

ORDINANCE NO. CO-2020-30

AN ORDINANCE AMENDING THE CLASS "F" (BANQUET HALL) LIQUOR LICENSE ISSUED TO MARIELLA'S BANQUET HALL II, INC. D/B/A MARIELLA'S BANQUET HALL II FOR THE 134 SOUTH 5TH AVENUE PROPERTY TO AUTHORIZE THE OPERATION OF A BANQUET FACILITIES / LIMITED RESTAURANT AND AN OUTDOOR LIQUOR CAFÉ UNDER THE CLASS "F" (BANQUET HALL) LIQUOR LICENSE'S SUBCLASS F-1 (BANQUET FACILITIES / LIMITED RESTAURANT) LIQUOR LICENSE DESIGNATION AND SUBCLASS F-2 (BANQUET FACILITIES / OUTDOOR LIQUOR CAFÉ) LIQUOR LICENSE DESIGNATION

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

WHEREAS, on May 19, 2015, the President and Board of Trustees of the Village of Maywood approved Ordinance No. CO-2015-15 that granted to Mariella's Banquet Hall II, Inc. d/b/a Mariella's Banquet Hall II ("Licensee"), the owner of the 134 South 5th Avenue property and building thereon, a Class "F" (Banquet Facilities) Liquor License for purposes of allowing the retail sale, service and consumption of alcohol within and as part of the operation of a banquet hall (the "Licensed Premises"). The 2015 approval of the Class "F" (Banquet Facilities) Liquor License authorized the retail sale, service and consumption of alcohol during regular hours of operation of a banquet hall; and

WHEREAS, on September 20, 2020, the Licensee filed a request with the Village seeking alternate relief: (a) the primary request sought approval of amendments to the Liquor Control Ordinance of the Maywood Village Code to add two (2) subclasses to the Class "F" (Banquet Facilities) Liquor License referred to as the "Subclass F-1 (Banquet Facilities / Limited Restaurant) Liquor License Designation" and the "Subclass F-2 (Banquet Facilities / Outdoor Liquor Cafe) Liquor License Designation", and then amending the current Class "F" (Banquet Facilities) Liquor License to add those two (2) subclasses (the Primary Request"); and (b) the alternate portion of the request sought approval of a Class "N" (Limited Restaurant) Liquor License (the "Alternate Relief") in the event the Primary Request was denied (collectively the "Licensee's Request"); and

WHEREAS, at a September 23, 2020 public meeting, the Maywood Local Liquor Control Commission and the Local Liquor Control Commissioner Edwenna Perkins (collectively the "Commission") considered the Licensee's Request, received comments from the Licensee, Village staff and the public, and then voted to favorably recommend that the Village Board approve either the Primary Relief or the Alternate Relief contained in Licensee's Request. At the September 23, 2020 public meeting, the Commission considered the establishment's history of compliance with the Maywood Village Code provisions regarding the sale of liquor, and the lack of any public safety issues related to the location of the establishment. The Recommendation, dated September 25, 2020, of the Maywood Local Liquor Control Commission is incorporated by reference into this Ordinance and a copy of the Recommendation is on file in the Village Clerk's Office; and

WHEREAS, at an October 6, 2020 public meeting, the President and Board of Trustees of the Village of Maywood considered Licensee's Request, received comments from the Licensee, Village staff and the public, and then voted to grant preliminary approval of the Primary Relief contained in Licensee's Request and directed the Village Attorney to prepare ordinances to enact the necessary code amendments related to Licensee's Primary Request and to amend the current Class "F" (Banquet

Facilities) Liquor License issued to the Licensee to add the Subclass F-1 (Banquet Facilities / Limited Restaurant) Liquor License Designation and the Subclass F-2 (Banquet Facilities / Outdoor Liquor Cafe) Liquor License Designation; and

