

**ORDINANCE NO. CO-2013-22**

**AN ORDINANCE AMENDING CHAPTER 117 (ALCOHOLIC BEVERAGES),  
SECTION 117.27 (TRANSFER OF LICENSE) OF  
THE LIQUOR CONTROL ORDINANCE OF THE MAYWOOD VILLAGE CODE RELATIVE TO  
TRANSFER OF CLASS B LIQUOR LICENSES**

**WHEREAS**, the Village of Maywood is a home rule municipality as defined by Article VII, § 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 the Maywood Village Code as set forth below (the "Code Amendments") relative to the transfer of a Class "B" liquor license among the owners of a corporation or partnership that holds an existing liquor license issued by the Village, where one or more of the owners desire to sell or convey his/her/their ownership interest to one or more of the other owners, provided that certain specified conditions relative to the licensee and licensed premises are met; 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, § 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 117.27 (Transfer of license), subsection (C) of the Maywood Village Code is amended to read in its entirety as follows:

**(C) Except as otherwise provided herein and in subsection (J),** ~~When~~ the licensee is a partnership or a corporation whose stock is not publicly traded on a recognized stock exchange, the license shall terminate whenever 50% or more of the ownership interest therein changes from that shown on the original license application, ~~except as provided for in this subsection.~~ Prior to a transfer of 50% or more of the ownership, the partnership or corporation, through its officers/partners, shall submit a complete application and the required fees for the issuance of a new license, as provided herein, and said application is subject to approval by the Board of the Trustees and the Local Liquor Control Commissioner, in their sole discretion, and such approval is necessary for the new corporate ownership to sell and/or serve alcoholic beverages; however, the provisions of this subsection shall not apply where the transfer of an ownership interest is made to an owner shown on the original license application who owned 25% or more

of the ownership interest of such partnership or corporation at the time the original license application was approved by the Village and the owner is still eligible to hold a liquor license. In the event that the transfer of ownership requires the issuance of a new liquor license and the transfer of ownership occurs prior to the approval of the application, the new corporate ownership shall be prohibited from selling and/or serving alcoholic beverages at the applied for location until the application is approved by the Board of Trustees and the Local Liquor Control Commissioner and all required fees for the liquor license have been paid to the Village.”

**SECTION 3:** Chapter 117 (Alcoholic Beverages), Section 117.27 (Transfer of license), is amended by adding a new subsection (J), to read in its entirety as follows:

(J) Notwithstanding subsection (C) above, an existing Class “B” license may be transferred without the issuance of a new license in the event of a change in ownership interest of 50% or more from that shown on an original Class B (package store) liquor license application, so long as all of the following conditions are met:

(1) the licensee is a partnership or a corporation whose stock is not publicly traded on a recognized stock exchange; and

(2) the individual(s) who will acquire an interest of 50% or more (the “acquiring owner”) has had an ownership interest in the licensee of greater than 25% but less than 50% for at least twelve (12) months prior to the transfer and is otherwise still eligible to hold a liquor license under this Code; and

(3) there have been no documented sales to minors or underage tobacco sales at the licensed premises in the past twelve (12) months; and

(4) There have been no property maintenance citations issued against the licensed premises in the past twelve (12) months; and

(5) enhanced security measures in the form of documented improvements to existing security systems or new security installations at the licensed premises have been made in the past twelve (12) months; and

(6) there have been exterior and/or interior improvements (e.g., new siding, facade, windows and doors, etc.) to the licensed premises and/or related property (e.g., rehabilitation or installation of new parking lot surface, on-site landscaping, etc.) in the past twelve (12) months; and

(7) law enforcement confirms that during the previous twelve (12) months, there have been no significant problems at the licensed premises or, at a minimum, a significant decrease in the number of law enforcement response calls to the licensed premises. Such decrease may be based on police reports and calls, as well as on the Police Department’s experiences relative to the licensed premises. Increases in calls made by the licensee and employees themselves shall not be counted against the licensee, so long as the increases are indicative of increased cooperation with the Police Department by licensee and employees to reduce loitering and other criminal activity at or near the licensed premises; and

(8) the Village Manager, Chief of Police and Coordinator of Enforcement all confirm in writing to the Board of Trustees that they each have no objection to the license transfer.”

**SECTION 4:** All ordinances, or parts of ordinances, in conflict with the provisions of this Ordinance, to the extent of such conflict, are repealed.

**SECTION 5:** 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 6:** 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 7:** 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 19<sup>TH</sup> day of March, 2013, pursuant to a roll call vote as follows:

**AYES:** Mayor Yarbrough Sr., Trustee(s) G. Guzman, A. Jaycox, M. Rogers, M. Lightford and R. Rivers

**NAYS:** Trustee E. Perkins

**ABSENT:** None

**APPROVED** by me this 19<sup>th</sup> day of March, 2013, and attested by the Village Clerk on the same day.

**ATTEST:**

Gary Wolf  
VILLAGE CLERK

[Signature]  
VILLAGE PRESIDENT



