

ORDINANCE

**AN ORDINANCE AMENDING CHAPTER 8 (“BUSINESS LICENSING”),
ARTICLE 20 (“SERVICE STATIONS”) OF THE OAK PARK VILLAGE CODE TO
ADD A NEW SECTION 8-20-7 (“HOURS OF OPERATION”)**

WHEREAS, the Village of Oak Park (“Village”) as a home rule unit of local government as provided by Article VII, Section 6 of the Illinois Constitution of 1970 has the authority to exercise any power and perform any function pertaining to its government and affairs except as limited by Article VII, Section 6 of the Illinois Constitution of 1970;

WHEREAS, pursuant to its Constitutional home rule powers, the Village has the authority “to regulate for the protection of the public health, safety, morals, and welfare,” Ill. Const art. 7, § 6;

WHEREAS, the “powers and functions of home rule units shall be construed liberally,” and written “with the intention that home rule units be given the broadest powers possible,” *Scadron v. City of Des Plaines*, 153 Ill.2d 164 (1992); and

WHEREAS, the Village Board has determined to regulate the hours of operations of service stations in the Village due to the occurrence of 16 violent criminal offenses at 24-hour service stations between January 1, 2019 through July 29, 2022, 11 of which occurred between the hours of 12:00 A.M. and 5:00 A.M. and four of these involved the discharge of a firearm;

WHEREAS, additionally a violent criminal offense occurred at 11:52 P.M. on June 2, 2020 and another occurred at 5:26 a.m. on July 30, 2021, both at the service station located at 100 Chicago Avenue in the Village, and the offense on June 2, 2020 involved the discharge of a firearm;

WHEREAS, one of the violent criminal offenses occurring after 12:00 A.M. was a murder which occurred on June 22, 2022 at 1:52 A.M. also at the service station located at 100 Chicago Avenue in the Village;

WHEREAS, each of the above described offenses occurred while the service station was open for business;

WHEREAS, the First District Appellate Court held in the case of *Bi-Lo Stations, Inc. v. Village of Alsip*, 22 Ill.App.3d 514 (1st Dist. 1974), that an ordinance which regulated the hours of operation of service stations in adopted by an Illinois municipality was a proper exercise of that municipality’s police power because it was reasonably related to the public safety, health, and welfare and to prevent nuisances; and

WHEREAS, this Village Board has determined to adopt this Ordinance pursuant to the Village’s authority set forth above to protect the public safety, health and welfare and to prevent

nuisances in the Village by requiring service stations to close at twelve o'clock (12:00) A.M. and be permitted to reopen at five o'clock (5:00) A.M. on a daily basis.

NOW THEREFORE, BE IT ORDAINED by the President and Board of Trustees of the Village of Oak Park, Cook County, Illinois, in the exercise of their home rule powers, as follows:

Section 1. Recitals Incorporated. The above recitals are incorporated herein as though fully set forth.

Section 2. Village Code Amended. Chapter 8 ("Business Licensing"), Article 20 ("Service Stations") of the Oak Park Village Code is amended to add a new Section 8-20-7 ("Hours of Operation") to read as follows:

8-20-7: HOURS OF OPERATION:

- A. It shall be unlawful for a service station to open earlier than five o'clock (5:00) A.M.
- B. Service stations shall close no later than twelve o'clock (12:00) A.M.
- C. Hours of operation shall apply to all sales and delivery activities for service stations, including the sale of fuel, food, beverages, tobacco products and other merchandise.
- D. No service station shall permit any person other than an operator and its employees to remain in or on a service station premises longer than thirty (30) minutes after the closing hour or thirty (30) minutes prior to the opening hour.

Section 3. Severability and Repeal of Inconsistent Ordinances. If any section, paragraph, clause or provision of this Ordinance shall be held invalid, the invalidity thereof shall not affect any of the other provisions of this Ordinance. All ordinances in conflict herewith are hereby repealed to the extent of such conflict.

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

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ADOPTED this 19th day of September, 2022, pursuant to a roll call vote at follows:

Voting	Aye	Nay	Abstain	Absent
President Scaman	✓			
Trustee Buchanan	✓			
Trustee Enyia	✓			
Trustee Parakkat	✓			
Trustee Robinson	✓			
Trustee Taglia	✓			

APPROVED this 19th day of September, 2022.

Vicki Scaman
 Vicki Scaman, Village President

ATTEST

Christina M. Waters
 Christina M. Waters, Village Clerk

Published in pamphlet form this 19th day of September, 2022.

Christina M. Waters
 Christina M. Waters, Village Clerk