

2/12/15

ORDINANCE NO. CO-2015-31

AN ORDINANCE AMENDING SECTION 117.26 OF THE LIQUOR CONTROL PROVISIONS OF THE MAYWOOD VILLAGE CODE RELATIVE TO LICENSE RENEWALS

WHEREAS, the Village of Maywood is a home rule municipality as defined by Article VII, Section 6 of the Illinois Constitution of 1970; and

WHEREAS, the President and Board of Trustees of the Village of Maywood desire to make certain amendments to Section 117.26 (Initial Application Fees, Payment of Fees, Filing of Application for Renewal) of Chapter 117 (Alcoholic Beverages) of Title XI (Business Regulations) of 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, the amount of local licensee fees to be paid for licenses issued, the penalties for the violation of regulations and restrictions relative to operation under local licenses, and to establish such further regulations and restrictions upon the issuance of and operations under local licenses not inconsistent with law as the public good and convenience may require; and

WHEREAS, the President and Board of Trustees of the Village of Maywood have previously created a liquor license approval and renewal process; and

WHEREAS, the President and Board of Trustees, upon the recommendation of the Liquor Control Commission, desire to approve the Code Amendments relative to liquor license renewals; 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, Section 6 of the Illinois Constitution of 1970, the President and Board of Trustees approve the Code Amendments relative to license renewals as set forth below and find such Amendments to be in the best interests of the Village.

BE IT ORDAINED BY THE MAYOR AND BOARD OF TRUSTEES OF THE VILLAGE OF MAYWOOD, COOK COUNTY, ILLINOIS, 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 117.26 (Initial Application Fees, Payment of Fees, Filing of Application for Renewal) of Title XI (Business Regulations) of the Maywood Village Code is amended to read in its entirety as follows:

§ 117.26 INITIAL APPLICATION FEES, PAYMENT OF FEES, FILING OF APPLICATION FOR RENEWAL.

(A) *Application fee.* Except for temporary liquor license applications (Class C and Class E licenses), at the time an application is filed as provided in this chapter, the applicant shall pay to the Village an initial application fee in the sum of \$750, no part of which shall be refundable, to

cover the Village's costs in reviewing and investigating such applicant. For temporary liquor license applications (Class C and Class E licenses), a nonrefundable initial application fee of \$75 must be paid at the time of application.

(B) *Annual license fee.* Annual license fees for all classes of licenses must be paid in full at the time the initial application or an application for renewal of a liquor license is filed. The fee shall be turned over to the Village Treasurer. In the event the license applied for is denied, the license fee shall be returned to the applicant. Except for temporary liquor license applications (Class C and Class E licenses), all other liquor license fees shall be prorated or apportioned if issued for a period less than the calendar year. When a licensee receives and maintains 2 or more liquor licenses during the same year, the licensee shall be entitled to receive 1 50% discount applied to the less expensive of the annual liquor license fees. This 50% discount does not apply to the annual fee if 1 of the 2 liquor licenses is less than \$1,000.00.

(C) *License for part of year.* For any annual liquor license provided by this chapter and issued prior to July 1 in any calendar year, the full prescribed annual fee shall be paid. For any such license issued on or after July 1 but before October 1 in any calendar year, one-half the prescribed annual fee shall be paid. For any such license issued on or after October 1 in any calendar year, one-fourth of the prescribed annual fee shall be paid. There shall be no refund for unused portion of an annual license fee.

(D) *Application filing.* Except for temporary liquor license applications (Class C and Class E licenses), renewal applications shall be filed between December 1 and December 5 in any given year.

(E) *Payment.* All fees received by the Village for liquor licenses shall be deposited by the Village Treasurer in the general corporate fund, or in such other fund as shall have been designated by the Board of Trustees. Failure of any licensee to pay the specified license fee on or before the date when such fee is payable shall prevent such licensee from selling alcoholic liquor at retail and the license shall automatically be revoked and the number of authorized licenses of a particular class shall automatically be reduced by 1.

(F) *No refund.* There shall be no refund of a license fee in the event a license is suspended or revoked.

(G) *Renewals. Appearance Before Liquor Commission.* In September of each year, the Village Clerk shall send notice to each current liquor licensee directing that the licensee or a designee appear before the Local Liquor Control Commission at a meeting to be held in October. At the meeting, the Local Liquor Control Commission shall review reports from the Code Enforcement Department and Police and Fire Departments regarding compliance by licensees with Village and other applicable laws, rules and regulations during the preceding twelve (12) months. Licensees or their designees shall be present and available to answer any questions the Local Liquor Control Commission may have relative to operation of the licensed establishment and compliance by the licensee with Village and other applicable laws, rules and regulations. The Local Liquor Control Commission may recommend to the Local Liquor Control Commissioner such further enforcement or other actions as are deemed by the Commission to be advisable based on the information provided. Citations may be issued to licensees who fail to appear as required by this subsection."

SECTION 3: 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 4: Each section, paragraph, clause and provision of this Ordinance is separable, 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 5: All ordinances, or parts of ordinances, in conflict with the provisions of this Ordinance, to the extent of such conflict, are repealed. 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 6: 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

