

## 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 REGARDING THE RESTAURANT B-6 BRING-YOUR-OWN (“BYO”) 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;

**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 October 22, 2019, the Village’s Local Liquor Control Review Board (“LCRB”) made the determination to recommend that the Village Board adopt certain Village Code amendments concerning the Village’s bring-your-own (“BYO”) liquor license classification as more fully set forth herein; and

**WHEREAS**, the Local Liquor Control Commissioner (“Commissioner”) is in agreement with the LCRB’s recommendation; and

**WHEREAS**, the Board of Trustees agrees with the recommendation of the LCRB and the Local Liquor Control Commissioner and finds that it is in the best interests of the Village to adopt the amendments 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 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.

\* \* \* \*

B. Restaurant Liquor Licenses:

\* \* \* \*

6. Restaurant Class B-6 Liquor License: A bring-your-own ("BYO") restaurant Class B-6 liquor license authorizes a licensee to allow customers to carry their own beer and wine into the BYO establishment as defined in subsection 3-4-2B6a of this section for consumption within that establishment, subject to the conditions set forth in subsection 3-4-2B6b of this section.

a. BYO Establishments; Conditions: BYO establishments are authorized to allow BYO beer and wine and consumption of BYO beer and wine within the licensed premises provided that the establishment does not otherwise hold another Class B restaurant license. A restaurant that holds another Class B restaurant license is not eligible for a Class B-6 license, and no establishment that sells alcoholic liquor may provide BYO services.

b. BYO Establishment Requirements:

(1) BYO is limited to beer and wine only.

(2) No BYO establishment may sell alcoholic liquors to any customer at any time.

(3) A BYO establishment must secure, maintain and provide evidence to the Local Liquor Control Commissioner that it has required insurance coverage set forth in section 3-4-6 of this article.

(4) A BYO establishment shall be responsible for ensuring that no persons under twenty one (21) years of age are in possession of BYO beer and wine or consume BYO beer and wine at any time.

(5) BYO beer and wine may be consumed only between the hours of twelve o'clock (12:00) noon and eleven o'clock (11:00) P.M.

(6) No BYO establishment may impose any fee or charge on its customers related to the consumption of BYO beer or wine within the establishment, including without limitation any corkage fee or fee for supplies, disposal, storage or other services.

(7) A BYO establishment may provide corkscrews, bottle openers, glassware, ice, disposal services and similar items to customers without a fee.

(8) No employee of a BYO establishment shall serve, pour or otherwise handle a customer's BYO beer and wine.

(9) A BYO establishment shall be responsible for ensuring that no customer is intoxicated. The establishment shall refuse BYO consumption for any intoxicated customers.

(10) No BYO establishment may permit any customer to enter or leave the establishment with any open beer or wine container except for an unsealed and partially consumed bottle of wine that is sealed pursuant to the requirements of section 3-5-10 of this Code.

(11) Unless otherwise provided for by law, BYO establishments are subject to all State of Illinois and Village requirements, regulations, and penalties as any other Class B licensee.

Restaurant

(12) Any employee of a BYO establishment that serves customers shall complete the BASSET education and training requirement set forth in section 3-2-4 of this chapter.

(13) A BYO establishment must have a BASSET certified manager or employee twenty one (21) years of age or older at the licensed premises at all times while BYO consumption is permitted.

(14) The annual fee for a Class B-6 license shall be ~~five~~ one hundred dollars (~~\$500.00~~ \$100.00).

**Section 3. 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 4. Effective Date.** This Ordinance shall be in full force and effect after its approval, passage and publication as provided by law.

**[REMAINDER OF PAGE INTENTIONALLY LEFT BLANK]**

**ADOPTED** this 4<sup>th</sup> day of November, 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 4<sup>th</sup> day of November, 2019.

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Village President Pro Tem

**ATTEST**

\_\_\_\_\_  
Vicki Scaman, Village Clerk

Published in pamphlet form this 4<sup>th</sup> day of November, 2019.

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Vicki Scaman, Village Clerk