

ORDINANCE

**AN ORDINANCE AMENDING 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 FOR THE ISSUANCE OF A
CLASS B-1 LIQUOR LICENSE TO LIVE 2.0!, LLC, DBA LIVE CAFÉ**

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, Live 2.0!, LLC, DBA Live Café ("Live Café") has applied for a Class B-1 liquor license for the property located at 163 South Oak Park Avenue, Oak Park, Illinois;

WHEREAS, Live Café holds a Class B-2 liquor license and Live Café shall surrender to the Village its Restaurant Class B-2 liquor license upon the issuance of the Class B-1 liquor license set forth herein;

WHEREAS, at its meeting of September 25, 2018, the Village's Local Liquor Control Review Board unanimously voted to recommend to the Local Liquor Control Commissioner ("Commissioner") that Live Café's application be granted and that a Class B-1 liquor license be issued and the Commissioner concurs with this recommendation;

WHEREAS, in order for the Commissioner to issue the previous Class B-1 liquor license, the Oak Park Village Code ("Village Code") must be amended to allow for the issuance of the liquor license;

WHEREAS, in order for the Commissioner to remove the Class B-2 liquor license, the Oak Park Village Code ("Village Code") must be amended to allow for the removal 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-1 liquor license may be issued to Live Café.

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 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:

3-8-1 NUMBER OF LICENSES TO BE ISSUED PER LICENSE CLASS:

	*	*	*	*
B-1	No more than fifteen (15) <u>sixteen (16)</u> Class B-1 licenses shall be issued.			
B-2	No more than twelve (12) <u>eleven (11)</u> Class B-2 licenses shall be issued.			

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

	*	*	*	*
CLASS B-1	<u>Live 2.0!, LLC, DBA Live Café</u>		<u>163 South Oak Park Avenue</u>	
	*	*	*	*
CLASS B-2	<u>Live 2.0!, LLC d/b/a Live Café</u>		<u>163 South Oak Park Avenue</u>	
	*	*	*	*

Section 3. License Subject to Remittance of Alcoholic Liquor Purchase at Retail, Privilege Tax. Any liquor license granted to Live Café 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 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 1st day of October, 2018, pursuant to a roll call vote as follows:

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

APPROVED this 1st day of October, 2018.

Village President Pro Tem

ATTEST

Vicki Scaman, Village Clerk

Published in pamphlet form this 1st day of October, 2018.

Vicki Scaman, Village Clerk