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VILLAGE OF MELROSE PARK
COOK COUNTY, ILLINOIS

ORDINANCE NO. 1351

AN ORDINANCE AMENDING CHAPTER 5.12 OF THE VILLAGE
OF MELROSE PARK MUNICIPAL CODE REGARDING
ALCOHOLIC BEVERAGES, FOR THE VILLAGE OF MELROSE
PARK, COUNTY OF COOK, STATE OF ILLINOIS.

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

THIS 25TH DAY OF JANUARY 2010

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

Board Of Trustees

CATHLEEN COSSIDENT ITALIA
ANTHONY J. PRIGNANO
ARTURO J. MOTA
MARY RAMIREZ TACONI
JAIME ANGUIANO
ANTHONY N. ABRUZZO

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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 26TH day of JANUARY 2010

ORDINANCE NO. 1351

AN ORDINANCE AMENDING CHAPTER 5.12 OF THE VILLAGE OF MELROSE PARK MUNICIPAL CODE REGARDING ALCOHOLIC BEVERAGES, FOR THE VILLAGE OF MELROSE PARK, COUNTY OF COOK, STATE OF ILLINOIS.

* * * * *

WHEREAS, the Village of Melrose Park, County of Cook, State of Illinois (the “Village”) is a duly organized and existing municipality and unit of local government created under the provisions of the laws of the State of Illinois, and is operating under the provisions of the Illinois Municipal Code, and all laws amendatory thereof and supplementary thereto, with full powers to enact ordinances and adopt resolutions for the benefit of the residents of the Village; and

WHEREAS, the Village President (the “President”), the Honorable Ronald M. Serpico, the Village Clerk, the Honorable Mary Ann Paolantonio Salemi, and the Board of Trustees of the Village (the “Village Board”), the Honorable Cathleen Cossident Italia, Anthony J. Prignano, Arturo J. Mota, Mary Ramirez Taconi, Jaime Anguiano and Anthony N. Abruzzo, having taken office on April 30, 2009, constitute the duly elected, qualified and acting officials of the Village; and

WHEREAS, Chapter 5.12 of The Village of Melrose Park Municipal Code (the “Village Code”) sets forth regulations regarding the sale and distribution of alcoholic beverages in the Village; and

WHEREAS, the President and the Village Board (collectively the “Corporate Authorities”) have determined that it is in the best interests of the Village to amend Chapter 5.12 of the Village Code; and

WHEREAS, the amendment contemplated herein will establish two (2) categories of liquor licenses for clubs and associations: one classification will govern not-for-profit associations and the other classification will govern for-profit associations; and

WHEREAS, the Village Liquor License Application (the “Application”), attached hereto and incorporated herein as Exhibit “A,” shall be amended to reflect the changes contemplated herein and shall thereafter be distributed to applicants applying for liquor licenses within the Village; and

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

**ARTICLE I.
IN GENERAL**

Section 01. Incorporation Clause.

The Corporate Authorities 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 amend Chapter 5.12 of the Village Code and the Application to establish two (2) categories of liquor licenses governing clubs and associations, one of which will apply to not-for-profit entities and the other will apply to for-profit entities.

Section 03. Invocation of Authority.

This Ordinance is enacted pursuant to the 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.
LIQUOR LICENSE AMENDMENTS**

Section 10.00 Section 5.12.100 (8) of the Village Code titled "License classifications-Fees."

Section 5.12.100 (8) of the Village Code titled "License classifications-Fees" is hereby amended notwithstanding any provision, ordinance, resolution or Village Code section to the contrary by deleting current subsection eight (8) of Section 5.12.100 in its entirety and inserting the following language:

"8a. Class "F" Private Club and Association License (Not-for-Profit).

This license shall authorize the sale of alcoholic liquors in private clubs, associations, or organizations, which are organized as not-for-profit corporations, organizations or entities, under applicable laws. Evidence of the not-for-profit status shall be submitted by the applicant and kept on file at the Village before the applicant will be eligible to receive this license. The fee for such a license shall be zero dollars (\$0.00) per year.

