

ORDINANCE NO. 2020- 20

AN ORDINANCE AMENDING CHAPTER 6, SECTION 6-2 OF THE CODE OF ORDINANCES OF THE VILLAGE OF STICKNEY, ILLINOIS TO CREATE THE POSITION OF DEPUTY LOCAL LIQUOR CONTROL COMMISSIONER

WHEREAS, the Village of Stickney (the “Village”) is a home rule municipal corporation in accordance with Article VII, Section 6(a) of the Constitution of the State of Illinois of 1970; and

WHEREAS, the Village has the authority to adopt ordinances and to promulgate rules and regulations that pertain to its government and affairs, and to review, interpret and amend its ordinances, rules and regulations; and

WHEREAS, the Village President (the “President”) and the Board of Trustees of the Village (the “Village Board” and with the President, the “Corporate Authorities”) are committed to ensuring the health, safety and welfare of individuals residing in, working in and visiting the Village; and

WHEREAS, the Municipal Code, Village of Stickney, Illinois (the “Village Code”) currently sets forth certain regulations regarding the use, service, sale and distribution of alcoholic liquor and further, provides that the President may appoint a person to assist him in the exercise of the powers and the performance of the duties as the local liquor control commissioner (the “Existing Regulations”); and

WHEREAS, the Corporate Authorities recognize the need to amend, update and clarify the Existing Regulations from time to time as deemed necessary; and

WHEREAS, the Existing Regulations require amendment to create the position of Deputy Local Liquor Control Commissioner, to be appointed by the President, to assist him in the performance of his duties as the local liquor control commissioner and further to provide that the deputy local liquor control commissioner shall also preside as the hearing officer related to violations of Chapter 6 of the Village Code (the “Liquor Code”), Illinois Liquor Code and related Village Code provisions; and

WHEREAS, the Corporate Authorities find that it is necessary and in the best interest of the Village to amend the Village Code to create the position of Deputy Local Liquor Control Commissioner; and

WHEREAS, based upon the foregoing, the Corporate Authorities have determined that it is in the best interests of the Village and its residents to amend Chapter 6, Section 6-2 of the Village Code as set forth below;

NOW, THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF STICKNEY, COOK COUNTY, ILLINOIS, as follows:

**ARTICLE I.
IN GENERAL**

SECTION 1. INCORPORATION CLAUSE.

The Corporate Authorities hereby find that all of the recitals hereinbefore stated as contained in the preambles to this Ordinance are full, true and correct and do hereby, by reference, incorporate and make them part of this Ordinance as legislative findings.

SECTION 2. PURPOSE.

The purpose of this Ordinance is to amend Chapter 6, Section 6-2 of the Village Code to update, amend, and clarify the Village's Existing Regulations to create the position of Deputy Local Liquor Control Commissioner, and to authorize the President or his designee to take all actions necessary to carry out the intent of this Ordinance.

**ARTICLE II.
AMENDMENT OF CHAPTER 6, SECTION 6-2 OF THE MUNICIPAL CODE, VILLAGE OF
STICKNEY, ILLINOIS**

SECTION 3. AMENDMENT OF CHAPTER 6, SECTION 6-2.

That Chapter 6, Section 6-2 of the Village Code is hereby amended, notwithstanding any provision, ordinance, resolution or Village Code section to the contrary, by striking out any language to be removed or repealed and underlining new language as follows:

Sec. 6-2. – Local liquor control commissioner; Deputy local liquor control commissioner.

- (a) Generally. The village president shall be the local liquor control commissioner and shall be charged with the administration of the Liquor Control Act, and of such ordinances and resolutions relating to alcoholic liquor as may be enacted. The village president may appoint a deputy local liquor control commissioner as defined herein person to assist him in the exercise of the powers and the performance of the duties. The local liquor control commissioner may also appoint any other qualified person or persons to assist in the exercise of the powers and performance of the duties imposed on the local liquor control commissioner by law and the provisions of this chapter, and of such ordinances and resolutions relating to alcoholic liquor as may be enacted.
- (b) Entry powers. The local liquor control commissioner or his or her authorized designee ~~are is~~ hereby given the power to enter or to authorize any law enforcing officer to enter at any time upon any premises licensed under this chapter to determine whether any of the provisions of the Liquor Control Act, or any rules or regulations adopted by him or by the state commission have been or are being violated, and at such time to examine the premises of the licensee in connection therewith.

(c) Adoption of rules. The local liquor control commissioner shall have the power to adopt such rules and regulations consistent with this chapter that the local liquor control commissioner deem(s) necessary to carry on his or her functions and duties and for the efficient administration of this chapter.

(d) Compensation of the Local Liquor Control Commissioner/Village President.

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(e) Deputy local liquor control commissioner.

