

ORIGINAL

ORDINANCE NO. CO-2016-20

AN ORDINANCE AMENDING SECTIONS 117.21 (APPLICATIONS FOR LICENSE) AND 117.23 (CLASSIFICATIONS; FEES; NUMBER OF LICENSES) OF CHAPTER 117 (ALCOHOLIC BEVERAGES) OF TITLE XI (BUSINESS REGULATIONS) OF THE LIQUOR CONTROL ORDINANCE OF THE MAYWOOD VILLAGE CODE REGARDING NOTICE AND REVIEW OF LIQUOR LICENSE APPLICATIONS

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 Sections 117.21 (Applications for License) and 117.23 (Classifications, Fees, Number of Licenses) of Chapter 117 (Alcoholic Beverages) of Title XI (Business Regulations) of the Maywood Village Code, as set forth below, relative to notice and review of applications for liquor licenses (the "Code Amendments"), including review of temporary licenses; 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 approved certain public notice and application review requirements relative to license considerations before the Local Liquor Control Commission; 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 notice and review of applications as set forth below and find such Amendments to be in the best interests of the Village.

BE IT ORDAINED BY THE PRESIDENT 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 117.21 (Applications for License), of Title XI (Business Regulations) of the Maywood Village Code is amended to read in its entirety as follows:

"§ 117.21 APPLICATIONS FOR LICENSE.

(A) Applications for such licenses shall be made to the Local Liquor Control Commissioner of the Village, in writing, and under oath on forms provided by the Village Clerk.

(B) Except for temporary liquor license applications (Class C and E licenses), the Village Clerk shall schedule a public hearing before the Liquor Control Commission on each completed application for liquor license that seeks the issuance of a license for premises for which no liquor license of the same class has been issued within the preceding 1 year or for each completed application by a prospective new licensee for premises which already has a current liquor license.

(1) The applicant for a liquor license that is subject to a public hearing by the Local Liquor Control Commission must give written notice to all occupants of properties within 350 feet of the lot line of the premises for which the license is sought, of the date, time, place and purpose of the hearing. The notice shall also state the name of the applicant, the address of the premises for which the applicant is seeking to have a liquor license issued, the type of liquor license applied for and the hours during which it is proposed that liquor will be sold on the premises if a license is issued. At least five (5) days prior to the meeting date, the notices shall be mailed or personally delivered by the applicant in envelopes to the "current owner/occupant" at each common property address, as assigned by the United State Postal Service, located within 350 feet of the lot line of the premises for which the license is sought. At the hearing, the applicant shall be required to provide an affidavit of delivery as evidence that he or she complied with the above notice provisions.

(2) The Liquor Commissioner may, in his or her discretion, waive Local Liquor Control Commission review of applications for a temporary liquor license (Class C and E licenses). If such review is not waived, the temporary license shall be considered at a meeting of the Local Liquor Commission. For Class C and Class E temporary license applications where review is not waived, notice of the meeting at which the application shall be considered by the Local Liquor Control Commission shall be provided as set forth in § 117.23.

(C) The applicant for a license hereunder, and all persons he or she proposes to use or uses as managers and bartenders, shall be fingerprinted, and a complete set of fingerprints maintained on file with the Police Department.

(D) As part of the application process, the applicant shall be required to execute a sufficient number of "personal inquiry waiver" forms so as to allow the Liquor Commissioner to obtain information about the applicant, and information about businesses located outside the Village in which the applicant has an interest, from other jurisdictions and law enforcement agencies."

SECTION 3: Chapter 117 (Alcoholic Beverages), Section 117.23 (Classification; Fees; Number of Licenses), of Title XI (Business Regulations) of the Maywood Village Code is amended by revising subsection (C)(21) to read in its entirety as follows:

"(21) *Notification of application.* Unless such review is waived by the Local Liquor Control Commissioner, the Village will, upon receipt of an application for a Class C liquor license, advise an applicant of the date the application shall be considered by the Local Liquor Control Commission. The applicant shall then send written notice by first class United States mail of the Local Liquor Control Commission hearing to be held to consider the application to those property addresses located within 100 feet of the location of the proposed special event. The notice shall contain the date, time and place of the Local Liquor Control Commission hearing and a brief description of the application. A copy of the agenda for the Local Liquor Control Commission hearing shall be a sufficient notice. At least ten (10) days prior to the hearing date, the notices shall be mailed in envelopes addressed to the occupants of properties within 100 feet of the proposed special event location."

SECTION 4: 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 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: 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 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 14th day of September, 2016, pursuant to a roll call vote as follows:

AYES: Mayor Edwenna Perkins, Trustee(s) H. Yarbrough, Sr., I. Brandon, M. Rogers, and R. Rivers

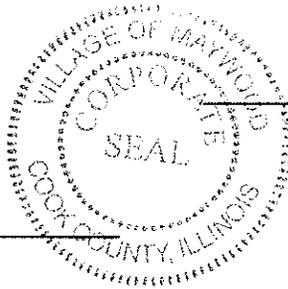
NAYS: None

ABSENT: Trustee(s) A. Dorris and M. Lightford

APPROVED by me this 20th day of September, 2016, and attested by the Village Clerk on the same day.

ATTEST:

VILLAGE CLERK



VILLAGE PRESIDENT

