

ORDINANCE

AN ORDINANCE AMENDING CHAPTER 3 (“ALCOHOLIC LIQUOR DEALERS”) ARTICLE 3 (“RESTRICTION ON LIQUOR LICENSES”) TO ELIIMINATE THE REQUIREMENT THAT A VILLAGE LIQUOR LICENSEE BE A UNITED STATES CITIZEN AND TO ELIMINATE CERTAIN CRIMINAL CONVICTIONS FROM BEING CONSIDERED AS PART OF A LIQUOR LICENSE APPLICATION

WHEREAS, the Village of Oak Park (“Village”) is a home rule unit of government as provided by the provisions of Article VII, Section 6 of the Illinois Constitution of 1970; and

WHEREAS, as a home rule unit of government, the Village is expressly empowered to perform any function pertaining to its government and affairs, including, but not limited to the power to regulate for the protection of the public health, safety, morals and welfare; and

WHEREAS, the State of Illinois recently adopted certain amendments to the Illinois Liquor Control Act, 235 ILCS 5/1-1 *et seq.*, pursuant to Public Act 101-541 to eliminate the citizenship requirement to obtain a State of Illinois liquor license and to eliminate certain criminal convictions from being considered to obtain a State license; and

WHEREAS, the Village has determined to adopt those amendments as part of the Oak Park Village Code to ensure that the Village’s requirements for a Village liquor license are consistent with those of the State of Illinois.

NOW THEREFORE, BE IT ORDAINED by the President and Board of Trustees of the Village of Oak Park, Cook County, Illinois, in the exercise of their home rule powers, as follows:

Section 1. Recitals Incorporated. The above recitals are incorporated herein by reference as though fully set forth.

Section 2. Village Code Amended. Chapter 3 (“Alcoholic Liquor Dealers”) Article 3 (“Restriction on Liquor Licenses”), Section 3-3-1 (“Restrictions on Licenses”) of the Oak Park Village Code is amended by deleting the overstricken language and adding the underlined language to read as follows:

3-3-1: RESTRICTION ON LICENSES:

No such liquor license shall be issued to:

A. A person who is not of good character and reputation in the community;

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

B. A person who has been convicted of a felony under any Federal or State law if the Local Liquor Control Commissioner determines after investigation, that such person ~~has not been sufficiently rehabilitated to warrant the public trust~~ will not be impaired by the conviction in engaging in the licensed practice after considering matters set forth in such person’s application;

C ~~D~~. A person who has been convicted of being the keeper of, or is keeping, a house of ill fame;

D ~~E~~. A person who has been convicted of pandering;

E ~~F~~. A person whose liquor license under this chapter has been revoked for cause;

F ~~G~~. A person who at the time of application for renewal of any liquor license issued hereunder would not be eligible for such liquor license under a first application;

G ~~H~~. A copartnership, unless all of the members of such copartnership shall be qualified to obtain a license;

H ~~I~~. A corporation, if any officer, manager or director thereof, or any stockholder or stockholders owning directly or beneficially in the aggregate more than five percent (5%) of the stock of such corporation, would not be eligible to receive a liquor license hereunder for any reason ~~other than citizenship and residence within the Village~~;

I ~~J~~. A corporation unless it is incorporated in Illinois or unless it is a foreign corporation which is qualified under the Business Corporation Act to transact business in Illinois;

J ~~K~~. A person whose place of business is conducted by a manager or agent unless said manager or agent possesses the same qualifications required of the licensee;

K ~~L~~. A person who has been convicted of a violation of any Federal or State law concerning the manufacture, possession or sale of alcoholic liquor, or who shall have forfeited his or her bond to appear in court to answer charges for any such violation, unless the Commission determines, in accordance with Section 6-2.5 of this Act, that the person will not be impaired by the conviction in engaging in the licensed practice;

