

ORIGINAL

ORDINANCE NO. CO-2015-14

**AN ORDINANCE AMENDING SECTION 117.44 (LOCATION RESTRICTIONS)
OF CHAPTER 117 (ALCOHOLIC BEVERAGES)
OF TITLE XI (BUSINESS REGULATIONS) OF
THE LIQUOR CONTROL ORDINANCE OF THE MAYWOOD VILLAGE CODE**

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 117.44 (Location Restrictions) 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, 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 of the Village of Maywood approve the Code Amendments as set forth below.

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 117.44 (Location Restrictions) of Title XI (Business Regulations) of the Maywood Village Code is amended to read in its entirety as follows:

"§ 117.44 LOCATION RESTRICTIONS.

(A) No Class B license shall be issued for the retail sale of any alcoholic liquor within 100 feet of any church, school, hospital, home for the aged or indigent persons or for veterans, their spouses or children, or any military or naval station, provided that this prohibition shall not apply to Class B licensees where sale of alcoholic liquor is not the principal business carried on. This prohibition on Class B licenses shall not apply to any renewal or transfer of a liquor license where a church, school, hospital, home for the aged or indigent persons or for veterans, their spouses or children, or any military or naval station locates within 100 feet of a licensed premises. For purposes of the location restrictions in this section, distance is to be measured from portal to portal, not from lot line to lot line, except in the case of a church or school, for which the distance of 100 feet shall

be measured to the nearest part of any building used for worship services or educational programs.

(B) Excluding Class A (full service restaurant), Class G (restaurant; beer and wine only), Class H (limited service restaurant; beer and wine only) and Class J (outdoor cafe license) licenses and Class F (banquet facilities) licenses that are to be held by the same liquor licensee, or that are to be held by different corporations where the ownership of the corporations are comprised of at least fifty percent (50%) of the same individuals, no license for the sale of alcoholic liquor shall be issued if the premises to be licensed are located within 100 feet of premises for which the same class has already been issued.

(C) Except as provided in divisions (A) and (B) above, there shall be no other restriction on the location of premises for which a liquor license can be issued.”

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 19th day of May, 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.

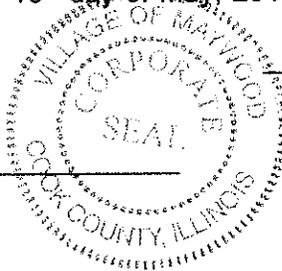
NAYS: None

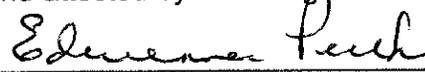
ABSENT: None

APPROVED by me this 19th day of May, 2015, and attested by the Village Clerk on the same day.

ATTEST:


VILLAGE CLERK




VILLAGE PRESIDENT

