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**VILLAGE OF MELROSE PARK
COOK COUNTY, ILLINOIS**

ORDINANCE NO. 935

**AN ORDINANCE AMENDING CERTAIN SECTIONS OF
CHAPTER 39, ALCOHOLIC LIQUOR, OF THE MUNICIPAL
CODE OF MELROSE PARK, COUNTY OF COOK, STATE OF
ILLINOIS.**

**ADOPTED BY THE
PRESIDENT AND BOARD OF TRUSTEES
OF THE
VILLAGE OF MELROSE PARK**

THIS 12TH DAY OF SEPTEMBER 2005

**RONALD M. SERPICO, Village President
MARY ANN PAOLANTONIO SALEMI, Village Clerk**

Board Of Trustees

**JOHN S. CONTEDEUCA
CATHLEEN COSSIDENT ITALIA
THOMAS KLEIN
RUBEN LOMELI
ARTURO J. MOTA
ANTHONY J. PRIGNANO**

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**Published by authority of the
President and Board of Trustees
Of the Village of Melrose Park,
Cook County, Illinois on
This 13TH day of SEPTEMBER 2005**

ORDINANCE NO. 935

**AN ORDINANCE AMENDING CERTAIN SECTIONS OF
CHAPTER 39, ALCOHOLIC LIQUOR, OF THE MUNICIPAL
CODE OF MELROSE PARK OF 1970, FOR THE VILLAGE OF
MELROSE PARK, COUNTY OF COOK, STATE OF ILLINOIS.**

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WHEREAS, the Village of Melrose Park, Cook County, State of Illinois is a duly organized and existing Village created under the provisions of the laws of the State of Illinois, and is now operating under the provisions of the Illinois Municipal Code, and all laws amendatory thereof and supplementary thereto with full powers to enact ordinances for the benefit of the residents of the Village of Melrose Park; and

WHEREAS, the Village President, the Honorable Ronald M. Serpico, the Village Clerk, the Honorable Mary Ann Paolantonio Salemi, having taken office on May 2, 2005 and the Village Board of Trustees, the Honorable John S. Conteduca, Cathleen Cossident Italia, Tom "T.K." Klein, Ruben Lomeli, Trustee Arturo J. Mota and Anthony J. Prignano, having taken office on May 2, 2005, constitute the duly elected, qualified and acting officials of the Village; and

WHEREAS, the Village of Melrose Park (the "Village") has a substantial governmental interest in regulating the purchase, sale, and consumption of alcoholic liquor; and

WHEREAS, currently there is in full force and effect, in the Village of Melrose Park, certain ordinances and a municipal code provision, Chapter 39, Alcoholic Liquor,

of the Municipal Code of Melrose Park of 1970 (hereinafter "Chapter 39") concerning the regulation and control of the purchase, sale, and consumption of alcoholic liquor; and

WHEREAS, the enactment of this Ordinance directly pertains to and is in furtherance of the health, welfare and safety of the residents of the Village of Melrose Park; and

WHEREAS, certain liquor establishments in the Village do not cease the sale and serving of alcohol until 4:00 a.m. (hereinafter "Late Licenses"); and

WHEREAS, certain liquor establishments in the Village do not cease the sale and serving of alcohol until 3:00 a.m. (hereinafter "Late Licenses"); and

WHEREAS, such hours of operation are not reasonable and are not in the best interest of the residents of the Village of Melrose Park and surrounding areas; and

WHEREAS, Late Licenses in the Village contribute to increased chances of incidents of driving while intoxicated; and

WHEREAS, motorists who leave liquor establishments with Late Licenses located in the Village must travel through the Village and surrounding communities, thereby exposing residents thereof to the dangers of driving while intoxicated; and

WHEREAS, the Late Licenses have a deleterious affect upon the safety and welfare of the residents of Melrose Park; and

WHEREAS, the Corporate Authorities of the Village deem it to be in the best interest of the health, welfare and safety of the residents of the Village of Melrose Park and surrounding communities if the hours of operation of these late liquor license holders in the Village are reduced to 2:00 a.m.; and

WHEREAS, the Board of Trustees of the Village hereby finds that it is in the best interests of the health, safety, and general welfare of the residents of the Village of Melrose Park to amend Chapter 39 of the Village of Melrose Park Municipal Code and to adopt the amendments as contained herein; and

WHEREAS, Late Licenses increase the likelihood of intoxication, and therefore threaten the safety, welfare and well-being of the Village residents; and

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

**ARTICLE I.
IN GENERAL**

Section 01. Incorporation Clause.

The President and Board of Trustees of the Village (the “Village Board”) hereby find that all of the recitals hereinbefore stated as contained in the preambles to this Ordinance are full, true and correct and do hereby, by reference, incorporate and make them part of this Ordinance as legislative findings.

Section 02. Purpose.

The purpose of this Ordinance is to make certain amendments, as contained herein, to Chapter 39 “Alcoholic Liquor” of the Village of Melrose Park Municipal Code.

