

## ORDINANCE

### **AN ORDINANCE AMENDING SECTION 5-5-3 ("ANIMALS PROHIBITED IN PUBLIC BUILDINGS AND BUSINESSES") AND SECTION 8-24-2 ("GENERAL PROVISIONS"), SUBSECTION M ("SANITATION REQUIREMENTS FOR FOOD ESTABLISHMENTS") OF THE OAK PARK VILLAGE CODE TO PERMITS DOGS IN CRAFT BREW LOUNGES**

**WHEREAS**, the Village of Oak Park ("Village") as a home rule unit of local government as provided by Article VII, Section 6 of the Illinois Constitution of 1970 has the authority to exercise any power and perform any function pertaining to its government and affairs except as limited by Article VII, Section 6 of the Illinois Constitution of 1970; and

**WHEREAS**, as a home rule unit, the Village of Oak Park's powers shall be construed liberally as held by the Illinois Supreme Court in the case of *Scadron v. City of Des Plaines*, 153 Ill.2d 164 (1992); and

**WHEREAS**, the Village Board referred a request from the Tony Compaglia, the owner of The Beer Shop located at 1026 North Boulevard, which is currently the Village's sole Craft Brew Lounge Class D-16 liquor licensee, to allow dogs in his establishment to the Village's Board of Health for a recommendation; and

**WHEREAS**, at its meeting of May 22, 2018, the Board of Health voted in favor of the request by a vote of five (5) in favor, none (0) against and one (1) abstention subject to certain requirements as set forth in the Board of Health's "Report and Recommendations," which was unanimously adopted by the Board of Health on by June 26, 2018; and

**WHEREAS**, the Village Board has received the Board of Health's Report and Recommendations and has determined to concur with the Board of Health's recommendation to permit dogs in craft brew lounges subject to the requirements set forth herein; and

**WHEREAS**, this Ordinance is adopted pursuant to the Village's home rule authority as set forth above.

**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 as though fully set forth.

**Section 2. Village Code Amended.** Chapter 5 ("Animals"), Article 2 ("Prohibited Activities of Owners and Others"), Section 5-5-3 ("Animals Prohibited in Public Buildings and Businesses") of the Oak Park Village Code is amended to add the underlined language and delete the overstricken language as follows:

### 5-5-3: ANIMALS PROHIBITED IN PUBLIC BUILDINGS AND BUSINESSES:

It shall be unlawful for any animal, even though on a leash, to be in or enter any public building, food establishment, or any business except a business for the sale or treatment of animals or business offering services or goods for animals, anywhere within the Village during the time that any of said places are open for use by the public, except for:

- A. Service animals;
- B. Dogs used by persons in the employ of recognized local, state or federal law enforcement agencies;
- C. Animals presented in animal exhibits;
- D. Animals participating in authorized animal obedience training classes; ~~or~~
- E. Animals kept by the owner or operator of a business establishment; or
- F. Dogs, other than service animals, in an establishment that maintains a Village issued craft brew lounge Class D-16 liquor license subject to the following requirements:

1. Any dog must be on a leash at all times and if not on a leash, shall be immediately removed by the patron with the dog from the premises;

2. A patron shall be allowed to bring one (1) dog into the premises;

3. Dogs must keep off any furniture on the premises;

4. The licensee shall have the right to refuse to serve a patron with a dog if a patron fails to keep a dog on a leash, fails to exercise reasonable control over the dog, or the dog behaves in a manner that compromises or threatens to compromise the health or safety of any person present in the establishment;

5. Only dogs bearing a current Village license required by this Code shall be permitted in the establishment;

6. A sign at least 8<sup>1</sup>/<sub>2</sub> inches by 11 inches in size, written in 16 point font shall be posted in a conspicuous place in the establishment providing that that the establishment permits dogs, that dogs must be on a leash, dogs must keep off the furniture, only one dog per patron shall be allowed and any dog entering the establishment must be licensed by the Village;

7. All furniture, fixtures and walking surfaces shall be made of hard surfaces that can be washed with soap and water, hosed down and sanitized on a regular basis and any dog waste shall be removed and disposed in a covered waste receptacle and the area sanitized immediately;

8. Tables and chairs at which patrons with dogs are seated shall be cleaned and sanitized after the seating of a patron with a dog;

9. The establishment shall immediately notify the Village if a dog with a patron attacks, bites, or threatens another dog or person or jumps on any person without that person's consent;

10. A dog on the premises shall not be provided any food;

11. A dog on the premises shall not have any contact with any food, food contact surfaces, serving dishes or glasses, utensils, paper products or any other food service products;

12. No establishment employee shall have any contact with a dog on the premises and a sign shall be posted on the premises in an area viewable by employees providing notice to employees of said requirement. If an employee has contact with a dog or a surface touched by a dog, the employee shall immediately wash his or her hands before continuing to provide any service to patrons; and

13. The Class D-16 licensee shall maintain liability insurance with limits of not less than one million dollars (\$1,000,000.00) combined single limit or one million dollars (\$1,000,000.00) per occurrence and per aggregate, and shall submit a certificate or policy of insurance as evidence of such coverage, issued by an insurance company licensed to do business in the State of Illinois and having a "Best" rating acceptable to the Village. The effective period of such insurance coverage shall coincide with the period the applicable license is in effect.

**Section 3. Village Code Amended.** Chapter 8 ("Business Licensing"), Article 24 ("Foods and Food Establishments"), Section 8-24-2 ("General Provisions"), Subsection M ("Sanitation Requirements for Food Establishments") of the Oak Park Village Code is amended to add the underlined language and delete the overstricken language as follows:

**8-24-2: GENERAL PROVISIONS:**

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M. Sanitation Requirements For Food Establishments: The sanitation requirements for food establishments shall be regulated in accordance with the terms of the ~~1975~~

~~edition of the Illinois department of public health, "Food Service Sanitation Rules And Regulations Pertaining To The Sanitation Of Food Service Establishments," and the terms of the 1968 Illinois department of public health "Rules And Regulations For Retail Food Stores,"~~ Food Service Sanitation Code, 77 Illinois Administrative Code 750 et seq., adopted by the Illinois Department of Public Health and as may from time to time thereunder be amended, three (3) copies of which are and shall remain on file in the office of the Village Clerk; provided, that the following additions or deletions to the Illinois department of public health rules and regulations Food Service Sanitation Code set forth in this article, chapter 20 ("Public Health"), article 6 ("Food Service Sanitation Training and Certification") of this Code and section 5-5-3 of this Code shall have precedence.

**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 30<sup>th</sup> day of July, 2018, pursuant to a roll call vote at follows:

Voting	Aye	Nay	Abstain	Absent
President Abu-Taleb				
Trustee Andrews				
Trustee Boutet				
Trustee Button				
Trustee Moroney				
Trustee Taglia				
Trustee Tucker				

**APPROVED** this 30<sup>th</sup> day of July, 2018.

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Anan Abu-Taleb, Village President

**ATTEST**

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Vicki Scaman, Village Clerk

Published in pamphlet form this 30<sup>th</sup> day of July, 2018.

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Vicki Scaman, Village Clerk