

**ORDINANCE NO. CO-2023-32**

**AN ORDINANCE AMENDING CHAPTER 117 (ALCOHOLIC BEVERAGES),  
TITLE XI (BUSINESS REGULATIONS), SECTION 117.21 (APPLICATIONS FOR LICENSE)  
AND SECTION 117.27 (TRANSFER OF LICENSE) OF THE MAYWOOD VILLAGE CODE  
REGARDING LIQUOR LICENSE TRANSFERS**

**WHEREAS**, the Village of Maywood (the "Village") is a home rule municipality, having all of the powers and authority granted to such municipalities pursuant to Article VII (Local Government), Section 6 (Powers of Home Rule Units) of the Illinois Constitution of 1970, including the right to exercise any power and perform any function pertaining to its government and affairs; and

**WHEREAS**, the Liquor Control Act of 1934 (235 ILCS 5/1-1) (the "Act") 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, 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, including regulations relative to transfers of liquor licenses; and

**WHEREAS**, in 2008, the Village Board of Trustees made revisions to the Village's Liquor Code to require Class B Package Store liquor licensees operating as a liquor store to have a minimum of 10,000 square feet of retail floor space (the "2008 Liquor Code Change"); and

**WHEREAS**, those existing Class B Package Liquor licensees at the time of the 2008 Liquor Code Change who did not meet the new requirements were allowed to continue in business assuming all Code requirements other than the minimum square footage continued to be complied with; and

**WHEREAS**, Section 117.27(C) of the Maywood Village Code provides that, subject to certain exceptions, 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 (the "50% Rule"); and

**WHEREAS**, since 2008, the Board of Trustees has added certain generally applicable exceptions to the 50% Rule (the "50% Rule Exceptions"); and

**WHEREAS**, the 50% Rule Exceptions have been used a number of times, and have proved to be difficult to administer, with the result that fifteen (15) years after the 2008 Liquor Code Change, several liquor stores of less than 10,000 square feet remain in operation despite a number of ownership changes having occurred; and

**WHEREAS**, the Village Board of Trustees finds it to be in the best interests of the Village at this time to eliminate the 50% Rule Exceptions through the Code amendments set forth below.

**BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF MAYWOOD, COOK COUNTY, ILLINOIS, AS FOLLOWS:**

**SECTION 1: Incorporation.** Each Whereas paragraph set forth above is incorporated by reference into this Section 1.

**SECTION 2: Code Amendments.** Section 117.21 (Applications For License), Chapter 117 (Alcoholic Beverages), Title XI (Business Regulations) of the Maywood Village Code, as amended, shall be further amended to read in its entirety as follows (new text is marked with underlining; deletions to existing text marked using strikethrough):

**“§117.21 APPLICATIONS FOR LICENSE.**

(A) (1) 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.

(2) The following persons are required to file a completed Liquor License Application with the Village Clerk: any applicant seeking issuance of a new license, any applicant seeking to renew an existing liquor license, or any person seeking to acquire ownership in an entity currently possessing a valid liquor license.

(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. ~~A public hearing is also required for a transfer pursuant to § 117.27(J).~~

(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.

(E) The Village Clerk shall maintain a Liquor License Application Checklist to aid in processing of application. Upon receipt of a liquor license application, the Village Clerk shall complete the Clerk's portion of the Liquor License Application Approval Checklist and then circulate the Checklist to the Finance Director, Police Chief, Building/Zoning Officer, and the Fire Chief or Fire Inspector, who shall verify whether or not the Applicant and the premises are in compliance with the Village's liquor license regulations found at [Chapter 117](#) (Alcoholic Beverages) and the business license regulations found at [Chapter 110](#) (Business Licenses). The Police Chief will perform a background check on the applicant and the Department Directors will perform compliance reviews. After completion, the Checklist will be returned to the Local Liquor Control Commissioner and the Local Liquor Control Commission for further action on the application."

**SECTION 3: Code Amendments.** Section 117.27 (Transfer of License), Chapter 117 (Alcoholic Beverages), Title XI (Business Regulations) of the Maywood Village Code, as amended, shall be further amended to read in its entirety as follows (new text is marked with underlining; deletions to existing text marked using strikethrough):

**"§ 117.27 TRANSFER OF LICENSE.**

(A) A license shall be purely a personal privilege, good for not to exceed 1 year after issuance unless sooner revoked as provided in this chapter, and shall not constitute property, nor shall it be subject to attachment, garnishment or execution, nor shall it be alienable or transferable, voluntarily or involuntarily, or subject to being encumbered or hypothecated. Except as provided in division (B) of this section, such license shall not descend by the laws of testate or intestate devolution, but shall cease upon the death of the licensee; provided, however, that executors or administrators of the estate of any deceased licensee, and the trustee of any insolvent or bankrupt licensee, when such estate consists in part of alcoholic liquor under order of the appropriate court, may exercise the privileges of the deceased or insolvent or bankrupt's license after the death of such decedent, or such insolvency or bankruptcy until the expiration of such license but not longer than six (6) months after the death, bankruptcy or insolvency of such licensee.

