

ORIGINAL

ORDINANCE NO. CO-2016-32

**AN ORDINANCE AMENDING TITLE XI (BUSINESS REGULATIONS),
CHAPTER 117 (ALCOHOLIC BEVERAGES) OF THE MAYWOOD VILLAGE CODE
TO PROHIBIT THE ISSUANCE OF ANY NEW
CLASS M (VIDEO GAMING CAFÉ/BISTRO) LIQUOR LICENSES
IN THE VILLAGE OF MAYWOOD IN ACCORDANCE WITH
THE NOVEMBER 8, 2016 ADVISORY REFERENDUM RESULTS**

WHEREAS, the Village of Maywood (the "Village") is a home rule municipality, having all of the powers and authority granted to such municipalities pursuant to Article VII, Section 6 of the Illinois Constitution of 1970, including the right to exercise any power and perform any function pertaining to its government and affairs; 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, and the amount of local licensee fees to be paid for licenses issued; and

WHEREAS, pursuant to the authority set forth in Section 28-5 of the Illinois Election Code (10 ILCS 5/28-5), Section 3.1-40-60 of the Illinois Municipal Code (65 ILCS 5/3.1-40-60) and the home rule powers as provided by Article VII, Section 11 of the Illinois Constitution of 1970, the President and Board of Trustees of the Village of Maywood are authorized to adopt a resolution to allow a non-binding advisory public question to appear on the ballot for the November 8, 2016 General Election; and

WHEREAS, on July 28, 2016, the President and Board of Trustees of the Village of Maywood approved Resolution R-2016-22 – A RESOLUTION PROVIDING FOR AND REQUIRING THE SUBMISSION OF A NON-BINDING ADVISORY PUBLIC QUESTION CONCERNING WHETHER THE VILLAGE OF MAYWOOD SHOULD ADOPT AN ORDINANCE PROHIBITING THE ISSUANCE OF ANY NEW CLASS M (VIDEO GAMING CAFÉ/BISTRO) LIQUOR LICENSES IN THE VILLAGE OF MAYWOOD, TO APPEAR ON THE BALLOT OF THE ELECTORS OF SUCH VILLAGE AT THE GENERAL ELECTION TO BE HELD ON NOVEMBER 8, 2016; and

WHEREAS, the following proposition was submitted to the voters of the Village at the General Election held on Tuesday, November 8, 2016:

“Shall the Village of Maywood adopt an ordinance prohibiting the issuance of any new Class M (Video Gaming Café/Bistro) Liquor Licenses in the Village of Maywood?”

WHEREAS, the Village electors voted affirmatively that the Village of Maywood should adopt an ordinance prohibiting the issuance of any new Class M (Video Gaming Café/Bistro) Liquor Licenses in the Village of Maywood by a 55.60% (yes) to 44.40% (no) margin. Because this referendum was advisory and not mandatory, the prohibition on the issuance of any new Class M (Video Gaming Café/Bistro) Liquor Licenses is not automatic. In order to follow the direction of the electors, the President and Board of Trustees must adopt a liquor code amendment ordinance that enacts a prohibition on any new Class M (Video Gaming Café/Bistro) Liquor Licenses; and

WHEREAS, the President and Board of Trustees of the Village of Maywood desire to make certain amendments to the Maywood Village Code, as set forth below (the “Code Amendments”) to follow the direction of the Village electors and prohibit the issuance of any new Class M (Video Gaming Café/Bistro) Liquor Licenses in the Village of Maywood as of the effective date of this Ordinance; 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, § 6 of the Illinois Constitution of 1970, the President and Board of Trustees of the Village of Maywood approve the Code Amendments as set forth below.

BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF MAYWOOD, COOK COUNTY, ILLINOIS, PURSUANT TO THEIR HOME RULE AUTHORITY, SET FORTH AT ARTICLE VII, SECTION 6 OF THE ILLINOIS CONSTITUTION OF 1970, AS FOLLOWS:

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

SECTION 2: Chapter 117 (Alcoholic Beverages), Section 117.01 (Definitions) of the Maywood Village Code shall be amended, in its entirety, as shown by the underlined text as follows:

“A **VIDEO GAMING CAFÉ/BISTRO** is a specialized type of restaurant where a variety of light appetizers, sandwiches, wraps, salads and bakery products (collectively, “café fare”) are prepared on site or provided by a caterer, a restaurant or a bakery, and made available for retail sale and consumption by patrons during the hours that retail sale, service and consumption of beer and wine is permitted, but whose business model focuses on providing video gaming for its customers. A video gaming café/bistro may, but does not have to, provide an on-site kitchen, but shall

maintain, at a minimum, a refrigerator, coolers, microwave oven, heating lamps, and other food-related equipment necessary to offer and maintain fresh café fare during hours of operation. Convenience stores and gas stations do not qualify as video gaming cafes/bistros. NOTE: Pursuant to the results of an advisory referendum held at the November 8, 2016 General Election and as set forth in **Ordinance No. 2016-** approved by the corporate authorities of the Village on December 6, 2016, the corporate authorities and the Local Liquor License Commissioner of the Village of Maywood shall not approve the issuance of any new Class M (Video Gaming Café/Bistro) Liquor Licenses as of December 6, 2016. This prohibition shall not affect the renewal of the one (1) existing Class M (Video Gaming Café/Bistro) Liquor License that was approved by the corporate authorities and the Local Liquor License Commissioner prior to December 6, 2016 for Lacey's Place LLC Series Maywood d/b/a Lacey's Place within the Maybrook Plaza Shopping Center located at 611-617 West Roosevelt Road; however, the renewal of the Class M (Video Gaming Café/Bistro) Liquor License issued to Lacey's Place LLC Series Maywood d/b/a Lacey's Place renewal is subject to compliance with all of the applicable laws, Village ordinances, Village liquor control ordinance and Village regulations

SECTION 3: Chapter 117 (Alcoholic Beverages), Section 117.23 (Classifications; Fees; Number of Licenses), Subsection 117.23(M) of the Maywood Village Code shall be amended, in its entirety, as shown by the underlined text as follows:

(M) *Class M (video gaming café/bistro) license.*

(1) Prohibition on New Class M licenses. A Class M license shall authorize the retail sale of beer and wine only in a video gaming café/bistro. Beer and wine shall be served as an adjunct to cafe fare as specified in the definition of video gaming café/bistro above in Section 117.01. NOTE: Pursuant to the results of an advisory referendum held at the November 8, 2016 General Election and as set forth in **Ordinance No. 2016-** approved by the corporate authorities of the Village on December 6, 2016, the corporate authorities and the Local Liquor License Commissioner of the Village of Maywood shall not approve the issuance of any new Class M (Video Gaming Café/Bistro) Liquor Licenses as of December 6, 2016. This prohibition shall not affect the renewal of the one (1) existing Class M (Video Gaming Café/Bistro) Liquor License that was approved by the corporate authorities and the Local Liquor License Commissioner prior to December 6, 2016 for Lacey's Place LLC Series Maywood d/b/a Lacey's Place within the Maybrook Plaza Shopping Center located at 611-617 West Roosevelt Road; however, the renewal of the Class M (Video Gaming Café/Bistro) Liquor License issued to Lacey's Place LLC Series Maywood d/b/a Lacey's Place renewal is subject to

compliance with all of the applicable laws, Village ordinances, Village liquor control ordinance and Village regulations. ”

(2) A Class M license shall be subject to all of the following conditions and such other appropriate conditions required by the corporate authorities of the Village in an ordinance approving the creation and issuance of such a liquor license:

(a) Consumption of beer and wine is allowed in the entire licensed premises, but there shall be a designated gaming area in the café/bistro where the video terminals are located, separate from tables meant for food service and consumption of cafe/bistro fare.

(b) Beer and wine shall not be sold in pitchers.

(c) No package sales shall be permitted.

(d) Beer and wine shall be sold and served only during the permitted service hours set forth in § 117.41 below. The operation of video gaming terminals shall not be permitted during the hours alcoholic liquor sales are prohibited.

(e) A Class M licensee must have a video gaming license issued by the Illinois Gaming Board in accordance with the provisions of the Video Gaming Act, 230 ILCS 40/1 *et seq.*, and shall comply at all times with all provisions of the Illinois Video Gaming Act and all rules, regulations and restrictions imposed by the Illinois Gaming Board. A failure to maintain a video gaming license in good standing shall result in the immediate suspension of the Class M liquor license.

