

ORDINANCE NO. 2009-32

AN ORDINANCE AMENDING CHAPTER 6, "ALCOHOLIC LIQUOR," OF THE ORDINANCES OF THE VILLAGE OF STICKNEY, ILLINOIS BY THE REVISION OF SECTIONS 6-10, 6-41, AND 6-43.

BE IT ORDAINED BY THE PRESIDENT AND THE BOARD OF TRUSTEES OF THE VILLAGE OF STICKNEY, COOK COUNTY, ILLINOIS, A HOME RULE UNIT OF GOVERNMENT AS FOLLOWS:

WHEREAS, the Village of Stickney (the "Village") is a home rule municipality in accordance with the Constitution of the State of Illinois of 1970; and

WHEREAS, the Village desires to regulate clarify various requirements and restrictions within the Village Code's liquor provisions; and

NOW THEREFORE BE IT ORDAINED BY THE PRESIDENT AND THE BOARD OF TRUSTEES OF THE VILLAGE OF STICKNEY, COOK COUNTY, ILLINOIS.

Section 1. Recitals. The facts and statements contained in the preambles to this Ordinance are found to be true and correct and are hereby adopted as part of this Ordinance.

Section 2. Adoption. Chapter 6, Sections 6-10, 6-41, and 6-43 of the Municipal Code of the Village of Stickney shall be amended as follows:

Section 6-10. Additional general conduct prohibited in licensed establishments.

(a) *Definitions.* The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Employee means any agent, manager, employee, entertainer, barkeeper, host, hostess, waiter, waitress or other such person employed on any contractual basis by such an establishment, or receiving any remuneration for services in such an establishment.

Licensed establishment means any of those places of business which are issued liquor licenses from the liquor control commissioner of the village.

Patron means any patron, customer or visitor of a licensed establishment who is not employed by such establishment.

(b) *Enumeration of prohibited conduct.* No licensee, or any employee of a licensee shall:
(1) Permit the performance of acts, or simulated acts, of sexual intercourse, masturbation, sodomy, bestiality, oral copulation, flagellation or any sexual acts which are prohibited by law;

- (2) Permit the actual or simulated display of the breasts, buttocks, pubic hair, anus, vulva or genitals;
- (3) Permit any person to remain in or upon the licensed premises who exposes to public view any portion of his or her breasts at or below the areola thereof, buttocks, genitals, vulva or anus;
- (4) Permit the displaying of films or pictures depicting acts, a live performance of which are prohibited by the regulations quoted in this subsection (b);
- (5) Permit any employee to remain on the premises of the licensed establishment who solicits, induces or requests a patron to purchase an alcoholic or nonalcoholic beverage for any employee, except where the patron and employee are related by blood or marriage;
- (6) Permit or allow any form of entertainment which, when considered as a whole, would be considered obscene (i.e, predominantly appeals to prurient interests) as such term is defined by State Law.
- (7) Permit or allow any of the following: male or female striptease (regardless of whether all clothes are stripped off), lingerie or under-garment fashion shows, wet T-shirt contests, mud or jell-o wrestling or wrestling in any substance other than air, and any similar contest or performance.
- ~~(6)~~ (8) If any one or more of the provisions of this section is declared unconstitutional or the application thereof is held invalid, the validity of the remainder of this section and the application of such provisions to other persons and circumstances shall not be affected thereby.

Section 6-41. Required.

It shall be unlawful to sell or offer for sale in the village any alcoholic liquor without having a license, without maintaining the validity of a license, or in violation of the terms of such license.

Section 6-43. Classes of Licenses.

There shall be the following classes of local liquor licenses:

- (1) *Class C.* A class C liquor license shall authorize the sale of any and all alcoholic liquor for consumption on the premises only, not retail sale for outside consumption.
- (2) *Class D.* A class D package license shall authorize the sale of any type of alcoholic liquor only in the original package and for consumption off premises only.
- (3) *Class E.* A class E restaurant license shall authorize the retail sale, in restaurants only, where food is the main source of revenue, of alcoholic liquor for consumption on the premises where sold only. Under this license, alcoholic liquor may only be sold concurrent with and ancillary to the service of food.

(4) *Class F.* A class F club license shall be a charitable organization recognized by the local liquor control commissioner, which shall authorize the sale of alcoholic liquor by such club for consumption on the premises only, not for retail sale or for consumption outside the premises.

(5) *Class G.* A class G beer and wine license authorizes the sale of beer and wine only, for consumption on the premises only, not for the retail sale of beer and wine for consumption or use outside the premises shall be repealed in its entirety.

(6) *Class H.* A class H license shall authorize the storage, distribution and retail sale of alcoholic liquor, commonly known as beer and wine only, in their original packages, not for consumption on the premises where sold, but where the beer and wine only is intended for delivery to or to be taken away by the consumer.

(7) *Class I.* A class I special event license shall authorize the sale of beer and wine only at special events for consumption on the premises only. A license shall be purchased for each location, and no license shall be transferred. The license shall be for a maximum of seven days from the date issued.

(8) *Class J.* A class J license, all types of special event licenses, shall authorize the sale of alcoholic liquor at special events for consumption on the premises only. A license shall be purchased for each location, and no license shall be transferred. The license shall be for a maximum of seven days from the date issued.

In any of the classes where retail sale of beer and wine or for liquor shall be sold for retail, no such liquor shall be sold, given away or offered for sale in, upon or about the specified premises so licensed between the hours of 2:00 a.m. and 8:00 a.m. each day.

Section 3. Home Rule. This ordinance is enacted under the Home Rule powers of the Village as set forth in the Constitution and laws of the State of Illinois.

Section 4. Effective Date. This Ordinance shall be in full force and effect after its passage, approval and publication in the manner provided by law.

Section 5. Conflicts. This Ordinance supersedes all ordinances or parts of ordinances directly conflicting with the terms and provisions contained herein, but only to the extent of such conflict.

Section 6. Severability. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions hereof.

Section 7. Certification and Publication. The Village Clerk of the Village of Stickney shall certify to the adoption of this Ordinance and cause the same to be published in pamphlet form.

PASSED AND APPROVED at a regular meeting of the President and the Board of Trustees of the Village of Stickney, Illinois, this 1st day of December, 2009.

AYES: Lazansky, Mares, Morelli, Schimel, Walik, Zeedyk

NAYS: None

ABSENT: None

ABSTAIN: None

APPROVED by me this 3rd day of December, 2009.



President Daniel A. O'Reilly of the Village
of Stickney, Cook County, Illinois

ATTESTED, Filed in my office,
and published in pamphlet form
this 3rd day of December, 2009.



Audrey McAdams,
Clerk of the Village of Stickney, Cook County, Illinois