(B) (1) A license may, upon the licensee's death, descend only to the licensee's spouse or children and in the event such licensee is not survived by a spouse or child then to the licensee's mother or father; provided, however, any such survivor must possess the same qualifications required by the deceased licensee. The passage of a license pursuant to the terms of this subsection shall not require the payment of any fees.

(2) Nothing contained in this subsection shall create any vested or property right in any liquor license in any person whatsoever, nor shall it limit or restrict the right of the Village to at any time amend or repeal this subsection.

(C) Except as otherwise provided herein and in division (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. 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. Eligibility for a transfer of ownership interest pursuant to this exception shall be determined by submission of a completed liquor license application to the Local Liquor Control Commission for review as to the owners continuing eligibility to hold a liquor license. The Commission shall make a recommendation to the Local Liquor Control Commissioner regarding such eligibility. After receiving such recommendation, the Commissioner shall determine whether the owner continues to be eligible under provisions of § 117.22 of this chapter and so advise the licensee in writing. 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.~~

(D) When the licensee is a corporation whose stock is publicly traded on a recognized stock exchange, the license shall terminate whenever 50% or more of the membership of the Board of Directors of the corporation changes from that shown on the original license application, or whenever 1 person who was not shown as an owner of 50% or more of the ownership interest in the publicly-traded corporation at the time of the original liquor license application, becomes an owner of a 50% or more ownership interest in the publicly-traded corporation. In such event, the corporation, through its officers/Board of Directors, must make application for the issuance of a new license as provided in this chapter.

(E) When the licensee is a partnership or corporation, no change in ownership from that shown on the original application involving the addition of a new partner(s) of such partnership or a new shareholder(s) who will own in the aggregate more than 5% of the stock of such corporation, shall be effective until such proposed change in ownership has first been reported in writing to the Local Liquor Control Commissioner along with a completed liquor license application. Such application shall be submitted to the Liquor Control Commission for review as to the new partner or shareholder's eligibility to hold a liquor license. The Commission shall make a recommendation to the Local Liquor Control Commissioner regarding such eligibility. After receiving such recommendation, the Commissioner shall determine whether the proposed new partner(s) or shareholder(s) is/are eligible under the provisions of § 117.22 of this chapter and shall so advise the licensee of his or her determination in writing. Any change in ownership without

complying with the terms hereof shall constitute grounds for a fine and/or the suspension or revocation of the liquor license issued to such partnership or corporation.

(F) When the licensee is a corporation whose stock is publicly traded on a recognized stock exchange, no change in the membership of the Board of Directors of the corporation from that shown on the original application involving the addition of a new Director of such corporation shall be effective until such proposed change in Directors has first been reported in writing to the Local Liquor Control Commissioner and the Commissioner finds that the proposed new Director is not ineligible under the provisions of § [117.22](#) of this chapter and so advises the licensee in writing. Any change in the membership of the Board of Directors without complying with the terms hereof shall constitute grounds for a fine and/or suspension or revocation of the liquor license issued to such corporation.

(G) When the licensee is a partnership or corporation whose stock is not publicly traded on a recognized stock exchange, no change in ownership from that shown on the original application involving the withdrawal of any partner or shareholder shall be made without reporting such change in ownership in writing to the Local Liquor Control Commissioner within [ten \(10\)](#) days of any such change in ownership. Any such change in ownership made without complying with the terms hereof shall constitute grounds for a fine and/or the suspension or revocation of the liquor license issued to such partnership or corporation.

(H) When the licensee is a corporation whose stock is publicly traded on a recognized stock exchange, no change in the membership of the Board of Directors from that shown on the original application involving the withdrawal, removal or elimination of any Director shall be made without reporting such change in the membership of the Board of Directors in writing to the Local Liquor Control Commissioner within [ten \(10\)](#) days of any such change. Any such change in the membership of the Board of Directors made without complying with the terms hereof shall constitute grounds for a fine and/or the suspension or revocation of the liquor license issued to such corporation.

(I) (1) In the event that a liquor license is granted to a corporation which issues franchises relative to its business locations, the liquor license issued to the corporation may be transferred to an authorized franchisee, notwithstanding any other provision of the Code, provided the following conditions are met:

(a) The appropriate application fee, as set forth in § 117.22 of this chapter, is paid, and submitted with an original liquor license application, by the franchisee.

(b) The franchisee qualifies for a liquor license in accordance with the provisions of this chapter.

(c) The corporation and franchisee submit written documentation to the Village evidencing the issuance of a franchise to the franchisee at the licensed location.

(d) The transfer request occurs within 180 days of the approval of the issuance of the liquor license to the corporation. Upon petition of the corporation, the Board of Trustees may grant an extension of the 180 days limitation upon a showing of good cause as to why the transfer could not occur within the initial 180-day period.