Section 03. Invocation of Authority.

This Ordinance is enacted pursuant to the police powers and authority granted to this Village by the Constitution of the State of Illinois and the Illinois Compiled Statutes.

Section 04. State Law Adopted.

All applicable provisions of the Illinois Compiled Statutes, including the Illinois Municipal Code, as may be amended from time to time, relating to the purposes of this Ordinance are hereby incorporated herein by reference.

Sections 05-09. Reserved.

**ARTICLE II.
AMENDMENT OF SECTION 39.7(a) OF CHAPTER 39**

Section 10.00 Amendment to Section 39.7(a).

That Section 39.7(a) of Chapter 39 "Alcoholic Liquor" is hereby amended, notwithstanding any ordinances, resolutions, or code provisions to the contrary, by the adoption of the following words and phrases, and shall read as follows:

Section 39.7(a) License-Late License

This License shall authorize the retail sale of alcoholic liquor only on the premises specified and not for resale in any form until the hour of 2:00 am. The fee for such a license shall be Three Thousand Five Hundred Fifty Dollars and 00/100 (\$3,550.00) per year.

Section 11.00 Other Actions Authorized.

The officers, employees and/or agents of the Village of Melrose Park shall take all actions necessary or reasonably required to carry out, give effect to and consummate the amendments contemplated by this Ordinance and to take all actions necessary in conformity therewith.

**ARTICLE III.
AMENDMENT OF SECTION 39.7(a)(1) OF CHAPTER 39**

Section 11.00 Amendment to Section 39.7(a)(1).

That Section 39.7(a)(1) of Chapter 39 is hereby amended, notwithstanding any ordinances, resolutions, or code provisions to the contrary, by the adoption of the following words and phrases, and shall read as follows:

Section 39.7(a)(1) License-Late License

This License shall authorize the retail sale of alcoholic liquor only on the premises specified and not for resale in any form until the hour of 2:00 am. The fee for such a license shall be Three Thousand Five Hundred Dollars and 00/100 (\$3,500.00) per year.

Section 12.00 Other Actions Authorized.

The officers, employees and/or agents of the Village of Melrose Park shall take all actions necessary or reasonably required to carry out, give effect to and consummate the amendments contemplated by this Ordinance and to take all actions necessary in conformity therewith.

**ARTICLE VIII.
SAVINGS CLAUSES,
PUBLICATION, EFFECTIVE DATE**

Section 20.00 Headings.

The headings for the articles, sections, paragraphs, and sub-paragraphs of this Ordinance are inserted solely for the convenience of reference and form no substantive part of this Ordinance nor should they be used in any interpretation or construction of any substantive provisions of this Ordinance.

Section 21.00 Severability.

The provisions of this Ordinance are hereby declared to be severable and should any provision, clause, sentence, paragraph, sub-paragraph, section, or part of this ordinance be determined to be in conflict with any law, statute or regulation by a court of competent jurisdiction, said provision shall be excluded and deemed inoperative, unenforceable, and as though not provided for herein, and all other provisions shall remain unaffected, unimpaired, valid and in full force and effect. It is hereby declared to be the legislative intent of the Board of Trustees that this ordinance would have been adopted had not such unconstitutional or invalid provision, clause, sentence, paragraph, sub-paragraph, section, or part thereof had not been included.

Section 22.00 Superseder.

All code provisions, ordinances, resolutions and orders, or parts thereof, in conflict herewith, are to the extent of such conflict hereby superseded.

Section 23.00 Publication.

A full, true and complete copy of this Ordinance shall be published in pamphlet form or in a newspaper published and of general circulation within the Village as provided by the Illinois Municipal Code, as amended.

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Section 24.00 Effective date

This Ordinance shall be in full force and effect upon passage, approval and publication, as provided by law.

On The Individual Poll And Voice Vote Of The Board Of Trustees:

AYE VOTES: Trustee Conteduca, Trustee Lomeli, Trustee Mota,
Trustee Prignano

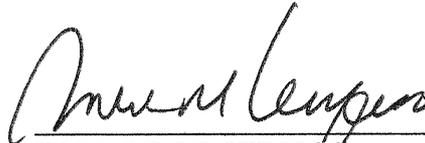
NAY VOTES:

ABSTAIN:

ABSENT: Trustee Italia, Trustee Klein

SO PASSED, ADOPTED, APPROVED AND ENACTED IN AND AT THE
VILLAGE OF MELROSE PARK, COUNTY OF COOK, STATE OF ILLINOIS, THIS
TWELFTH DAY OF SEPTEMBER, 2005 A.D.

APPROVED:



RONALD M. SERPICO,
VILLAGE PRESIDENT

ATTEST:


Mary Ann Paolantonio Salemi
Village Clerk

(SEAL)

Recorded in the Municipal Records: September 12, 2005
Published in pamphlet form: September 13, 2005