

STATE OF ILLINOIS        )  
  ) SS  
COUNTY OF DU PAGE     )

I, Lynn Curiale, City Clerk of Wood Dale, Illinois DO HEREBY CERTIFY that as such City Clerk and keeper of the records, that the foregoing is a true and correct copy of Ordinance **#O-23-014 AN ORDINANCE AMENDING CHAPTER 5, SECTION 5.304.A.2 OF THE MUNICIPAL CODE OF THE CITY OF WOOD DALE OF 1993 TO PROVIDE FOR THE CREATION OF A CLASS OD OUTDOOR DINING LIQUOR LICENSE** Passed by The City Of Wood Dale, Du Page County, Illinois, IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed the seal of the City of Wood Dale, this 18<sup>th</sup> day of May, 2023

*Lynn Curiale*  
Lynn Curiale, City Clerk

SEAL



**Ordinance #O-23-014**

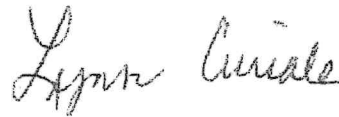
**AN ORDINANCE AMENDING CHAPTER 5, SECTION 5.304.A.2 OF THE MUNICIPAL CODE OF THE CITY OF WOOD DALE OF 1993 TO PROVIDE FOR THE CREATION OF A CLASS OD OUTDOOR DINING LIQUOR LICENSE**

Passed: May 18, 2023  
Published in Pamphlet Form: May 19, 2023

I, Lynn Curiale, as the City Clerk for the City of Wood Dale, hereby certify that the attached Ordinance is a true and correct copy of **#O-23-014**

**AN ORDINANCE AMENDING CHAPTER 5, SECTION 5.304.A.2 OF THE MUNICIPAL CODE OF THE CITY OF WOOD DALE OF 1993 TO PROVIDE FOR THE CREATION OF A CLASS OD OUTDOOR DINING LIQUOR LICENSE**

Passed and approved by the City Council of the City of Wood Dale on May 18, 2023 and hereby published in pamphlet on May 19, 2023.



Lynn Curiale, City Clerk



**ORDINANCE NO. 0-23-014**

**AN ORDINANCE AMENDING CHAPTER 5, SECTION 5.304.A.2 OF THE MUNICIPAL CODE OF THE CITY OF WOOD DALE OF 1993 TO PROVIDE FOR THE CREATION OF A CLASS OD OUDOOR DINING LIQUOR LICENSE**

**WHEREAS**, the City of Wood Dale (hereinafter referred to as the “City”) is a body politic and corporate, organized and existing pursuant to the Illinois Municipal Code, 65 ILCS 5/1-1-1 *et seq.*; and

**WHEREAS**, the City possesses the authority, pursuant to the Illinois Municipal Code, 65 ILCS 5/1-1-1 *et seq.*, to adopt ordinances pertaining to the public health, safety and welfare; and

**WHEREAS**, the City Council of the City (hereinafter referred to as the “City Council”) is the corporate authority for the City and is authorized by law to exercise all powers and to control the affairs of the City; and

**WHEREAS**, the City Council possesses full power and authority to approve and pass all necessary ordinances, resolutions, rules and regulations necessary for carrying into effect the objects for which the City was formed, in accordance with the Illinois Municipal Code; and

**WHEREAS**, outdoor dining provides benefits and opportunities for Residents of the City and local Restaurants within the City, including creating additional space and providing residents with an open-air dining experience; and

**WHEREAS**, the City desires to facilitate economic opportunity within the City in a safe and reasonably regulated manner, increase pedestrian traffic and increase comfortability for its residents at City Restaurants; and

**WHEREAS**, the City has determined that amending its Liquor Code to allow Restaurants in the City’s limits to serve alcoholic beverages accommodates the City’s interests regarding the enhancing of the outdoor dining experience for Restaurant patrons and service businesses within the City limits; and

**WHEREAS**, the City has determined that it is appropriate to amend Chapter 5, Section 5.304.A.2, of the City Code, as set forth below, to provide for the creation of a Class OD outdoor dining liquor license for retail sale of alcoholic beverages for consumption on the premises in the outdoor areas on the premises where sold.

