

ORDINANCE NO. CO-2015-30

**AN ORDINANCE AMENDING VARIOUS SECTIONS OF
CHAPTER 117 (ALCOHOLIC BEVERAGES) OF THE MAYWOOD VILLAGE CODE
RELATIVE TO CREATION OF
A CLASS M VIDEO GAMING CAFÉ/BISTRO LICENSE CATEGORY**

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 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"); 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, the President and Board of Trustees of the Village find that the current liquor licensing categories are not compatible with the business model of small café/bistro establishments that serve beer, wine and light food, and allow video gaming; 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 is amended by adding the following definition at its properly alphabetized location:

“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.”

SECTION 3: Chapter 117 (Alcoholic Beverages), Section 117.23 (Classifications; Fees; Number of Licenses), subsection 117.23(M) of the Maywood Village Code is amended to read in its entirety as follows, and the current subsection “(M)” shall be renumbered as “(N)”:

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

(1) 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.

(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.

(MN) *Increase or decrease in number of licenses.* The number of licenses authorized to be issued for each license class may be increased or decreased from time to time only by an ordinance duly adopted by the President and Board of Trustees upon a determination that such increase or decrease in the number of licenses is in the best interests of the Village. The number of licenses authorized for the above classes shall be information retained by, and available from, the Office of the Village Clerk. When a liquor license expires or is not renewed or is revoked or terminated, it shall automatically reduce the number of authorized licenses of the particular class by the total number of revoked or terminated licenses in the particular class. In addition, the Local Commissioner shall notify, in writing, the Village Clerk and Board of Trustees of the revocation or termination of any authorized license within seven (7) days of such occurrence.”

SECTION 4: Current subsections (M) (Holidays) and (N) (Retail Liquor Sales) of Chapter 117 (Alcoholic Beverages), Section 117.41 (Hours of Operation), are renumbered as subsections (N) and (O), respectively, and the following shall be inserted as the new subsection (M) of the Maywood Village Code:

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

(1) From 11:00 a.m. until 11:00 p.m., with extended hours from 11:00 p.m. on New Year's Eve Day to 2:00 a.m. on New Year's Day.

(2) Extended license, commencing at 11:00 a.m. until 2:00 a.m. the next day.

SECTION 5: 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 6: 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 7: 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 8: 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 15th day of December, 2015, 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

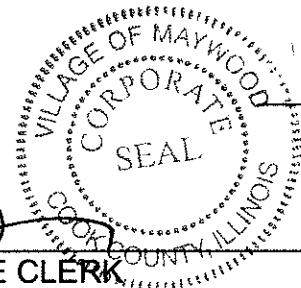
ABSENT: None

APPROVED by me this 16th day of December, 2015, 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, do hereby certify that the attached and foregoing is a true and correct copy of that certain Ordinance now on file in my Office, entitled:

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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 15th day of December, 2015, at which meeting a quorum was present, and approved by the President of the Village of Maywood on the 16th day of December, 2015.

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 16th day of December, 2015.





Village Clerk