(f) No Class M liquor licensee shall require a person to pay a cover charge or any other type of form of admission fee in order to be able to enter the premises for which the license was issued.

(g) Compliance with the beverage alcohol sellers and servers education and training (BASSET) requirements of § 117.28 below.

(h) Compliance with the insurance and indemnification requirements of § 117.57 below, as applicable.

(i) Minors are not allowed in video gaming café/bistro establishments.

(j) Class M liquor licensees are required to install and operate a video and audio surveillance system within the licensed premises which shall record the activities within all parts of the licensed premises and shall function during all operating hours. In the alternative, such licensees may maintain a security guard on the licensed premises during all operating hours, whose duties shall include ensuring that no loitering occurs on the licensed premises. A Class M liquor licensee who fails to maintain a security guard or video and audio surveillance system as required by this subsection shall be subject to citation and to all penalties provided in §

117.99, including but not limited to monetary fines and suspension or revocation of the liquor license.

(3) The annual fee for a Class M license shall be:

- (a) Regular closing hours - \$1,250.
- (b) Extended closing hours - \$2,000.

SECTION 4: 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 5: Each section, paragraph, clause and provision of this Ordinance is severable, 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 6: 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 7: This Ordinance shall be in full force and effect from and after its adoption, approval and publication in pamphlet form as provided by law.

OR

There is an urgency in regard to the adoption and implementation of the prohibition on the issuance of any new Class M (Video Gaming Café/Bistro) Liquor Licenses as set forth above in this Ordinance in order that the Village conform to the results of the above-mentioned advisory referendum held at the November 8, 2016 General Election. Therefore, the President and Board of Trustees of the Village of Maywood desire that this Ordinance become effective immediately upon passage of this Ordinance by a two-thirds (2/3rds) vote of all of the members of the corporate authorities then holding office pursuant to Section 1-2-4 of the Illinois Municipal Code (65 ILCS 5/1-2-4). [REQUIRES 5 AFFIRMATIVE VOTES]

ADOPTED this 20th day of December, 2016, pursuant to a roll call vote as follows:

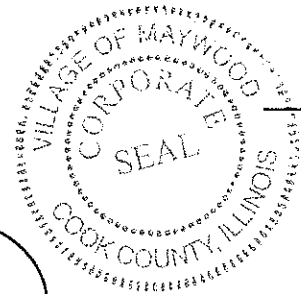
AYES: Mayor Edwenna Perkins, Trustee(s) H. Yarbrough, Sr.,
I. Brandon, A. Dorris, M. Rogers, M. Lightford and R. Rivers.
NAYS: None
ABSENT: None

APPROVED by me this 21st day of December, 2016, and attested by the Village Clerk on the same day.

ATTEST:



VILLAGE CLERK





VILLAGE PRESIDENT

STATE OF ILLINOIS)
) SS
COUNTY OF COOK)

CLERK'S CERTIFICATE

I, Viola Mims, Clerk of the Village of Maywood, in the County of Cook and State of Illinois, certify that the attached and foregoing is a true and correct copy of that certain Ordinance now on file in my Office, entitled:

ORDINANCE NO. CO-2016-32

**AN ORDINANCE AMENDING TITLE XI (BUSINESS REGULATIONS),
CHAPTER 117 (ALCOHOLIC BEVERAGES) OF THE MAYWOOD VILLAGE CODE
TO PROHIBIT THE ISSUANCE OF ANY NEW
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which Ordinance was passed by the Board of Trustees of the Village of Maywood at a Regular Village Board Meeting on the 20th day of December, 2016, at which meeting a quorum was present, and approved by the President of the Village of Maywood on the 21st day of December, 2016.

I further certify that the vote on the question of the passage of said Ordinance by the Board of Trustees of the Village of Maywood was taken by Ayes and Nays and recorded in the minutes of the Board of Trustees of the Village of Maywood, and that the result of said vote was as follows, to-wit:

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

NAYS: None

ABSENT: None

I do further certify that the original Ordinance, of which the foregoing is a true copy, is entrusted to my care for safekeeping, and that I am the lawful keeper of the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the Village of Maywood, this 21st day of December, 2016.



Village Clerk

[SEAL]

