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AN ORDINANCE AMENDING TITLE 7, CHAPTER 4 SECTION 7-4-23 OF THE ORLAND PARK VILLAGE CODE IN REGARD TO THE CONDUCT OF LIQUOR LICENSEES

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WHEREAS, the Village President and Board of Trustees of the Village of Orland Park (the “Village”) have the authority to adopt ordinances and to promulgate rules and regulations that pertain to its government and affairs and protect the public health, safety, and welfare of its citizens; and

WHEREAS, pursuant to 65 ILCS 5/1-2-1, the Village may pass all ordinances and make all rules and regulations proper or necessary, to carry into effect the powers granted to municipalities; and

WHEREAS, the Village deems it to be in the best interest of the public to clarify the Village Code provision with respect to the conduct of those licensed by the Village to sell, or offer to sell, alcoholic liquor for use or consumption.

NOW, THEREFORE, BE IT ORDAINED by the President and Board of Trustees of the Village of Orland Park, Cook and Will Counties, Illinois, and pursuant to its home rule powers, as follows:

SECTION 1:

The above recitals are incorporated herein by reference as though fully set forth herein.

SECTION 2:

Title 7, Chapter 4, Section 7-4-23, of the Orland Park Village Code is amended in its entirety to provide as follows:

“7-4-23: CONDUCT OF LICENSEE:

Every person and club licensed under this Chapter shall be subject to the following regulations:

It shall be unlawful for any person under the age of twenty-one (21) years to tend bar and/or draw, pour, open or mix alcoholic liquor in any licensed retail premises, and it shall be unlawful for any person under the age of twenty-one (21) years to dispense, sell or deliver any alcoholic liquor in the original package, bottle or case for consumption off the premises of any licensed establishment. Except for the provisions in this Section, it shall be lawful for any person eighteen (18) years of age or older to work in a licensed premises, and to serve alcoholic liquor.

Illegal or disorderly activities on or about the licensed premises is prohibited. No licensee under this Chapter nor any officer, associate, member, representative, agent or employee of such licensee shall engage, in or around the premises, in any activity or conduct or permit any other person to engage in any activity in or around the premises, which is prohibited by any ordinance of the Village or any law of Illinois or the United States. For purposes of this Chapter, "in or around the premises" shall mean in or around the licensed premises and in and around any adjacent or contiguous parking lot, which is utilized by a licensee to fulfill the parking requirements of the licensed premises.

Maintenance of order standard. Every licensee under this Chapter shall at all times maintain the licensed establishment in a good, peaceful and orderly manner and shall eject therefrom or refuse admittance to any person engaged in illegal, disorderly or violent conduct. Each licensee shall perform, or require its officers, associates, members, representatives, agents and employees to perform, at a minimum, the following acts to ensure that the maintenance of order standard is met in or around the licensed premises:

1. Provide sufficient security personnel and establish and implement procedures and policies to reasonably prevent the incidence of illegal, disorderly and/or violent conduct in or around the premises;
2. Removal and/or ejection of patrons exhibiting illegal, disorderly and/or violent conduct;
3. Provide sufficient training to the licensee's employees in such matters as recognizing signs of intoxication, over-serving and preventing illegal, disorderly and/or violent conduct;
4. Check identification of persons consuming alcohol to determine that such patrons are of lawful age;
5. Check identification of persons entering establishment during applicable hours, if applicable, to determine that such patrons are of lawful age;
6. Provide sufficient lighting for security purposes in and around the licensed premises;
7. Promptly address and report disturbances in or around the licensed establishment or in the parking lot of the licensed establishment to the police;
8. Cooperate with police in suppressing illegal, disorderly and/or violent conduct;
9. Assist the police in obtaining the names and addresses of any perpetrators or witnesses to such illegal, disorderly and/or violent conduct;
10. Cooperate in the prosecution of offenders;
11. Discontinue service of alcoholic beverages to persons who exhibit signs that they are becoming intoxicated;
12. Obey closing time regulations;
13. Prohibit the sale, exchange or use of illegal drugs or chemical substances in or around the licensed premises;
14. Prohibit prostitution or the soliciting of drinks; and
15. Perform any other act(s) as deemed necessary by the Village from time to time to ensure order is maintained in or around the licensed premises.

All licensees, officers, associates, members, agents, representatives or employees of such licensee dispensing or serving food or alcoholic liquor shall be decently clothed. Topless or similar type of attire is prohibited.

It shall be unlawful for any person, while acting as a waiter, waitress or entertainer to:

1. Expose his or her genitals, pubic hair, buttocks, natal cleft, perineum, anal region or pubic hair region; or
2. Expose any device, costume or covering which gives the appearance of or simulates the genitals, pubic hair, buttocks, natal cleft, perineum, anal region or pubic hair region; or
3. Expose any portion of the female breast at or below the areola thereof.

It shall be unlawful for any licensee to permit or allow any waiter, waitress or entertainer to commit any of the unlawful acts in this Section. A person shall be deemed to be a waiter, waitress or entertainer if such person acts in that capacity without regard to whether or not such person is paid any compensation by the management of the establishment in which the activity is performed.

It shall be unlawful to employ in any premises used for the retail sale of alcoholic liquor any person who is afflicted with, or who is a carrier of, any contagious, infectious or venereal disease, and it shall be unlawful for any person who is afflicted with or a carrier of any such disease to work in or about any premises or to engage in any way in the handling, preparation or distribution of such liquor.

It shall be unlawful for any licensee to suffer or permit any species of gambling in his premises or any part thereof or any place adjacent thereto under his control.

It shall be unlawful for anyone not having a license which provides for consumption on the premises where sold, to offer for sale, deliver or donate any alcoholic liquor for consumption on the premises, or to permit the same to be consumed on the premises where sold, delivered or donated.

It shall be unlawful to consume or permit the consumption of alcoholic liquor in public restaurants, catering establishments or other places of public gathering not having the appropriate liquor license. Any person, firm, corporation or entity who violates, disobeys, omits, neglects, refuses to comply with or who resists enforcement of any of the provisions of this Chapter, shall upon conviction be fined according to the fine schedule located in Appendix B for each offense.”

SECTION 3:

This Ordinance shall be in full force and effect from and after its adoption and publication in pamphlet form as provided by law.