

ORIGINAL

ORDINANCE NO. CO-2016-23

**AN ORDINANCE AMENDING TITLE XI (BUSINESS REGULATIONS),
CHAPTER 117 (ALCOHOLIC BEVERAGES), SECTION 117.41 (HOURS OF OPERATION)
OF THE LIQUOR CONTROL ORDINANCE OF THE MAYWOOD VILLAGE CODE
REGARDING RETAIL PACKAGE SALE OF ALCOHOLIC LIQUOR ON SUNDAYS**

WHEREAS, the Village of Maywood is a home rule municipality as defined by Article VII, Section 6 of the Illinois Constitution of 1970; and

WHEREAS, the President and Board of Trustees of the Village of Maywood desire to make certain amendments to Title XI (Business Regulations), Chapter 117 (Alcoholic Beverages), Section 117.41 (Hours Of Operation) of the Maywood Village Code, as set forth below, relative to retail package sale of alcoholic liquor on Sundays (the "Code Amendments"); and

WHEREAS, at its October 11, 2016 meeting, the Local Liquor Control Commission favorably recommended the Code Amendments set forth below; and

WHEREAS, the Liquor Control Act of 1934 (235 ILCS 5/1-1 *et seq.*) grants to the Village the power, by general ordinance or resolution, to determine, among other things, the number, kind and classification of licenses for sale at retail of alcoholic liquor not inconsistent with the Act, the amount of local licensee fees to be paid for licenses issued, the penalties for the violation of regulations and restrictions relative to operation under local licenses, and to establish such further regulations and restrictions upon the issuance of and operations under local licenses not inconsistent with law as the public good and convenience may require; and

WHEREAS, pursuant to the authority granted under the Liquor Control Act of 1934 (235 ILCS 5/6-1 *et seq.*), and in accordance with the home rule authority granted to home rule municipalities as defined by Article VII, Section 6 of the Illinois Constitution of 1970, the President and Board of Trustees approve the Code Amendments as set forth below and find the Code Amendments to be in the best interests of the Village, its residents, business owners, property owners and the public.

BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF MAYWOOD, COOK COUNTY, ILLINOIS, AS FOLLOWS:

SECTION 1: The above recitals are incorporated as if fully set forth herein as material terms and provisions.

SECTION 2: Title XI (Business Regulations), Chapter 117 (Alcoholic Beverages), Section 117.41 (Hours Of Operation) of the Maywood Village Code is amended to read in its entirety as follows:

§117.41 HOURS OF OPERATION.

No alcoholic liquor shall be sold, given away or offered for sale in, upon or about any premises or place of business licensed for the sale of alcoholic liquor, except in accordance with the **following** hour limitations, which may be further restricted by ordinance for any liquor licensee in the discretion of the President and Board of Trustees of the Village or the Local Liquor Control Commissioner:

(A) Class A (full service restaurant) license.

(1) Regular license, commencing at 11:00 a.m. until 11:00 p.m., with extended hours from 11:00 p.m. on New Year's Eve Day to 2:00 a.m. on New Year's Day.

(2) Extended license, commencing at 11:00 a.m. until 2:00 a.m. the next day.

(3) A Class A licensee may apply to the Village Board for a temporary extension of the applicable hours of operation for a special event to be held on the licensed premises. If approved by the Village Board and the Local Liquor Control Commissioner, the temporary extension shall be limited to 1 hour, either allowing the service of alcoholic liquor 1 hour earlier or 1 hour later than permitted by this Code or by the ordinance authorizing the licensee's liquor license. The approval of the temporary extension of the hours of operation shall be by an ordinance passed by a majority of the Village Board members and further approved by the Local Liquor Control Commissioner.

(B) Class B (package store) license.

(1) Monday through Thursday, 9:00 a.m. until 12:00 a.m.

(2) Friday, Saturday and holidays, 9:00 a.m. until 1:00 a.m. the next day, provided that, if a holiday falls on a Sunday, no liquor may be sold before **11:00 a.m.**

(3) Sunday, **11:00 a.m.** until 12:00 a.m.

(C) Class C (temporary special event for non village-owned property) license. During such hours as may be determined by the Local Liquor Control Commissioner at time application for license is approved.

(D) Class D (private club) license.

(1) From 12:00 p.m. until 12:00 a.m. on Monday, Tuesday, Wednesday, Thursday and Sunday. From 12:00 p.m. until 2:00 a.m. the next day on Fridays, Saturdays and holidays.

