

## **ORDINANCE**

### **AN ORDINANCE AMENDING CHAPTER 3 ("ALCOHOLIC LIQUOR DEALERS"), ARTICLE 5 ("MISCELLANEOUS") OF THE OAK PARK VILLAGE CODE TO ADD A NEW SECTION 3- 5-11 ("DELIVERY AND CARRY OUT OF MIXED DRINKS PERMITTED") ON AN EMERGENCY BASIS DUE TO THE OUTBREAK OF COVID-19 DISEASE**

**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**, the State of Illinois has adopted a new section 6-28.8 of the Illinois Liquor Control Act, 235 ILCS 6/6-28.8, to permit the delivery and carry out of mixed drinks by retail liquor licenses in the State for a period of one (1) year from the date of adoption of the new section 6-28.8 to alleviate the economic ramifications of the closure of liquor license establishments in the State of Illinois due to the outbreak of COVID-19 disease;

**WHEREAS**, the Village President and Board of Trustees adopted Resolution 20-120 on March 13, 2020 declaring an emergency in the Village due to the outbreak of COVID-19 disease in the State of Illinois through April 6, 2020;

**WHEREAS**, the Village Board extended its declaration of emergency in the Village through May 5, 2020 by its adoption of Resolution 20-124 on April 6, 2020;

**WHEREAS**, the Village Board further extended its declaration of emergency in the Village through June 1, 2020 by its adoption of Resolution 20-128 on April 27, 2020; and

**WHEREAS**, the Local Liquor Control Commissioner recommends the adoption of this Ordinance on an emergency basis; and

**WHEREAS**, the Board of Trustees agrees with the recommendation of the Local Liquor Control Commissioner and has determined to adopt this Ordinance to provide emergency assistance by allowing Class B restaurant liquor licensees in the Village to sell mixed drinks for delivery and carry out during the time that section 6-28.8 of the Illinois Liquor Control Act, 235 ILCS 6/6-28.8, as amended, is in effect.

**NOW THEREFORE, BE IT ORDAINED** by the President and Board of Trustees of the Village of Oak Park, County of Cook, Illinois, in the exercise of their home rule powers, as follows:

**Section 1. Recitals Incorporated.** The above recitals are incorporated into this Ordinance and shall have the same force and effect as though fully set forth herein.

**Section 2. Village Code Amended.** Chapter 3 (“Alcoholic Liquor Dealers”), Article 5 (“Miscellaneous”) of the Oak Park Village Code is amended by adding a new Section 3-5-11 (“Delivery and Carry Out of Mixed Drinks Permitted) to read as follows:

**3-5-11: DELIVERY AND CARRY OUT MIXED DRINKS PERMITTED:**

The delivery and carry out of mixed drinks for sale by Class B restaurant liquor licensees is permitted in the Village pursuant to section 6-28.8 of the Illinois Liquor Control Act, 235 Illinois Compiled Statutes 6/6-28.8, as amended (“section 6-28.8”), for such time as section 6-28.8 remains in effect. The requirements of section 6-28.8 and any rules promulgated by the Illinois Liquor Control Commission pursuant to said section shall be applicable to such sales.

**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 and Repeal.** This Ordinance shall be in full force and effect after its approval, passage and publication as provided by law and shall be repealed of its own accord without further action at such time as section 6-28.8 of the Illinois Liquor Control Act, 235 Illinois Compiled Statutes 6/6-28.8, as amended, is no longer in effect.

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

**ADOPTED** this 28<sup>th</sup> day of May, 2020, 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 28<sup>th</sup> day of May, 2020.

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Village President Pro Tem

**ATTEST**

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

Published in pamphlet form this 28<sup>th</sup> day of May, 2020.

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Vicki Scaman, Village Clerk