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AN ORDINANCE AMENDING TITLE 7, CHAPTER 4 OF THE ORLAND PARK VILLAGE CODE IN REGARD TO ALCHOLIC LIQUOR SHIPPING AND DELIVERY

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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 amend the Village Code in order to regulate the shipping and delivery of alcoholic liquor in the Village.

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, is amended by creating new Section 7-4-30 of the Orland Park Village Code, to read in its entirety as follows:

“7-4-30: SHIPPING AND DELIVERY OF ALCOHOLIC LIQUOR

1. Shipping: All holders of a Class B license shall be permitted to ship alcoholic liquor and all holders of a Class D license shall be permitted to ship beer and wine from the licensed premises, in accordance with Illinois State law and subject to the following:
 - A. For the purposes of this Subsection, "shipping" or to “ship” means the movement of alcoholic liquor from a licensed retailer to a consumer via a common carrier.
 - B. The shipping container of any alcoholic liquor shipped under this Section shall be clearly labeled with the following words: "CONTAINS ALCOHOL. SIGNATURE OF A PERSON 21 YEARS OF AGE OR OLDER REQUIRED FOR DELIVERY. PROOF OF AGE AND IDENTITY MUST BE SHOWN BEFORE DELIVERY." This warning must be prominently displayed on the

packaging. Upon delivery of the alcoholic liquor, the purchaser must provide a valid and legal form of identification verifying that the purchaser is at least 21 years of age and the deliverer must verify that the identification is that of the purchaser and that the purchaser is at least 21 years of age. The licensee shall require the common carrier that delivers the alcoholic liquor to obtain the signature of a person 21 years of age or older at the delivery address at the time of delivery. At the expense of the licensee, the licensee shall receive a delivery confirmation from the common carrier indicating the location of the delivery, time of delivery, and the name and signature of the individual 21 years of age or older who accepts receipt of the alcoholic liquor and the licensee shall be required to retain the signed receipt for at least twenty-four (24) months.

2. Delivery: All holders of a Class B license shall be permitted to deliver alcoholic liquor and all holders of a Class D license shall be permitted to deliver beer and wine from the licensed premises, in accordance with Illinois State law and subject to the following:
 - A. For the purposes of this Subsection, "delivery" or to "deliver" means the movement of alcoholic liquor purchased from a licensed retailer to a consumer through the following methods:
 1. Delivery within the licensed retailer's parking lot, including curbside, for pickup by the consumer;
 2. Delivery by an owner, officer, director, shareholder, or employee of the licensed retailer; or
 3. Delivery by a third-party contractor, independent contractor, or agent with whom the licensed retailer has contracted to make deliveries of alcoholic liquors.
 - B. Under this Section, delivery shall not include the use of common carriers.
 - C. Delivery shall be made only within 12 hours from the time the alcoholic liquor leaves the licensed premises of the retailer for delivery.
 - D. A licensee shall require the person or entity that delivers the alcoholic liquor to obtain the signature of a person 21 years of age or older at the delivery address at the time of delivery. Upon delivery of the alcoholic liquor, the purchaser must provide a valid and legal form of identification verifying that the purchaser is at least 21 years of age and the deliverer must verify that the identification is that of the purchaser and that the purchaser is at least 21 years of age. At the expense of the licensee, the licensee shall receive a delivery confirmation from the person or entity making the delivery indicating the location of the delivery, time of delivery, and the name and signature of the

individual 21 years of age or older who accepts delivery and the licensee shall be required to retain the signed receipt for at least twenty-four (24) months.

3. The shipping and delivery of alcoholic liquor by Village liquor license holders are limited to the shipping and delivery authorized in this Section, or as otherwise authorized by Illinois State law.

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.