(2) A Class D licensee may apply to the Village Board for a temporary extension of the applicable hours of operation for a special event to be held on the licensed premises. If approved by the Village Board and the Local Liquor Control Commissioner, the temporary extension shall be limited to 1 hour, either allowing the service of alcoholic liquor 1 hour earlier or 1 hour later than

permitted by this Code or by the ordinance authorizing the licensee's liquor license. The approval of the temporary extension of the hours of operation shall be by an ordinance passed by a majority of the Village Board members and further approved by the Local Liquor Control Commissioner.

(E) Class E (temporary special event for village-owned property) license. During such hours as may be determined by the Liquor Control Commission at time application for license is approved.

(F) Class F (banquet facilities) license.

(1) Regular license. From the hours of noon until midnight on Monday, Tuesday, Wednesday, Thursday and Sunday. From the hours of noon until 2:00 a.m. the next day on Fridays, Saturdays and holidays.

(2) Extended hours. From the hours of noon until 1:00 a.m. the next day on Monday, Tuesday, Wednesday, Thursday and Sunday. From the hours of noon until 3:00 a.m. the next day on Fridays, Saturdays and holidays.

(3) A Class F licensee may apply to the Village Board for a temporary extension of the applicable hours of operation for a special event to be held on the licensed premises. If approved by the Village Board and the Local Liquor Control Commissioner, the temporary extension shall be limited to 1 hour, either allowing the service of alcoholic liquor 1 hour earlier or 1 hour later than permitted by this Code or by the ordinance authorizing the licensee's liquor license. The approval of the temporary extension of the hours of operation shall be by an ordinance passed by a majority of the Village Board members and further approved by the Local Liquor Control Commissioner.

(G) Class G (full service restaurant - beer and wine only) license.

(1) Regular license, commencing at 11:00 a.m. until 11:00 p.m. **Mondays to Sundays**, with extended hours from 11:00 p.m. on New Year's Eve Day to 2:00 a.m. on New Year's Day.

(2) Extended license, commencing at 11:00 a.m. until 2:00 a.m. the next day **Mondays to Sundays**.

(3) A Class G licensee may apply to the Village Board for a temporary extension of the applicable hours of operation for a special event to be held on the licensed premises. If approved by the Village Board and the Local Liquor Control Commissioner, the temporary extension shall be limited to 1 hour, either allowing the service of alcoholic liquor 1 hour earlier or 1 hour later than permitted by this Code or by the ordinance authorizing the licensee's liquor license. The approval of the temporary extension of the hours of operation shall be by an ordinance passed by a majority of the Village Board members and further approved by the Local Liquor Control Commissioner.

(H) Class H (limited service restaurant; beer and wine only) license. From 11:00 a.m. until 11:00 p.m., with extended hours from 11:00 p.m. on New Year's Eve Day to 2:00 a.m. on New Year's Day.

(1) Extended license, commencing at 11:00 a.m. until 2:00 a.m. the next day.

(2) A Class H licensee may apply to the Village Board for a temporary extension of the applicable hours of operation for a special event to be held on the licensed premises. If approved by the Village Board and the Local Liquor Control Commissioner, the temporary extension shall be limited to 1 hour, either allowing the service of alcoholic liquor 1 hour earlier or 1 hour later than permitted by this Code or by the ordinance authorizing the licensee's liquor license. The approval of the temporary extension of the hours of operation shall be by an ordinance passed by a majority of the Village Board members and further approved by the Local Liquor Control Commissioner.

(I) Class I (package store - beer and wine only) license.

(1) Monday through Thursday, 9:00 a.m. until 12:00 a.m.

(2) Friday, Saturday and holidays, 9:00 a.m. until 1:00 a.m. the next day, provided that if a holiday falls on a Sunday, no liquor may be sold before 12:00 p.m.

(3) Sunday **11:00 a.m.** until 12:00 a.m.

(J) Class J (outdoor liquor café) license.

(1) During such hours as may be determined by the Liquor Control Commission at time application for license is approved.

(2) A Class J licensee may apply to the Village Board for a temporary extension of the applicable hours of operation for a special event to be held on the licensed premises. If approved by the Village Board and the Local Liquor Control Commissioner, the temporary extension shall be limited to 1 hour, either allowing the service of alcoholic liquor 1 hour earlier or 1 hour later than permitted by this Code or by the ordinance authorizing the licensee's liquor license. The approval of the temporary extension of the hours of operation shall be by an ordinance passed by a majority of the Village Board members and further approved by the Local Liquor Control Commissioner.