8b. Class "F1" Private Club and Association License (For-Profit).

This license shall authorize the sale of alcoholic liquors in private clubs, associations, or organizations, which are not organized as not-for-profit corporations, organizations or entities, under applicable laws. The Class "F" and Class "F1" licenses shall be mutually exclusive. The fee for a Class "F1" license shall be one thousand dollars (\$1,000.00) per year."

Section 10.01 Other Actions Authorized.

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

conformity therewith including, without limitation, the execution and delivery of any and all documents required to be delivered in connection with this Ordinance, which shall include revisions and redistribution of a revised Application to reflect the changes contemplated herein.

Sections 11.00 – 15.00. Reserved.

**ARTICLE III.
HEADINGS, SAVINGS CLAUSES,
PUBLICATION, EFFECTIVE DATE**

Section 16.00 Headings.

The headings for the articles, sections, paragraphs and subparagraphs 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 provision of this Ordinance.

Section 17.00 Severability.

The provisions of this Ordinance are hereby declared to be severable and should any provision, clause, sentence, paragraph, subparagraph, 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, clause, sentence, paragraph, subparagraph, section, or part 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 Village Board that this Ordinance would have been adopted had not such unconstitutional or invalid provision, clause, sentence, paragraph, subparagraph, section, or part thereof been included.

Section 18.00 Superseder.

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

Section 19.00 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 20.00 Effective Date.

This Ordinance shall be in full force and effect ten (10) days following its passage, approval and publication, as provided by law.

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

AYE VOTES: Trustee Prignano, Trustee Mota, Trustee Taconi,
Trustee Anguiano, Trustee Abruzzo

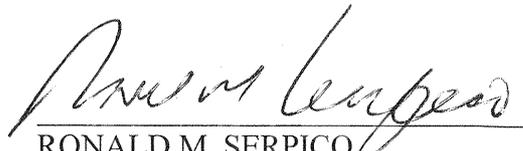
NAY VOTES:

ABSTAIN:

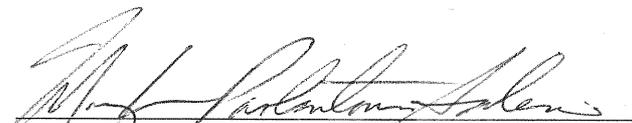
ABSENT: Trustee Italia

SO PASSED, ADOPTED, APPROVED AND ENACTED IN AND AT THE
VILLAGE OF MELROSE PARK, COUNTY OF COOK, STATE OF ILLINOIS, THIS
TWENTY-FIFTH DAY OF JANUARY, 2010, A.D.

APPROVED:


RONALD M. SERPICO
VILLAGE PRESIDENT

ATTEST:


Mary Ann Paolantonio Salemi
Village Clerk

(SEAL)

Recorded in the Municipal Records: January 25, 2010
Published in Pamphlet Form: January 26, 2010

EXHIBIT A

[VILLAGE LIQUOR LICENSE APPLICATION]

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| LICENSE NO. _____ |
| DATE ISSUED _____ |

