

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 SECTION 3-8-2 ("LICENSES BY NAME AND ADDRESS PER LICENSE") OF THE VILLAGE CODE OF OAK PARK
REGARDING THE CRAFT BREWERY D-15 LIQUOR LICENSE CLASSIFICATION**

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 and pursuant to the Illinois Liquor Control Act, 235 ILCS 5/1-1 *et seq.*, the Village is expressly empowered to regulate matters pertaining to the sale of alcoholic liquors in the village; and

WHEREAS, the Applicant, Noble Kinsman Brewing Company, LLC, DBA Kinslahger Brewing Company, currently is authorized to hold the Village's only D-15 liquor license and has requested that the Village's Craft Brewery D-15 liquor license classification be amended as set forth herein; and

WHEREAS, at its August 23, 2016 meeting, the Village's Liquor Control Review Board unanimously recommended that this Ordinance be adopted amending Section 3-4-2 of the Village Code regarding the Craft Brewery D-15 liquor license classification to extend the hour of closing from 10:00 p.m. to 12:00 a.m.; and

WHEREAS, the Board of Trustees agrees with the recommendation of the Liquor Control Review Board and finds that it is in the best interests of the Village to amend the Village Code as set forth herein.

NOW THEREFORE, BE IT ORDAINED by the President Pro Tem 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 Village Code of Oak Park is amended to add the following underlined language and delete the overstricken 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:

* * * *

15. Craft Brewery D-15 Liquor License: A Craft Brewery Class D-15 Liquor License shall authorize a licensee to produce at the licensed premises and store of craft beer in quantities not to exceed fifteen thousand (15,000) barrels of beer annually (or four hundred sixty-five thousand (465,000) gallons), the sale of such craft beer for consumption off-premises and onsite sampling and consumption of such craft beer by persons of at least twenty-one (21) years of age. Sale of craft beer manufactured outside the licensed premises is prohibited. Class D-15 licenses shall be issued subject to the following conditions;

a. It shall be unlawful for a class D-15 licensee to sell craft beer for off-premises consumption in less than a package of four (4) twelve (12) ounce containers, or a single twenty-two (22) ounce container.

b. During authorized hours of business, no more than five (5) craft beer servings shall be served to any customer in one (1) day. A craft beer serving shall be defined as one (1) glass containing more than eight (8) ounces and up to sixteen (16) ounces, two (2) half-pint glasses containing eight (8) ounces, or one (1) flight consisting of four (4) glasses containing four (4) ounces each. Glassware that is larger than a defined serving size must have a pour line to indicate serving size.

c. It shall be unlawful for the holder of a class D-15 license to provide a sample of or sell any craft beer before the hours of 11:00 a.m. or after the hour of ~~10:00 p.m.~~ 12:00 a.m.

d. All applicable taxes including sales tax shall be collected and paid on all revenue realized from the retail sale of craft beer.

e. Class D-15 licensees must have at least one (1) BASSET-certified site manager on-premises whenever beer is available for onsite consumption. Class D-15 licensees must provide packaged food service whenever beer is available for onsite consumption.

f. Class D-15 licensees must have a valid State of Illinois Class 3 Brewer's Liquor License and State of Illinois Class 10 Craft Brewer's Liquor License, or equivalent State of Illinois liquor licenses and comply with any and all applicable federal, state, and local laws and regulations, including, but not limited to procurement of a requisite Federal Brewer's Notice and any and all other requisite licenses and permits concerning manufacture, packaging, storing, sale, and distribution of alcoholic beverages.

g. Every employee of a class D-15 licensee who participates in the production and sale of craft beer must be BASSET-certified.

h. The location of the retail sale and consumption of craft beer shall be limited to the retail portion of the licensed premises, except during supervised tours and private parties located in the manufacturing area.

i. The portion of the licensed premises dedicated to the retail sale of craft beer shall be segregated from the remainder of the premises.

j. Not more than twenty-five percent (25%) of the total gross square footage area of the physical premises shall be designated to the retail sale of craft beer.

k. A licensee shall maintain accurate records as to the total gallons of beer manufactured on the premises and the total gallons of beer manufactured on the premises and sold for consumption off-premises. Licensee shall produce said records to the Village upon request.

l. The annual fee for a Class D-15 license shall be two thousand five hundred dollars (\$2,500.00).

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

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

	*	*	*	*
CLASS D-15	Noble Kinsman Brewing Company, LLC, <u>DBA Kinslahger Brewing Company</u>			6806 Roosevelt Road

Section 4. 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 5. Effective Date. This Ordinance shall be in full force and effect after its approval, passage and publication as provided by law.

ADOPTED this 6th day of September, 2016, pursuant to a roll call vote at follows:

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

APPROVED this 6th day of September, 2016.

Village President Pro Tem

ATTEST

Teresa Powell, Village Clerk

Published in pamphlet form this 6th day of September, 2016.

Teresa Powell, Village Clerk