WHEREAS, at an October 20, 2020 public meeting, the President and Board of Trustees of the Village of Maywood granted final approval of Licensee's Primary Request by voting to approve ordinances enacting the necessary code amendments related to Licensee's Primary Request and amending the current Class "F" (Banquet Facilities) Liquor License issued to Licensee to add the Subclass F-1 (Banquet Facilities / Limited Restaurant) Liquor License Designation and the Subclass F-2 (Banquet Facilities / Outdoor Liquor Cafe) Liquor License Designation; and

WHEREAS, with the passage of Ordinance No. CO-2020-29 on October 20, 2020, the President and Board of Trustees of the Village of Maywood adopted certain amendments to Chapter 117 (Alcoholic Beverages) of the Maywood Village Code to add the Subclass F-1 (Banquet Facilities / Limited Restaurant) Liquor License Designation and the Subclass F-2 (Banquet Facilities / Outdoor Liquor Cafe) Liquor License Designation to the Class "F" (Banquet Facilities) Liquor License regulations and enacted other related and necessary updates to the Maywood Liquor Code regulations to implement the approvals set forth below in this Ordinance; 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 of the Village of Maywood approve the Code Amendments as set forth below.

BE IT ORDAINED BY THE VILLAGE 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: The corporate authorities of the Village of Maywood authorize and direct the Local Liquor Control Commissioner, or her designee, and the Village Clerk, or her designee, to amend the current Class "F" (Banquet Facilities) Liquor License on file with the Village as issued to Mariella's Banquet Hall II, Inc. d/b/a Mariella's Banquet Hall II to add the Subclass F-1 (Banquet Facilities / Limited Restaurant) Liquor License Designation, SUBJECT TO THE CONDITIONS SET FORTH BELOW IN SECTION 5.

SECTION 3: The corporate authorities of the Village of Maywood authorize and direct the Local Liquor Control Commissioner, or her designee, and the Village Clerk, or her designee, to amend the current Class "F" (Banquet Facilities) Liquor License on file with the Village as issued to Mariella's

Banquet Hall II, Inc. d/b/a Mariella's Banquet Hall II to add the Subclass F-2 (Banquet Facilities / Outdoor Liquor Cafe) Liquor License Designation, SUBJECT TO THE CONDITIONS SET FORTH BELOW IN SECTION 5.

SECTION 4: The approval of the amendments to the current Class "F" (Banquet Facilities) Liquor License issued to Mariella's Banquet Hall II, Inc. d/b/a Mariella's Banquet Hall II, as set forth in Sections 2 and 3 above, do not require or involve the issuance of a new liquor license by the Village and do not change the number of Class "F" (Banquet Facilities) Liquor Licenses which can be issued in the Village of Maywood.

SECTION 5: The amendments to the current Class "F" (Banquet Facilities) Liquor License issued to Mariella's Banquet Hall II, Inc. d/b/a Mariella's Banquet Hall II to add the Subclass F-1 (Banquet Facilities / Limited Restaurant) Liquor License Designation and the Subclass F-2 (Banquet Facilities / Outdoor Liquor Cafe) Liquor License Designation are subject to the Licensee's compliance with the following conditions:

