

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 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-9 LIQUOR LICENSE TO COMEDY PLEX LLC, DBA COMEDY PLEX

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 May 3, 2023 special meeting, the Village’s Local Liquor Control Review Board (“LCRB”) voted to recommend that the Village amend the Class D-9 liquor license classification as more fully set forth herein and that the Local Liquor Control Commissioner (“Commissioner”) issue a Class D-9 license to Comedy Plex LLC (“Comedy Plex”) pursuant to Comedy Plex’s application for the property located at 1128 Lake Street; and

WHEREAS, the Board of Trustees agrees with the recommendation of the LCRB and finds that it is in the best interests of the Village amend the Class D-9 liquor license classification as set forth in this Ordinance and that such a license be issued to Comedy Plex; and

WHEREAS, in order for the Commissioner to issue the Class D-9 liquor license, the Oak Park Village Code (“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 D-9 liquor license may be issued to Comedy Plex.

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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D. Miscellaneous:

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9. Entertainment Club Class D-9 Liquor License: Entertainment club class D-9 liquor licenses shall authorize the sale in entertainment clubs only of alcoholic liquor for consumption on the premises where sold, subject to the following conditions:

- a. Entertainment clubs shall be limited to the Central Business Area.
- b. The sale of alcoholic beverages shall be limited to the hours of ~~six o'clock (6:00) P.M.~~ five o'clock (5:00) P.M. to twelve o'clock (12:00) midnight Monday through Thursday, from ~~six o'clock (6:00) P.M.~~ five o'clock (5:00) P.M. to one o'clock (1:00) A.M. on Fridays, from twelve o'clock (12:00) noon to one o'clock (1:00) A.M. on Saturdays and from twelve o'clock (12:00) noon to eleven o'clock (11:00) P.M. on Sundays.
- c. The closing time for all entertainment clubs shall be no more than one hour later than the time established for terminating the sale of alcoholic beverages.
- d. Patrons may continue to consume alcoholic beverages purchased prior to the time limitation established for the sale of alcoholic beverages until the time established for the closing of the entertainment club. The sale of non-alcoholic beverages shall be available at all times that alcoholic beverages are sold for on-site consumption.
- e. There shall be no signage outside the club to indicate the sale of alcoholic ~~liquor~~ beverages.
- f. No person under the age of twenty-one (21) years of age shall be permitted to be on licensed premises without the supervision of a parent or legal guardian twenty-one (21) years of age or older while alcoholic liquors are being served. Signage shall be posted at the entrance of the licensed premises to reflect this requirement.
- g. The sale of prepackaged food snacks shall be available for consumption at all times when alcoholic beverages are sold. Customers shall be permitted to bring food into the licensed premises for consumption during a licensee's hours of operation.

h. Alcoholic beverages shall be served only in single-servings and shall be in containers no less than six (6) ounces and no larger than sixteen (16) ounces in size. Alcoholic beverages shall not be served in bottles, pitchers or buckets.

i. Containers in which alcoholic liquors are served must be a different color, size and design of those in which non-alcoholic beverages are served by the licensee.

j. A licensee shall not serve or deliver more than two (2) alcoholic beverages to a person at a time and no customer shall possess more than two (2) alcoholic beverages at any time.

k. Sales of alcoholic beverages may be made from service bars containing alcoholic beverages, alcoholic liquors, mixes and related preparation materials. Such service bars shall not have seats or stools for customers at which to sit.

l. Licensees shall comply with section 3-2-4 of this chapter requiring BASSET training of all managers, supervisors, sellers and servers of alcoholic beverages.

¶ m. An entertainment club liquor license may be issued in conjunction with a restaurant license or as a separate liquor license. In the case of restaurants possessing both restaurant and entertainment club liquor licenses, the entertainment club license shall in no way limit the right of the restaurant liquor license holder to sell alcoholic beverages in accordance with the provisions of the restaurant liquor license held by same. Likewise, the entertainment club liquor license shall not expand the liquor license privileges of the restaurant with regard to alcoholic liquor served in conjunction with restaurant operations.

§ n. The annual fee for a class D-9 liquor license shall be two thousand five hundred dollars (\$2,500.00).

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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 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:

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D-9 No more than ~~zero (0)~~ one (1) Class D-9 ~~licenses~~ license shall be issued.

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

	*	*	*	*
CLASS D-9	<u>Comedy Plex LLC, DBA Comedy Plex</u>		<u>1128 Lake Street</u>	
	*	*	*	*

Section 4. License Subject to Remittance of Alcoholic Liquor Purchase at Retail, Privilege Tax. Any liquor license granted to Comedy Plex LLC 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 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 15th day of May, 2023, pursuant to a roll call vote at follows:

Voting	Aye	Nay	Abstain	Absent
President Scaman				
Trustee Buchanan				
Trustee Enyia				
Trustee Parakkat				
Trustee Robinson				
Trustee Straw				
Trustee Wesley				

APPROVED this 15th day of May, 2023.

Vicki Scaman, Village President

ATTEST

Christina M. Waters, Village Clerk

Published in pamphlet form this 15th day of May, 2023.

Christina M. Waters, Village Clerk