L ~~M~~. A person who does not own the premises for which a liquor license is sought, or does not have a lease thereon for the full period for which the liquor license is issued;

M ~~N~~. Any elected public official, Oak Park Village employee, or member of the Oak Park Liquor Control Review Board, and no such official shall be interested in any way, either directly or indirectly in any business holding an Oak Park liquor license. Indirect interests shall include, but not be limited to, any business relationship or contractual relationship of any elected public official, Oak Park Village employee or member of the Oak Park Liquor Control Review Board ("LCRB") with any Oak Park liquor license holder or Oak Park liquor license applicant or anyone who such elected public official, Oak Park employee or LCRB member knew or reasonably should have known would be an applicant for an Oak Park liquor license within one year of such business or contractual relationship; except that, a liquor license may be granted to either the Village President, or other member of the Village Board of Trustees, or to any entity in which such President or member of the Board of Trustees has an interest if: 1) the sale of alcoholic liquor pursuant to the license is incidental to the selling of food; 2) the issuance of the license is approved by the state of Illinois Liquor Control Commission; 3) the issuance of the license is in

accordance with all applicable provisions of the Village Code and state law; and 4) the official granted a license does not vote on alcoholic liquor issues pending before the Village Board;

Notwithstanding any provision of this paragraph to the contrary, a member of the Village Board of Trustees, other than the President may have a direct or indirect interest in the manufacture, sale or distribution of alcoholic liquor as long as he or she is not a law enforcing public official or the Village President;

To prevent any conflict of interest, any elected official with a direct or indirect interest in the manufacture, sale or distribution of alcoholic liquor shall not participate in any meetings, hearings or decisions on matters impacting the manufacture, sale or distribution of alcoholic liquor;

Furthermore, the Village President may have an interest in the manufacture, sale or distribution of alcoholic liquor as long as the Village Board has made a local liquor control commissioner appointment that complies with the requirements of section 4-2 of the alcoholic liquor control act of 1934 and section 3-2-2 of this chapter.

N ~~Q~~. Any applicant who fails to obtain a State liquor license shall not be able to operate in the Village of Oak Park;

O ~~P~~. A person who is not a beneficial owner of the business to be operated by the licensee;

P ~~Q~~. A person who has been convicted of a gambling offense as prescribed by any of subsections (a)(3) through (a)(11) of section 28-1, or as prescribed by section 28-3 of the "Criminal Code of 1961" approved July 28, 1961, as set forth in 720 Illinois Compiled Statutes 5/28-1 and 5/28-3, 1992, as heretofore or hereafter amended, or as proscribed by a statute replaced by any of the aforesaid statutory provisions;

Q ~~R~~. A person to whom a Federal gaming device stamp or a Federal wagering stamp has been issued by the Federal Government for the current tax period;

R ~~S~~. A copartnership to which a Federal gaming device stamp or a Federal wagering stamp has been issued by the Federal Government for the current tax period, or if any of the partners have been issued a Federal gaming device stamp or Federal wagering stamp by the Federal Government for the current tax period;

S ~~T~~. A corporation, if any officer, manager or director thereof, or any stockholder owning in the aggregate more than five percent (5%) of the stock of such corporation has been issued a Federal gaming stamp or a Federal wagering stamp for the current tax period;

T ~~U~~. Any premises for which a Federal gaming device stamp or a Federal wagering stamp has been issued by the Federal Government for the current tax period;

U ~~V~~. A club which in its membership policies and practices or in its services to guests, discriminates on the basis of race, religion, national origin, sex, creed, ancestry, sexual orientation, matriculation, familial status or disability.