LIQUOR LICENSE APPLICATION
TO BE FILED WITH RONALD M. SERPICO
LOCAL LIQUOR COMMISSIONER
VILLAGE OF MELROSE PARK

| |
|----------------------|
| FEE PAID \$ _____ |
| CLASS _____ |

CLASS OF LICENSE APPLIED FOR AND ANNUAL FEE
 ALL LICENSES EXPIRE DECEMBER 31ST FOLLOWING THEIR ISSUANCE

- Class "A" Late License:* This license shall authorize the retail sale of alcoholic liquor for consumption only on the premises specified and not for resale in any form until the hour of 2:00 A.M. The fee for such license shall be \$3300.00 per year.
- Class "B" Tavern License:* This license shall authorize the retail sale of liquor for consumption only, on the premises specified and not for resale in any form until the hour of 2:00 A.M. The fee for such license shall be \$3300.00 per year.
- Class "C" License - Retail Sales:* This license shall allow a liquor store of which more than 10% of its primary business is devoted to the sales of alcoholic liquor, to sell, or offer for sale at retail alcoholic liquor intended only for off premise consumption and not for resale in any form. The fee for such license shall be \$2800.00.
- Class "C1" License - Grocery Retail Sales:* This license shall allow a retail sales establishment of which 90% or more of its primary business is devoted to non-alcoholic sales, to sell, or offer for sale at retail alcoholic liquor intended only for off premise consumption and not for resale in any form. The fee for such license shall be \$3300.00.
- Class "E" License - License Restaurant, Beer & Wine:* This license shall authorize the retail sale of Beer and Wine only for consumption on the premises specified only, to a restaurant/food shop, of which not less than 65% of its primary business is devoted to the sale of food. Must cease sale of food and alcoholic beverages and close its operations for business at 12 A.M. (midnight) Sunday through Wednesday and 1:00 A.M. Thursday through Saturday. The fee for such license shall be \$2000.00 per year.
- Class "E-1" License - Restaurant, Full Service:* This license shall authorize the retail sale of Beer, Wine, Spirits and all such other Alcoholic Liquors, for consumption on the premises specified only, to a restaurant/food shop of which not less than 65% of its primary business is devoted to the sale of food. Must cease the sale of food and alcoholic beverages and close its operations for business at 12 A.M. (midnight). The fee for such license shall be \$2800.00 per year.
- Class "F" Private Club & Association License:* This license shall authorize the retail sale of alcoholic liquors in private clubs, associations, or organizations – organized not-for-profit under the laws of the State of Illinois. The fee for such license shall be \$0.00 per year.
- Class "F1" Private Club & Association License:* This license shall authorize the retail sale of alcoholic liquors in private clubs, associations, or organizations – organized under the laws of the State of Illinois. The fee for such license shall be \$1,000.00 per year.
- Class "G" Café & Coffee Shop License:* This license shall authorize the retail sale of alcoholic liquor when served with Café or coffee, for consumption only on the premises specified. The fee for such license shall be \$1000.00 per year.
- Class "H" Banquet Hall License:* This license shall be on the retail sale of alcoholic liquor consumption only on the premises of the banquet hall specified. The fee for such license shall be \$2800.00 per year.
- Class "I" Wholesale Distributor License:* This license shall authorize the distribution of alcoholic liquor at wholesale (as defined by Illinois Statute), but not for consumption on the premises where sold. The fee for such a license shall be \$2000.00 per year.
- Class "J" Mail Order License:* This license shall authorize the distribution of alcoholic liquor at retail, via the United States Mail or similar service. Alcoholic liquor shall not be sold at retail, wholesale or otherwise on the premises of the licensee and alcoholic liquor may not be consumed on the premises of the license. The fee for such license shall be \$2800.00 per year.
- Class "K" Special Event Retail License:* The license shall permit the licensee to purchase alcoholic liquors from an Illinois licensed distributor (unless the licensee purchases less than \$500 of alcoholic liquors for the special event, in which case the licensee may purchase the alcoholic liquors from a licensed retailer) and shall allow the licensee to sell and offer for sale, at retail, alcoholic liquors for use or consumption, but not for resale in any form and only at the location and on the specific dates designated for the special event in the license. The fee for such license shall be \$100.00 per license.

IMPORTANT

This application must be accompanied by remittance of fee in proper amount, made payable to the Village of Melrose Park, and the following:

- Name and address of Person or Persons making application _____
 PLEASE TYPE OR PRINT CLEARLY
- Trade name of business _____
 PLEASE TYPE OR PRINT CLEARLY
- Location of business _____
 (If Restaurant, give Restaurant license Number _____)
- Name and address of owner property _____ Phone _____
- Give number of previous Village License _____ when does lease expire _____
- Dram Shop Insurance Co. _____
 Policy NO. _____ Amount _____ Expires _____
- If this business is to be conducted by a manager or agent, give the following information:
 Name _____ Age _____
 Residence Address _____
 Are you a citizen of the United States? _____
 If a naturalized citizen, when and where naturalized? _____
 Have you ever been convicted of a crime or felony? _____