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AN ORDINANCE AMENDING TITLE 7 CHAPTER 4 SECTIONS 5, 6, 15 AND 23 OF THE ORLAND PARK MUNICIPAL CODE (LIQUOR LICENSES FOR RESTAURANT BYOB BEER AND WINE AND FOR ARTS AND ENTERTAINMENT STUDIOS BYOB BEER AND WINE, TEMPORARY LIQUOR LICENSE FOR RETAIL ESTABLISHMENTS AND RELATED PROVISIONS)

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WHEREAS, the Corporate Authorities of the Village of Orland Park, Cook and Will Counties, Illinois (the "Village"), desire to provide for a liquor license for restaurants to allow patrons to bring beer or wine only for personal consumption, also known as "BYOB," under certain circumstances;

WHEREAS, the Corporate Authorities of the Village of Orland Park, Cook and Will Counties, Illinois (the "Village"), desire to provide for a liquor license for arts and entertainment studios to allow patrons to bring beer or wine only for personal consumption on the premises while attending an art or crafts class offered by an art studio, arts and crafts school or similar leisure/entertainment business under certain circumstances;

WHEREAS, the Corporate Authorities of the Village desire to allow retail establishments to obtain a temporary liquor license to allow the service of beer or wine only at a promotional event, under certain circumstances; and

WHEREAS, the Corporate Authorities of the Village desire to prohibit consumption of alcohol in public restaurants, catering establishments and other public places without a liquor license.

NOW, THEREFORE, BE IT ORDAINED by the President and Board of Trustees of the Village of Orland Park, Cook and Will Counties, Illinois, as follows:

SECTION 1

Title 7, Chapter 4, Section 6 of the Orland Park Municipal Code is hereby amended to add a new sub-section 13, Class M License to Section 7-4-6, "Licenses, Classes and Fees, Limitation on Number of Licenses," to read in its entirety as follows:

13. Class M License; Restaurant BYOB License: A Class M license shall entitle the licensee, a restaurant that does not sell alcoholic liquor, to permit consumption of beer or wine only brought onto the premises of the restaurant by a patron 21 years of age or older for personal consumption, including consumption of their dining guests who are 21 years of age or older, while the patron and dining guest(s) are being served a complete meal in the restaurant, subject to the conditions in this Subsection. The consumption of beer and wine is restricted to the licensed premises. The restaurant may charge a corkage fee to the patron. No more than one (1) 750 ml bottle of wine per patron or no more than thirty-

six (36) ounces of beer per patron (unopened) shall be permitted to be brought into the premises. The sale of beer, wine, spirits and all other types of alcoholic liquor to patrons of the licensed premises shall be prohibited. No package sales shall be permitted. The sale of beer, wine, spirits or other alcoholic beverages (e.g., wine coolers, spirits, prepared mixed drinks, etc.) in single cans or bottles, kegs or pitchers or any other form is prohibited. Patrons are prohibited from taking any opened alcoholic liquor outside of the premises, except for a re-corked wine bottle that has been sealed in a carry-out bag in accordance with state law. 235 ILCS 5/6-33. The licensee, on-site manager(s) or its BASSET-trained wait staff shall be responsible for opening the beer or wine bottles or containers brought into the licensed premises by patrons and may provide glasses to patrons as part of the service of beer or wine to patrons. The license fee for a Class M license shall be \$250.00 per annum. No licenses of this class shall be issued.

## SECTION 2

Title 7, Chapter 4, Section 6 of the Orland Park Municipal Code is hereby amended to add a new sub-section 14, Class N License to Section 7-4-6, "Licenses, Classes and Fees, Limitation on Number of Licenses," to read in its entirety as follows:

14. Class N License; Arts and Entertainment Studio: A Class N license shall entitle the licensee, an arts and entertainment studio, to permit consumption of beer or wine only brought onto the premises of the arts and entertainment studio by a patron 21 years of age or older for personal consumption for consumption of other patrons who are 21 years of age or older, while the patron(s) are also being served food. The consumption of beer and wine is restricted to the licensed premises. Such consumption shall be limited to members of a group assembled on the premises for the purpose of attending arts or crafts classes offered by an art studio, arts and crafts school, or similar leisure/entertainment business while the licensee is conducting classes. No more than one (1) 750 ml bottle of wine per patron or no more than thirty-six (36) ounces of beer per patron (unopened) shall be permitted to be brought into the premises. The sale of beer, wine, spirits and all other types of alcoholic liquor to patrons of the licensed premises shall be prohibited. No package sales shall be permitted. The sale of beer, wine, spirits or other alcoholic beverages (e.g., wine coolers, spirits, prepared mixed drinks, etc.) in single cans or bottles, kegs or pitchers or any other form is prohibited. Food must be served when alcoholic beverages are available for consumption. Such food may be prepared off-site by a licensed caterer or restaurant, and shall be served in a manner which complies with all applicable village codes and regulations. The license fee for a Class N license shall be \$250.00 per annum. No licenses of this class shall be issued.

## SECTION 3

Title 7, Chapter 4, Section 6 of the Orland Park Municipal Code is hereby amended to add a new sub-section 15, Class O License to Section 7-4-6, "Licenses, Classes and Fees, Limitation on Number of Licenses," to read in its entirety as follows:

15. Class O License; Temporary Promotional License - Retail Establishment: A Class O license shall entitle the licensee, a retail establishment that does not hold a liquor license, to serve beer or wine only at a promotional or civic event. Alcohol may only be served on the premises owned or leased by the licensee. All alcoholic beverage service and consumption must take place within the area specified in the license. There may be no charge of any kind for the alcoholic beverage. Each event shall require a separate license and cannot last for more than two (2) days. No more than three (3) such promotions or events for a particular licensee may be issued in any calendar year. No employee or other person under the age of twenty-one years of age may serve any alcoholic beverage. The licensee must execute a release and hold harmless statement that is satisfactory to the Village and that absolutely releases and absolved the Village, its officers, employees and agents from any liability. The license fee for a Class O license shall be \$25.00 per day. No licenses of this class shall be issued.

#### SECTION 4

Title 7, Chapter 4, Section 5 of the Orland Park Municipal Code, "License Required; Food Service," is hereby amended to revise the last sentence of the second paragraph to read in its entirety as follows:

However, no person shall sell or offer for sale at retail any alcoholic liquor for consumption on the premises unless such sale or offer to sell is incidental and complimentary to the service of food, as defined in Section 7-4-2 of this Chapter; provided however, that the requirement of this Section shall not be applicable to a Class F license, Class I license, Class J license or Class O license as hereinafter described.

#### SECTION 5

Title 7, Chapter 4, Section 5 of the Orland Park Municipal Code, "License Required; Food Service," is hereby amended to add the following sentence at the end of the last paragraph:

However, no license holder of a Class M License shall allow patrons to consume beer or wine on the premises unless such consumption is incidental and complimentary to the service of food, as defined in Section 7-4-2 of this Chapter.

#### SECTION 6

Title 7, Chapter 4, Section 15 of the Orland Park Municipal Code, "Opening and Closing Hours," is hereby amended to revise the last sentence of the second paragraph to read in its entirety as follows:

It shall be unlawful for a holder of a Class L license, Class N license or Class O license, as defined in Section 7-4-6 of this Chapter, to sell, offer for sale at retail, or permit patrons to consume alcoholic liquor in the Village between the hours of ten o'clock (10:00) p.m. and eleven o'clock (11:00) a.m.

## SECTION 7

Title 7, Chapter 4, Section 15 of the Orland Park Municipal Code, "Opening and Closing Hours," is hereby amended to add the following sentence at the end of the second paragraph:

It shall be unlawful for a holder of a Class M license, as defined in Section 7-4-6 of this Chapter, to permit patrons to consume alcoholic liquor in the Village between the hours of two o'clock (2:00) A.M. and seven o'clock (7:00) A.M. on week days and between the hours of two o'clock (2:00) A.M. and eleven o'clock (11:00) A. M. on Sundays.

## SECTION 8

Title 7, Chapter 4, Section 23 of the Orland Park Municipal Code, "Conduct of Licensee," is hereby amended to add the following new paragraphs at the end of the section:

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.

## SECTION 9

All Ordinances or parts of Ordinances in conflict with the provisions of this Ordinance are hereby repealed insofar as they conflict herewith.

## SECTION 10

This Ordinance shall be effective immediately upon its passage and approval in the manner provided by law.