

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") OF THE OAK PARK VILLAGE CODE TO ESTABLISH A NEW CLASS C-8 BOUTIQUE LIQUOR LICENSE CLASSIFICATION AND TO ISSUE A CLASS C-8 BOUTIQUE LIQUOR LICENSE TO L'ALBERELLO, INC., DBA ANFORA

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 August 27, 2019, the Village's Local Liquor Control Review Board recommended by a vote of five (5) in favor and none (0) against that the Village create a new Class C-8 boutique liquor license classification pursuant to the application of L'Alberello, Inc., DBA Anfora ("Anfora") as more fully set forth herein; and

WHEREAS, the Local Liquor Control Review Board also recommended by a vote of five (5) in favor and none (0) that Anfora's application for a C-8 boutique liquor license be granted and that the Local Liquor Control Commissioner ("Commissioner") issue such a license to Anfora pursuant to Anfora's application for the property located at 128 South Marion Street; 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 C-8 boutique liquor license classification as set forth in this Ordinance and that such a license be issued to Anfora; and

WHEREAS, in order for the Commissioner to issue the Class C-8 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;

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 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 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.

* * * *

C. Package Liquor Licenses:

1. Package Liquor Class C Licenses: A package liquor Class C license authorizes the sale of alcoholic liquor, beer and wine, in the original package not for consumption on the premises where sold, as hereinafter provided. All package liquor Class C licenses are subject to the following restrictions:

- a. Class C liquor licenses are permitted only in a district zoned for business or commercial uses.
- b. The sale of packaged liquor is permitted only from seven o'clock (7:00) A.M. to ten o'clock (10:00) P.M., Monday through Sunday.
- c. No alcoholic liquor may be sold in containers of less than twenty four (24) ounces.
- d. No exterior signage advertising by brand a specific alcoholic liquor, beer or wine, is permitted.
- e. Window signage must conform to the regulations contained in chapter 7, article 7 of this Code.
- f. Any delivery of package liquor must be made by agents or employees of the licensee who shall confirm that the recipients are over twenty one (21) years of age prior to delivering any package liquor to the recipient and shall require signature of the recipient to confirm the same.
- g. Prior to issuing or renewing a package liquor Class C license, the Local Liquor Control Commissioner shall cause an inspection of the premises proposed to be licensed to determine if such premises conform to all provisions of the law, including regulations adopted in accordance with this chapter.

h. The Commissioner may inspect licensed premises at any reasonable hour to determine if such premises and the licensee conform to all provisions of the law, including regulations adopted in accordance with this chapter.

i. Failure of the premises, or the licensee, to conform to all provisions of law and the regulations of the Commissioner shall be cause for the Commissioner either to refuse to renew the liquor license on its expiration, or to proceed in accordance with section 3-7-5 of this chapter.

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8. Package C-8 Boutique Liquor License: A package liquor class C-8 boutique license authorizes the sale of wine in the original package and not for consumption on the premises where sold other than as set forth below and other alcoholic liquors provided that the sale of alcoholic liquors other than wine shall be limited to no more than five percent (5%) of the licensee's total sales volume. In addition to the restrictions imposed in subsection 3-4-2C1 of this section, class C-8 liquor licenses are subject to the following:

a. Such business must be located in the "Central Business Area," as such a term is defined in section 3-1-1 of this chapter.

b. The tasting or sampling of wine only shall be permitted on the premises if the tasting or sampling is part of a promotion or sales device to encourage the sale of wine or as part of a wine education class and no charge of any kind or character shall be made for such tasting or sampling other than a charge for a wine education class.

c. A class C-8 liquor licensee shall be permitted to sell for on site consumption individual servings of wine of no more than six (6) ounces per glass. The hours for on site consumption of wine on the premises shall be from eleven o'clock (11:00) A.M. to ten o'clock (10:00) P.M.

d. A lounge area which seats no more than fifteen (15) persons for on site consumption shall be permitted which shall not include outdoor seating. Outdoor seating shall be as permitted by this Code.

e. Customers shall be permitted to provide and consume their own food on the premises as part of any tasting or sampling activity at the premises or as part of on site consumption of wine on the premises. In addition, a licensee shall be permitted to provide prepackaged snacks as part of any tasting or sampling activity or on site consumption of wine on the premises.

- f. Class C-8 liquor licenses shall only be issued to a premises located in a containing one thousand three hundred (1,300) or less square feet of retail space.
- g. All staff must be BASSET trained and certified.
- f. No bar shall be permitted.
- g. The annual fee for a Class D-17 liquor license is three thousand dollars (\$3,000.00).

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:

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

	*	*	*	*
<u>C-8</u>	<u>No more than one (1) Class C-8 licenses shall be issued.</u>			
	*	*	*	*

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

	*	*	*	*
<u>CLASS C-8</u>	<u>L’Alberello, Inc., DBA Anfora</u>	<u>128 S. Marion Street</u>		
	*	*	*	*

Section 4. License Subject to Remittance of Alcoholic Liquor Purchase at Retail, Privilege Tax. Any liquor license granted to L’Alberello, Inc., DBA Anfora 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.

ADOPTED this 16th day of September, 2019, pursuant to a roll call vote as follows:

Voting	Aye	Nay	Abstain	Absent
President Abu-Taleb			X	
Trustee Andrews				
Trustee Boutet				
Trustee Buchanan				
Trustee Moroney				
Trustee Taglia				
Trustee Walker-Peddakotla				

APPROVED this 16th day of September, 2019.

Village President Pro Tem

ATTEST

Vicki Scaman, Village Clerk

Published in pamphlet form this 16th day of September, 2019.

Vicki Scaman, Village Clerk