Section 3. Village Code Amended. Chapter 3 ("Alcoholic Liquor Dealers") Article 3 ("Restrictions on Liquor Licenses"), of the Oak Park Village Code is amended to add a new Section 3-3-2 ("Applicant Convictions") to read as follows:

3-3-2: APPLICANT CONVICTIONS:

A. Applicants shall not be required to report the following information and the following criminal history records shall not be considered in connection with an application for a license under this chapter:

1. Juvenile adjudications of delinquent minors as defined in Section 5-105 of the Juvenile Court Act of 1987, 705 Illinois Compiled Statutes 405/5-105, subject to the restrictions set forth in Section 5-130 of the Juvenile Court Act of 1987, 705 Illinois Compiled Statutes 405/5-130;

2. Law enforcement records, court records, and conviction records of an individual who was 17 years old at the time of the offense and before January 1, 2014, unless the nature of the offense required the individual to be tried as an adult;

3. Records of arrest not followed by a conviction;

4. Convictions overturned by a higher court; and

5. Convictions or arrests that have been sealed or expunged.

B. The local liquor control commissioner, upon a finding that an applicant for a license was convicted of a felony or a violation of any federal or state law concerning the manufacture, possession or sale of alcoholic liquor, shall consider as evidence of rehabilitation and mitigating factors contained in the applicant's record, including any of the following factors and evidence, to determine if the conviction will impair the ability of the applicant to engage in the position for which a license is sought:

1. The lack of direct relation of the offense for which the applicant was previously convicted to the duties, functions, and responsibilities of the position for which a license is sought;

2. Whether 5 years since a felony conviction or 3 years since release from confinement for the conviction, whichever is later, have passed without a subsequent conviction;

3. If the applicant was previously licensed or employed in the State of Illinois or other states or jurisdictions, then the lack of prior misconduct arising from or related to the licensed position or position of employment;

4. The age of the person at the time of the criminal offense;
5. Successful completion of sentence and, for applicants serving a term of parole or probation, a progress report provided by the applicant's probation or parole officer that documents the applicant's compliance with conditions of supervision;
6. Evidence of the applicant's present fitness and professional character;
7. Evidence of rehabilitation or rehabilitative effort during or after incarceration, or during or after a term of supervision, including, but not limited to, a certificate of good conduct under Section 5-5.5-25 of the Unified Code of Corrections, 730 Illinois Compiled Statutes 5/5-5.5-25, or a certificate of relief from disabilities under Section 5-5.5-10 of the Unified Code of Corrections, 730 Illinois Compiled Statutes, 5/5-5.5-10; and
8. Any other mitigating factors that contribute to the person's potential and current ability to perform the duties and responsibilities of the position for which a license or employment is sought.

C. For purposes of this chapter, a criminal conviction of a corporation is not grounds for the denial, suspension, or revocation of a license applied for or held by the corporation if the criminal conviction was not the result of a violation of any federal or state law concerning the manufacture, possession or sale of alcoholic liquor, the offense that led to the conviction did not result in any financial gain to the corporation and the corporation has terminated its relationship with each director, officer, employee, or controlling shareholder whose actions directly contributed to the conviction of the corporation. The local liquor control commissioner shall determine if all provisions of this subsection have been met before any action on the corporation's license is initiated.

Section 4. Severability and Repeal of Inconsistent Ordinances. If any section, paragraph, clause or provision of this Ordinance shall be held invalid, the invalidity thereof shall not affect any of the other provisions of this Ordinance. All ordinances in conflict herewith are hereby repealed to the extent of such conflict.

Section 5. Effective Date. This Ordinance shall be in full force and effect after its approval, passage and publication as provided by law.

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ADOPTED this 18th day of October, 2021, pursuant to a roll call vote at follows:

Voting	Aye	Nay	Abstain	Absent
President Scaman				
Trustee Buchanan				
Trustee Enyia				
Trustee Parakkat				
Trustee Robinson				
Trustee Taglia				
Trustee Walker-Peddakotla				

APPROVED this 18th day of October, 2021.

Vicki Scaman, Village President

ATTEST

Christina M. Waters, Village Clerk

Published in pamphlet form this 18th day of October, 2021.

Christina M. Waters, Village Clerk