

VILLAGE OF MAPLE PARK

ORDINANCE NO. 2016-08

**AN ORDINANCE AMENDING CERTAIN PROVISIONS OF
THE VILLAGE OF MAPLE PARK'S LIQUOR CONTROL
ORDINANCE (ARTICLE 4, CHAPTER 2, SECTION 6 OF
THE MAPLE PARK VILLAGE CODE)**

**ADOPTED BY
THE BOARD OF TRUSTEES
OF THE
VILLAGE OF MAPLE PARK**

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WHEREAS, the Maple Park Liquor Control Ordinance was most recently updated in 1987; and

WHEREAS, certain changes in State law render it appropriate to update Section 6 of the Maple Park Liquor Control Ordinance (Article 4, Chapter 2 of the Maple Park Village Code); specifically, to acknowledge the modern existence of limited liability companies in the State of Illinois and to update the Maple Park Liquor Control Ordinance to align with state law regarding limited circumstances where Village Trustees may be permitted to hold a direct interest in a liquor license.

NOW THEREFORE, BE IT ORDAINED as follows that Article 4, Chapter 2, Section 6 of the Village Code of Maple Park (The Maple Park Liquor Control Ordinance) shall be amended as follows: (additions marked by underlined red language below)

4-2-6: RESTRICTIONS ON LICENSES:

The restrictions contained herein shall be applicable to any applicant for a liquor license and said restrictions shall continue to be applicable during the term of the license, if granted. The term "person" when used in this section shall be defined to include an individual if the applicant is an individual; the general partners if a partnership is the applicant; the officers, directors and shareholders owning five percent (5%) or more of the stock if a corporation is the applicant; and a majority of the members if a not for profit association is the applicant. No such license shall be issued to:

A. An applicant who is not a resident of the village. If the applicant is a partnership, at least one of the general partners must be a resident of the village. If the applicant is a corporation or Limited Liability Company, its principal place of business must be within the village.

B. A person who is not of good character and reputation in the community in which he resides.

C. A person who is not a citizen of the United States.

D. A person who has been convicted of a felony, or who has been convicted of two (2) or more criminal misdemeanors other than for a traffic violation within two (2) years next preceding his application.

E. A person who has been convicted of being the keeper of, or is keeping, a house of ill fame.

F. A person who has been convicted of pandering or other crime or misdemeanor opposed to decency and morality.

G. A person or applicant whose license issued under this chapter has been revoked for cause.

H. A person or applicant who, at the time of application for renewal of any license hereunder, would not be eligible for such license under a first application.

I. A partnership, unless all of the members of such partnership shall be qualified to obtain a license.

J. A corporation or limited liability company if any officer, manager or director thereof, or any stockholder or stockholders of a corporation, or member or members of a limited liability company owning in the aggregate more than five percent (5%) of the stock of such corporation, (or units of a limited liability company) would be ineligible to receive a license hereunder for any reason other than citizenship and residence within the village.

K. Any person or applicant whose place of business is conducted by a manager or agent unless said manager or agent possesses the same qualifications required of the licensee.

L. A person who has been convicted of a violation of any state or federal law concerning the manufacture, possession or sale of alcoholic liquor, or who shall have forfeited his bond to appear in court to answer charges for any such violation.

M. A person or applicant who does not own the premises for which a license is sought or does not have a lease thereon for the full period for which the license is issued.

N. Any village law enforcement official, village president, or village trustee, except that a license may be granted to a village trustee if: (i) the sale of alcoholic liquor pursuant to the license is incidental to the selling of food, and (ii) the village trustee does not participate in or vote on any alcoholic liquor issues pending before the board to which the license holder is elected.

O. Any person or applicant not eligible for a state retail liquor dealer's license.

SECTION 2. SEVERABILITY.

If any provision of this Ordinance or parts thereof is held invalid by a court of competent jurisdiction, the remaining provisions of this Ordinance are to remain in full force and effect, and are to be interpreted, applied, and enforced so as to achieve, as near as may be, the purpose and intent of this Ordinance to the greatest extent permitted by applicable law.

SECTION 3. EFFECTIVE DATE.

The provisions of this Ordinance will be in full force and effect upon its passage, approval and publication, in accordance with law.

PASSED by the Board of Trustees of the Village of Maple Park, Kane and DeKalb Counties, Illinois this 2nd day of August, 2016, by a roll call vote as follows:

AYES: Dalton, Higgins, Harris, Borg, Dries

NAYS: None.

ABSENT: None.

ABSTAIN: Goucher, Harris

APPROVED by the Village President and attested by the Village Clerk this 3rd day of August, 2016.





Kathleen Curtis, Village President

ATTEST:



Elizabeth Peerboom, Village Clerk

STATE OF ILLINOIS)
) SS
COUNTIES OF DEKALB AND KANE)

Dated at Maple Park, Illinois, **August 3, 2016.**




Elizabeth Peerboom, Village Clerk