- A. Mariella's Banquet Hall II, Inc. shall comply with the applicable provisions of Chapter 117 (Alcoholic Beverages) of the Maywood Village Code, as amended, including the Class "F" (Banquet Facilities) Liquor License regulations and the Subclass F-1 (Banquet Facilities / Limited Restaurant) Liquor License Designation regulations and the Subclass F-2 (Banquet Facilities / Outdoor Liquor Cafe) Liquor License Designation regulations.
- B. Mariella's Banquet Hall II, Inc. shall comply with the applicable provisions of Ordinance No. CO-2015-15 that granted to Mariella's Banquet Hall II, Inc. d/b/a Mariella's Banquet Hall II the Class "F" (Banquet Facilities) Liquor License, as amended by this Ordinance.
- C. Mariella's Banquet Hall II, Inc. shall comply with the other applicable provisions of the Maywood Village Code, as amended, including but not limited to the Fire Prevention Code, the Plumbing Code, the Building Code, the Property Maintenance Code, the Illinois Accessibility Code and the Zoning Code. The proposed banquet hall facility to be operated on the above-listed property shall have separate men's and women's lavatories of sufficient size, with an adequate number of toilets, urinals and sinks to accommodate the maximum permitted occupancy limit.
- D. Mariella's Banquet Hall II, Inc. shall at all times comply with the parking requirements of the Village Code, as amended, by acquiring the right to use parking lots in close proximity to the above-listed property either by purchasing said parking lots or by maintaining in full force and effect, during the term of the liquor license, parking lot agreements with the property owners of said parking lots. Copies of the parking lot agreements or proof of ownership of any such parking lots shall be filed with the Village Manager as a condition of issuance or any renewal of the liquor license.
- E. Mariella's Banquet Hall II, Inc. shall post on the building, at or near each entrance, signs that read "No Loitering" and shall cooperate with the Village to enforce the no loitering regulation by contacting the Maywood Police Department when violators are present.
- F. The Owner / President of Mariella's Banquet Hall II, Inc. shall sign the Acknowledgement attached hereto as **Exhibit "A"**.
- G. The amendment of the current Class "F" (Banquet Facilities) Liquor License issued to Mariella's Banquet Hall II, Inc. d/b/a Mariella's Banquet Hall II to add the Subclass F-1 (Banquet Facilities / Limited Restaurant) Liquor License Designation is contingent upon Mariella's Banquet Hall II, Inc. operating the Banquet Facilities / Limited Restaurant in substantial conformance with the Site Plan (attached hereto as **Group Exhibit "B"**) and Floor Plan (attached hereto as **Group Exhibit "B"**).

- H. The amendment of the current Class "F" (Banquet Facilities) Liquor License issued to Mariella's Banquet Hall II, Inc. d/b/a Mariella's Banquet Hall II to add the Subclass F-2 (Banquet Facilities / Outdoor Liquor Cafe) Liquor License Designation is contingent upon Mariella's Banquet Hall II, Inc. operating the Banquet Facilities / Outdoor Liquor Cafe in substantial conformance with the Site Plan (attached hereto as **Group Exhibit "B"**) and Floor Plan (attached hereto as **Group Exhibit "B"**).

SECTION 6: That 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 20th day of October, 2020, pursuant to a roll call vote as follows:

AYES: Mayor Perkins, Trustee(s) I. Brandon, M. Jones, K. Wellington and N. Booker

NAYS: None

ABSTAIN: Trustee A. Sanchez

ABSENT: Trustee M. Lightford

APPROVED by me this 20th day of October, 2020, and attested by the Village Clerk on the same day.

Edwenna Perkins, Village President

ATTEST:

Viola Mims, Village Clerk

Published by me in pamphlet form this 21st day of October, 2020.

Viola Mims, Village Clerk

EXHIBIT "A"

**ACKNOWLEDGEMENT BY LIQUOR LICENSE HOLDER / APPLICANT
FOR AN AMENDMENT TO THE CLASS "F" (BANQUET HALL) LIQUOR LICENSE
ISSUED TO MARIELLA'S BANQUET HALL II, INC. FOR THE 134 SOUTH 5TH AVENUE PROPERTY
TO AUTHORIZE THE OPERATION OF A BANQUET FACILITIES / LIMITED RESTAURANT
AND A BANQUET FACILITIES / OUTDOOR LIQUOR CAFÉ
UNDER THE CLASS "F" (BANQUET HALL) LIQUOR LICENSE'S SUBCLASS F-1
(BANQUET FACILITIES / LIMITED RESTAURANT) LIQUOR LICENSE DESIGNATION AND
SUBCLASS F-2 (BANQUET FACILITIES / OUTDOOR LIQUOR CAFÉ) LIQUOR LICENSE DESIGNATION**