(2) Provided all the foregoing conditions are met, the liquor license may be transferred to the franchisee upon payment of transfer fee which shall be calculated based on the following formula:

$$\frac{\begin{array}{l} \text{Renewal Fee for the} \\ \text{Particular Class of License} \\ \text{Transfer Fee} \\ \text{as per § 117.22} \end{array} \times \begin{array}{l} \text{Number of days left} \\ \text{in the license year} \end{array}}{365} = \text{Total Fee}$$

(3) If at any time after the transfer of the liquor license to the franchisee there is a change in the franchisee, it shall be the obligation of the corporation and the original franchisee to report the change, within ten (10) days after it occurs, to the Local Liquor Control Commissioner, and the new franchisee shall be required to apply for a new liquor license.

~~—(j) (1) Notwithstanding division (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 or the most recent Class B (package store) liquor license application or renewal application, so long as all of the following conditions are met:~~

~~—(a) The licensee is a partnership or a corporation whose stock is not publicly traded on a recognized stock exchange;~~

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

~~—(c) There have been no documented sales to minors or underage tobacco sales at the licensed premises in the past 12 months;~~

~~—(d) There have been no property maintenance citations issued against the licensed premises in the past 12 months;~~

~~—(e) 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 12 months;~~

~~—(f) 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 12 months;~~

~~—(g) Law enforcement confirms that during the previous 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

~~— (h) The transferee is in compliance with all other applicable Village Code provisions, including Chapter 110 (Business Licenses) and the Village Manager, Chief of Police and Building Director all confirm in writing to the Board of Trustees that they each have no objection to the license transfer.~~

~~— (2) Transfers pursuant to this subsection are subject to the following review and approval process. The licensee shall submit a completed liquor license application seeking a transfer pursuant to this subsection, which shall then be forwarded to the Local Liquor Control Commission for a public hearing with notice pursuant to § 117.21 regarding the eligibility of the transferee and a recommendation to the Local Liquor Control Commissioner as to whether the various requirements in this subsection have been met. Should the Local Liquor Control Commissioner, upon receipt of such recommendation, then find that the requirements of this subsection have been met, a transfer pursuant to this subsection may be approved by the Board of Trustees by ordinance upon the favorable recommendation of the Local Liquor Control Commissioner.”~~

**SECTION 4: Codifier to Make All Necessary Internal Amendments.** To the extent necessary, all tables of contents, indexes, headings, and internal references or cross-references to sections and other text that need to be amended or deleted within the Maywood Code of Ordinances, as amended, as a consequence of the above Code Amendments, shall be amended by the Village’s codifier so as to be consistent with the terms of this Ordinance.

**SECTION 5: Repeal of Conflicting Legislation; Severability; Validity of Non-Conflicting Legislation.** All ordinances, or parts of ordinances, in conflict with the provisions of this Ordinance, to the extent of such conflict, are repealed. 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. 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 8: Effective Date.** 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 8th day of August, 2023, pursuant to a roll call vote as follows:

**AYES:** Mayor Booker, Trustees R. Williams, M. Jones, M. Lightford, A. Peppers and I. Brandon

**NAYS:** None

**ABSENT:** Trustee A. Sanchez

**APPROVED** by the Village President and attested to by the Village Clerk on the same day, on the 8th day of August, 2023.

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Nathaniel George Booker, Village President

**ATTEST:**

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Tori-Love Garron, Village Clerk

Published by me in pamphlet form this 8th day of August, 2023.

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Tori-Love Garron, Village Clerk



STATE OF ILLINOIS     )  
                                  )SS.  
COUNTY OF COOK     )

**CLERK'S CERTIFICATE**

I, Tori-Love Garron, Clerk of the Village of Maywood, in the County of Cook and State of Illinois, certify that the attached and foregoing is a true and correct copy of that certain Ordinance now on file in my Office, entitled:

**ORDINANCE NO. CO-2023-32**

**AN ORDINANCE AMENDING CHAPTER 117 (ALCOHOLIC BEVERAGES),  
TITLE XI (BUSINESS REGULATIONS), SECTION 117.21 (APPLICATIONS FOR LICENSE)  
AND SECTION 117.27 (TRANSFER OF LICENSE) OF THE MAYWOOD VILLAGE CODE  
REGARDING LIQUOR LICENSE TRANSFERS**

which was passed by a roll call vote of the Board of Trustees of the Village of Maywood at a Special Board Meeting held on the 8th day of August, 2023, at which meeting a quorum was present, and approved by the President of the Village of Maywood on the 8th day of August, 2023.

I further certify that the vote on the question of the passage of the said Ordinance by the Board of Trustees of the Village of Maywood was taken by the Ayes and Nays and recorded in the Journal of Proceedings of the Board of Trustees of the Village of Maywood, and that the result of the vote was as follows, to wit:

**AYES:** Mayor Booker, Trustees R. Williams, M. Jones, M. Lightford, A. Peppers  
and I. Brandon

**NAYS:** None

**ABSENT:** Trustee A. Sanchez

I do further certify that the original Ordinance, of which the attached is a true copy, is entrusted to my care for safekeeping, and that I am the lawful keeper of the same.

**IN WITNESS WHEREOF**, I have hereunto set my hand and affixed the seal of the Village of Maywood, this 8th day of August, 2023.

By: \_\_\_\_\_  
Tori-Love Garron, Village Clerk

**SEAL**