(K) Class K (caterer) license.

(1) During such hours as may be determined by the Liquor Control Commission at time application for license is approved.

(2) A Class K licensee may apply to the Village Board for a temporary extension of the applicable hours of operation for a special event to be held on the licensed premises. If approved by the Village Board and the Local Liquor Control Commissioner, the temporary extension shall be limited to 1 hour, either allowing the service of alcoholic liquor 1 hour earlier or 1 hour later than permitted by this Code or by the ordinance authorizing the licensee's liquor license. The approval of the temporary extension of the hours of operation shall

be by an ordinance passed by a majority of the Village Board members and further approved by the Local Liquor Control Commissioner.

(L) Class L (limited service restaurant at a recreational facility) license. From 11:00 a.m. until 11:00 p.m., with extended hours from 11:00 p.m. on New Year's Eve Day to 2:00 a.m. on New Year's Day.

(1) Extended license, commencing at 11:00 a.m. until 2:00 a.m. the next day.

(2) A Class L licensee may apply to the Village Board for a temporary extension of the applicable hours of operation for a special event to be held on the licensed premises. If approved by the Village Board and the Local Liquor Control Commissioner, the temporary extension shall be limited to 1 hour, either allowing the service of alcoholic liquor 1 hour earlier or 1 hour later than permitted by this Code or by the ordinance authorizing the licensee's liquor license. The approval of the temporary extension of the hours of operation shall be by an ordinance passed by a majority of the Village Board members and further approved by the Local Liquor Control Commissioner.

(M) Class M (video gaming cafe/bistro) license.

(1) From 11:00 a.m. until 11:00 p.m., **Mondays to Sundays** with extended hours from 11:00 p.m. on New Year's Eve Day to 2:00 a.m. on New Year's Day.

(2) Extended license, **Mondays to Sundays** commencing at 11:00 a.m. until 2:00 a.m. the next day.

(N) Holidays. For purposes of this section, the following shall be considered holidays:

New Year's Day (January 1)

Martin Luther King's birthday (January 15)

Valentine's Day (February 14)

Memorial Day

Independence Day (July 4)

Labor Day

Halloween (October 31)

Thanksgiving

Christmas Eve (December 24)

Christmas Day (December 25)

New Year's Eve (December 31)

(O) Retail liquor sales. It shall be unlawful to keep open for business, or to admit the public to any premises in or on which alcoholic liquor is sold at retail during the hours within which the sale of such liquor is prohibited; provided, that in the case of restaurants, hotels and Class B licensees, such as grocery stores and drug stores, where the sale of liquor is not the primary business conducted on the licensed premises, such establishments may keep open during such hours, but no alcoholic liquor may be sold to, given away, or consumed by the public during such hours.

SECTION 3: To the extent necessary, all table of contents, indexes, headings and internal references or cross-references to sections contained in the Maywood Village Code, as amended, that have been deleted or amended by the Code Amendments set forth above, shall be amended by the Village's codifier so as to be consistent with the Code Amendments of this Ordinance.

SECTION 4: Each section, paragraph, clause and provision of this Ordinance is separable, and if any provision is held unconstitutional or invalid for any reason, such decision shall not affect the remainder of this Ordinance, nor any part thereof, other than that part affected by such decision.

SECTION 5: All ordinances, or parts of ordinances, in conflict with the provisions of this Ordinance, to the extent of such conflict, are repealed. Except as to the Code Amendments set forth above in this Ordinance, all Chapters and Sections of the Maywood Village Code, as amended, shall remain in full force and effect.

SECTION 6: This Ordinance shall be in full force and effect from and after its adoption, approval and publication in pamphlet form as provided by law.

ADOPTED this 1st day of November, 2016, pursuant to a roll call vote as follows:

AYES: Mayor Edwenna Perkins, Trustee(s) H. Yarbrough, Sr., I. Brandon,
A. Dorris, M. Rogers, M. Lightford and R. Rivers.

NAYS: None

ABSENT: None

APPROVED by me this 3rd day of November, 2016, and attested by the Village Clerk on the same day.


VILLAGE PRESIDENT

ATTEST:


VILLAGE CLERK