I, the undersigned Liquor License Holder / Applicant, agree to comply with and fulfill each and every term, condition and obligation set forth above in the Ordinance amending the Class "F" (Banquet Hall) Liquor License issued to Mariella's Banquet Hall II, Inc. for the 134 South 5th Avenue Property and authorizing the operation of a Banquet Facilities / Limited Restaurant and Outdoor Liquor Café under the Class "F" (Banquet Hall) Liquor License's Subclass F-1 (Banquet Facilities / Limited Restaurant) Liquor License Designation and Subclass F-2 (Banquet Facilities / Outdoor Liquor Café) Liquor License Designation, including each of the conditions set forth in Section 5 above.

Liquor License Applicant / Mariella's Banquet Hall II, Inc.

By: _____

Name: _____
President / Owner

Date: _____, 2020

Group Exhibit "B"

Site Plans and Floor Plans

for Banquet Facilities / Limited Restaurant

and

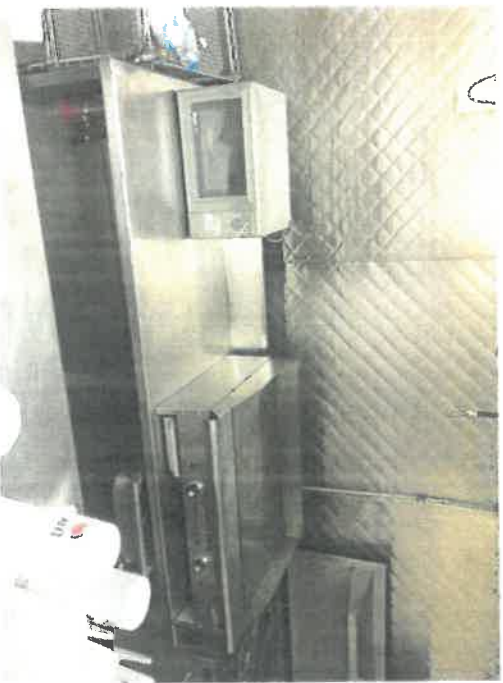
Outdoor Liquor Café

for

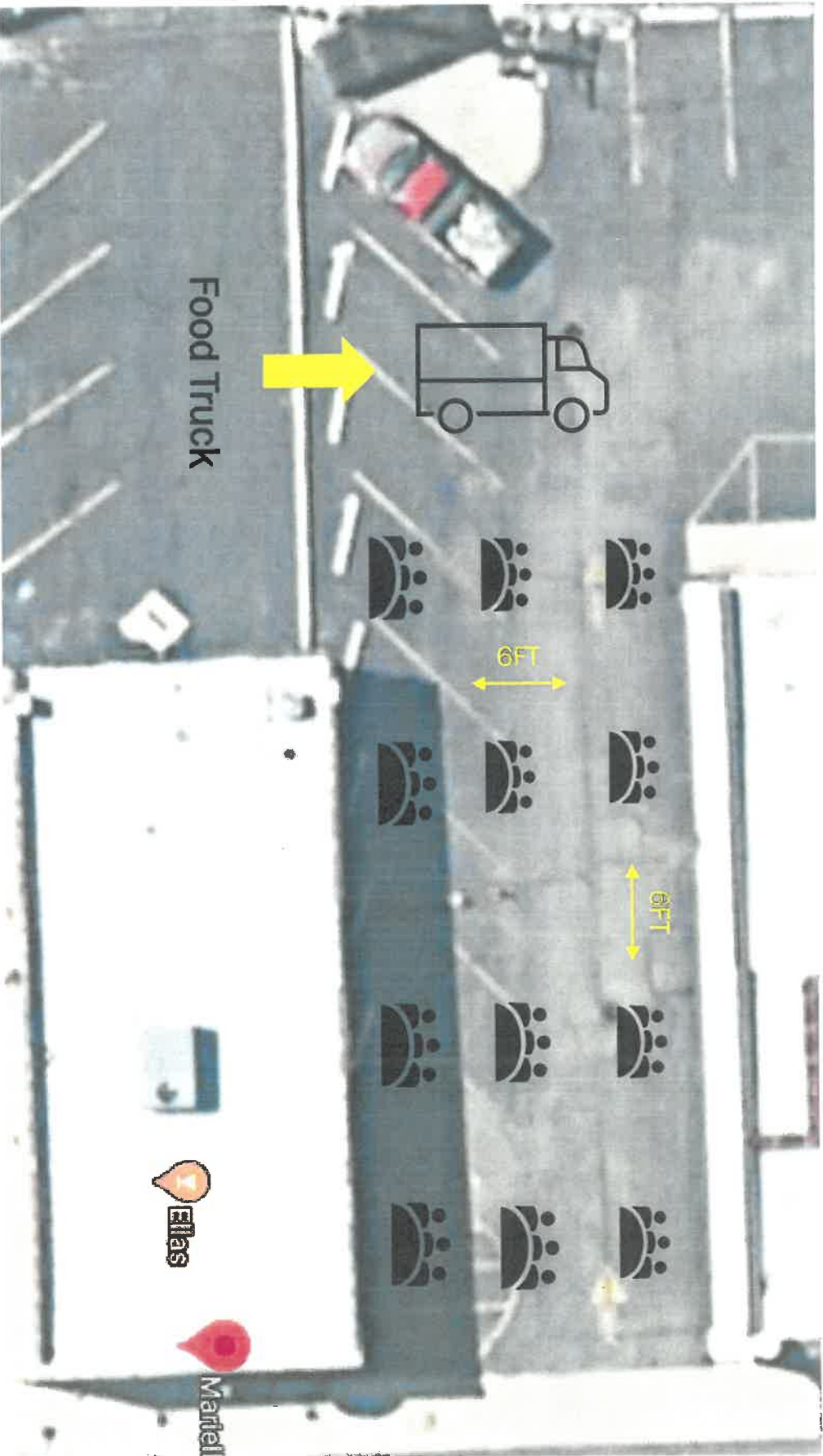
Mariella's Banquet Hall II, Inc. d/b/a Mariella's Banquet Hall II

(attached)

COMMERCIAL KITCHEN SET UPS



MARIELLA'S PATIO SET UP - AERIAL VIEW



MARIELLA'S BANQUET PATIO SET UP - FRONT VIEW



STATE OF ILLINOIS)