**NOW, THEREFORE, BE IT ORDAINED** by the City Council of the City of Wood Dale, DuPage County, Illinois, at a special meeting duly assembled, as follows:

**SECTION ONE:** The recitals set forth above are incorporated herein and made a part hereof.

**SECTION TWO:** Chapter 5, Section 5.304.A.2, of the Municipal Code of the City of Wood Dale of 1993, as amended, be and hereby is restated and amended to add a Class OD license, as follows to the itemization of License Classes:

**Sec. 5.304. Classification Of Licenses And Permits.**

...

CLASS OD: Outdoor dining liquor license.

- a. A currently issued Liquor License, in good standing, authorizing the offering and retail sale of alcoholic beverages, as defined in the Liquor Control Act of 1934, to be consumed and sold on the licensed premises, is extended to the adjacent outdoor area, subject to the following conditions:
  - (1) The dining establishment holds a valid Outdoor Dining Permit as required under Subsection 17.302.M.5 of the City Code and operates in accordance with the Commercial Short-Term Sales provisions of Subsection 4.402.B.; and
- b. Dining establishments with an existing built-in, legal outdoor dining structure accessory to the dining establishment and dedicated for use as an outdoor seating area on private property are exempt from the provisions of this Section, provided the License Holder submits:
  - a. A valid permit from the City for the built-in structure; or
  - b. A site plan review evidencing the existence of the built-in structure.
- c. Said License is subject to any and all other restrictions on the property on which the Licensed Premises is located. Further, the License Holder must maintain all existing handicapped parking, unless suitable arrangements are made to relocate said handicapped parking to accommodate the outdoor use and said handicapped parking must be in accordance with the Americans with Disabilities Guidelines and the City Code.
- d. Application for a Class OD, outdoor dining liquor license, shall be made in writing to the Local Liquor Commissioner for any establishment not exempt under this Section.
- e. In addition to the Local Liquor Commissioner's authority elsewhere in this chapter to suspend or revoke any license, or impose fines or other penalties for violation of any local ordinance or state law, the Local Liquor Commissioner shall have the right, without any liability to the City, to temporarily suspend

without notice or hearing any Class OD, outdoor dining liquor license issued, upon a determination pursuant to a sworn statement of a witness, that any of the following have occurred while alcoholic beverages are being sold, served, or consumed on the outdoor dining premises for which such license has been issued:

- (1) Any violation of the City Code provisions regarding Outdoor Dining, provided for in Section 17.302.M.5.
  - (2) The consumption of alcoholic beverages sold or served on the premises by patrons occurs outside of the outdoor area associated with the Licensed Premise, outside the hours of operation as provided for in this Subsection, or in violation of any provision otherwise provided for in this Class OD license.
- f. The conditions and restrictions provided for in the Liquor License Holder's current Liquor License, to the extent not otherwise modified herein, remain in full force and effect.

**SECTION THREE:** All other ordinances and resolutions, or parts thereof, in conflict with the provisions of this Ordinance, are, to the extent of such conflict, expressly repealed.

**SECTION FOUR:** That the City Clerk of the City of Wood Dale be and is directed hereby to publish this Ordinance in pamphlet form, pursuant to the statutes of the State of Illinois.

**SECTION FIVE:** That this Ordinance shall be in full force and effect after its passage, approval, and publication in the manner provided by law.

PASSED this 18<sup>th</sup> day of May 2023.

AYES: 8

NAYS: 0

ABSENT: 0

APPROVED this 18<sup>th</sup> day of May 2023.

Annunziato Pulice  
Annunziato Pulice, Mayor

ATTEST:

Lynn Curiale  
Lynn Curiale, City Clerk

Published in pamphlet form May 19, 2023.