, visible from outside the licensed premises, advertising the sale of alcoholic liquors;

l. A license holder shall not sell or permit to be sold or given away, any beer or wine, for consumption on-premises, between the hours of nine o'clock (9:00) P.M. and eleven o'clock (11:00) A.M., Monday through Sunday, and the license holder shall not sell or permit to be sold

or given away, any beer or wine, for consumption off-site, between the hours of nine o'clock (9:00) P.M. and nine o'clock (9:00) A.M., Monday through Sunday; and

m. The annual fee for a licensee with an indoor seating capacity of fifty (50) or more persons shall be three thousand five hundred dollars (\$3,500). For an establishment with a seating capacity of between eight (8) and forty-nine persons, the annual fee shall be two thousand five-hundred dollars (\$2,500.00).

**Section 4. Village Code Amended.** Chapter 3 ("Alcoholic Liquor Dealers"), Article 8 ("List of Licenses for Each 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:

	*	*	*	*
C-2	No more than <del>one (1)</del>	<u>zero (0)</u>	Class C-2 licenses	shall be issued.
	*	*	*	*
D-17	No more than <del>zero (0)</del>	<u>one (1)</u>	Class D-17 <del>licenses</del>	<u>license</u> shall be issued.
	*	*	*	*

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

	*	*	*	*
CLASS C-2	<del>MRM Three, LLC, DBA Spilt Milk</del>		<del>811 South Boulevard</del>	
	*	*	*	*
CLASS D-17	<u>MRM Three, LLC, DBA Spilt Milk</u>		<u>811 South Boulevard</u>	
	<del>Venture 1212 LLC, DBA Mojo Oak Park</del>		<del>193 N. Marion Street</del>	
	*	*	*	*

**Section 5. License Subject to Remittance of Alcoholic Liquor Purchase at Retail, Privilege Tax.** Any liquor license granted to Spilt Milk 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 6. 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 7. Effective Date.** This Ordinance shall be in full force and effect after its approval, passage and publication as provided by law.

**ADOPTED** this 2<sup>nd</sup> day of May, 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 Walker-Peddakotla				

**APPROVED** this 2<sup>nd</sup> day of May, 2022.

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Vicki Scaman, Village President

**ATTEST**

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Christina M. Waters, Village Clerk

Published in pamphlet form this 2<sup>nd</sup> day of May, 2022.

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Christina M. Waters, Village Clerk