) SS
COUNTY OF COOK)

CLERK'S CERTIFICATE

I, Viola Mims, Village 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-2020-30

AN ORDINANCE AMENDING THE CLASS "F" (BANQUET HALL) LIQUOR LICENSE ISSUED TO MARIELLA'S BANQUET HALL II, INC. D/B/A MARIELLA'S BANQUET HALL II FOR THE 134 SOUTH 5TH AVENUE PROPERTY TO AUTHORIZE THE OPERATION OF A BANQUET FACILITIES / LIMITED RESTAURANT AND AN OUTDOOR LIQUOR CAFÉ UNDER THE CLASS "F" (BANQUET HALL) LIQUOR LICENSE'S SUBCLASS F-1 (BANQUET FACILITIES / LIMITED RESTAURANT) LIQUOR LICENSE DESIGNATION AND SUBCLASS F-2 (BANQUET FACILITIES / OUTDOOR LIQUOR CAFÉ) LIQUOR LICENSE DESIGNATION

which Ordinance was passed by a roll call vote of the Board of Trustees of the Village of Maywood at a Special Village Board Meeting on the 20th day of October, 2020, at which meeting a quorum was present, and approved by the President of the Village of Maywood on the 20th day of October, 2020.

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 Perkins, Trustee(s) I. Brandon, M. Jones, K. Wellington and N. Booker

NAYS: None

ABSTAIN: Trustee A. Sanchez

ABSENT: Trustee M. Lightford

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 October, 2020.

Viola Mims, Village Clerk

[SEAL]