

ORDINANCE NO. CO-2013-03

AN ORDINANCE APPROVING TEMPORARY EXTENDED HOURS OF OPERATION FOR A SPECIAL EVENT PURSUANT TO SECTION 117.41 (HOURS OF OPERATION, CHAPTER 117 (ALCOHOLIC BEVERAGES), TITLE XI (BUSINESS REGULATIONS) OF THE MAYWOOD VILLAGE CODE

**(Mariella's Banquet Hall d/b/a Mariella's Banquet Hall, Inc. at 124 South 5th Avenue)
(Special Event Dates: February 3, 2013 and April 6, 2013)**

WHEREAS, Subection 117.41(F)91) (Hours of Operation), Chapter 117 (Alcoholic Beverages), Title XI (Business Regulations) of the Maywood Village Code provides for the approval of temporary extended hours of operation for Class F liquor license holders for special events, subject to the approval of both the Local Liquor Control Commissioner and Board of Trustees, 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:

(F) *Class F (banquet facilities) license.* From noon until midnight on Monday, Tuesday, Wednesday, Thursday and Sunday. From noon until 2:00 a.m. the next day on Fridays, Saturdays and holidays.

(1) 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 one (1) hour, either allowing the service of alcoholic liquor one (1) hour earlier or one (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.

WHEREAS, Mariella's Banquet Hall d/b/a Mariella's Banquet Hall, Inc. ("Mariella's") operates a banquet hall at 124 South 5th Avenue in Maywood and is a holder of a Class F (banquet facilities) Liquor License in good standing. Mariella's has requested approval of temporary extended hours of operation under its Class F Liquor License for a special event to be conducted on February 3, 2013 and April 6, 2013 (the "Special Event"); and

WHEREAS, pursuant to the authority granted under the Liquor Control Act of 1934 (235 ILCS 5/6-1 *et seq.*), the applicable provisions of the Maywood Liquor Control Ordinance 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 Mariella's request for temporary extended hours of operation under its Class F Liquor License for the Special Event 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: Each Whereas paragraph set forth above is incorporated by reference into this Section 1.

SECTION 2: The President and Board of Trustees of the Village of Maywood approve Mariella's request for temporary extended hours of operation of its banquet hall under its Class F Liquor License for a special event to be conducted on February 3, 2013 and April 6, 2013 (the "Special Event"), or such other alternate date as approved by the Local Liquor Control Commissioner, SUBJECT TO THE CONDITIONS SET FORTH BELOW IN SECTION 3.

SECTION 3: The approval of Mariella's request for temporary extended hours of operation of its banquet hall under its Class F Liquor License for the Special Event to be conducted on February 3, 2013 and April 6, 2013, is subject to the compliance with the following conditions:

- A. This approval of the temporary extended hours of operation is valid only on February 3, 2013 and April 6, 2013 and relates only to the Special Events and the approval granted by this Ordinance automatically terminates at the conclusion of the Special Event.
- B. Service and consumption of alcoholic beverages at the Special Event shall be allowed inside the building located at the 124 South 5th Avenue property and shall be permitted only from 12:00 P.M. on February 3, 2013 to 3:00 A.M. on February 4, 2013. Service and consumption of alcoholic beverages at the Special Event shall be allowed inside the building located at the 124 South 5th Avenue property and shall be permitted only from 12:00 P.M. on April 6, 2013 to 3:00 A.M. on April 7, 2013. It shall be illegal to serve or consume alcoholic beverages in violation of the provisions set forth in this Ordinance.
- C. The approval of the temporary extended hours of operation for the Special Event may be revoked immediately by the Local Liquor Control Commissioner in the event of a violation of the Maywood Liquor Code regulations or any of the provisions of this Ordinance by Mariella's Banquet Hall d/b/a Mariella's Banquet Hall, Inc. or any of its employees, representatives, agents, guests or contractual service providers.
- D. Mariella's Banquet Hall d/b/a Mariella's Banquet Hall, Inc. shall comply with all of the applicable provisions of Chapter 35 (Liquor) of the Maywood Village Code, as amended, including the Dram Shop Insurance requirement, as well as the other applicable provisions of State law and the Maywood Village Code, including but not limited to the Fire Prevention Code, the Plumbing Code, Building Code, the Property Maintenance Code, Illinois Accessibility Code and the Zoning Code.
- E. Mariella's Banquet Hall d/b/a Mariella's Banquet Hall, Inc. shall comply with each of the terms, conditions and provisions set forth in the original ordinance that approved the issuance of its Class F Liquor License, and any amendments thereto.
- F. Without any further action required by the Village Board, the Local Liquor Control Commissioner may approve an alternate date during 2013 for conducting the Special Event.

G. The Village reserves the right to charge the Mariella's Banquet Hall d/b/a Mariella's Banquet Hall, Inc. for special municipal services, such as police, fire and public works personnel and services that are necessary to protect the health, welfare and safety of the public and those individuals who attend the Special Event or to clean up and dispose of any debris, litter or waste caused by the Special Event in the case where Mariella's Banquet Hall d/b/a Mariella's Banquet Hall, Inc. fails to perform its obligations under this Ordinance. Mariella's Banquet Hall d/b/a Mariella's Banquet Hall, Inc. agrees to pay for such special municipal services provided by the Village, which are necessary to protect the health, welfare and safety of the public and those individuals who attend the special event. The charges for such special municipal services, if provided, will be based on the actual out-of-pocket costs incurred by the Village.

SECTION 4: 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 5th day of February, 2013 pursuant to a roll call vote as follows:

AYES: Mayor Henderson Yarbrough Sr., Trustee(s) A. Jaycox, E. Perkins,
D. Flowers, M. Lightford and R. Rivers

NAYS: None

ABSENT: Trustee G. Guzman

APPROVED by me as Village President, and attested by the Village Clerk, on this 5th day of February, 2013.

ATTEST:

Gary Wolf
Village Clerk



Henderson Yarbrough Sr.
Village President

This Ordinance was published by me in pamphlet form on the 5th day of February, 2013.

Gary Wolf
Village Clerk