(1) Position created. There is hereby created the position of deputy local liquor control commissioner. The deputy local liquor control commissioner shall be appointed by and serve at the pleasure of the village president. The deputy local liquor control commissioner shall only be authorized to perform the actions authorized by this chapter when specifically authorized, in writing, by the village president. As provided for above, the village president shall appoint the deputy local liquor control commissioner to assist him or her in the performance of their duties as the local liquor control commissioner. The deputy local liquor control commissioner may also serve as a hearing officer related to violations of Chapter 6 of the Village Code (the "Liquor Code"), Illinois Liquor Code and related Village Code provisions. Notwithstanding the above, the deputy local liquor control commissioner shall not take any actions under this chapter unless specifically authorized, in writing, by the village president.

(2) Powers. Only when activated via written authorization of the village president, the deputy local liquor control commissioner shall be vested with the same powers as the local liquor control commissioner as provided for in this chapter and shall act on behalf of and at the request of the local liquor control commissioner and shall be empowered:

- i. To enter or to authorize any law enforcing officer to enter at any time upon any premises licensed pursuant to this chapter to determine whether any of the provisions of the Liquor Control Act, or of the Liquor Code, or any rules or regulations adopted by the Village, the local liquor control commissioner, or by the State Liquor Control Commission have been or are being violated, and at such time to examine the premises of the licensee in connection therewith;
- ii. To receive complaints from any resident of the Village or to investigate on his/her own initiative any alleged violation of any law of the United States relating to the sale of alcoholic liquor, any provision of the Liquor Control Act, or any provisions of the Liquor Code or any rules or regulations promulgated pursuant to one or all of them, that have been or are being violated and to act upon such complaints in the manner as provided by law or ordinance;
- iii. To determine that a hearing shall be held in relation to alleged violations by a licensee and to sign the notices of hearing in the name of the Commissioner; and
- iv. To review all license applications.

- (3) Hearing. Only when activated in writing by the village president, the deputy local liquor control commissioner may hold and preside over hearings to suspend for not more than thirty (30) days, revoke or impose a fine against, or take emergency actions and hold re-hearings on such matters and enter modified orders thereon as set forth by Statute or ordinance in relation to all liquor licenses issued for premises within the Village.
- (4) Qualifications. The deputy local liquor control commissioner shall be a licensed attorney and shall further be authorized under Illinois law to serve as a hearing officer related to violations of the Liquor Code, Illinois Liquor Code and related Village Code provisions.
- (5) Bond. The deputy local liquor control commissioner, before entering upon the duties of his/her office, may be required to give bond in an amount to be fixed by the Village Board payable to the Village, with good and sufficient sureties to be approved by the Village Finance Director. The bond, when not otherwise provided for by law or ordinance, shall be conditioned upon the prompt accounting for and return of the payment to the Village or its proper officers or persons entitled thereto of all monies or properties that may come into his or her hands by virtue of this office.
- (6) Compensation. The deputy local liquor control commissioner shall be compensated as provided for in the annual appropriation ordinance.

SECTION 3.1. OTHER ACTIONS AUTHORIZED.

The officers, employees and/or agents of the Village shall take all action necessary or reasonably required to carry out, give effect to and consummate the amendments contemplated by this Ordinance and shall take all action necessary in conformity therewith. The officers, employees and/or agents of the Village are specifically authorized and directed to draft and disseminate any and all necessary forms or notices to be utilized in connection with the intent of this Ordinance.

ARTICLE III. HEADINGS, SAVINGS CLAUSES, PUBLICATION, EFFECTIVE DATE

SECTION 4. HEADINGS.

The headings of the articles, sections, paragraphs and subparagraphs of this Ordinance are inserted solely for the convenience of reference and form no substantive part of this Ordinance nor should they be used in any interpretation or construction of any substantive provision of this Ordinance.

SECTION 5. SEVERABILITY.

The provisions of this Ordinance are hereby declared to be severable and should any provision of this Ordinance be determined to be in conflict with any law, statute or regulation by a court of competent jurisdiction, said provision shall be excluded and deemed inoperative, unenforceable

and as though not provided for herein and all other provisions shall remain unaffected, unimpaired, valid and in full force and effect.

SECTION 6. SUPERSEDER.

All code provisions, ordinances, resolutions, rules and orders, or parts thereof, in conflict herewith are, to the extent of such conflict, hereby superseded.

SECTION 7. PUBLICATION.

A full, true and complete copy of this Ordinance shall be published in pamphlet form or in a newspaper published and of general circulation within the Village as provided by the Illinois Municipal Code, as amended.

SECTION 8. EFFECTIVE DATE.

This Ordinance shall be effective and in full force and effect immediately after its passage, approval and publication in accordance with Illinois law.

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PASSED this 6th day of October, 2020.

AYES: Trustees Hrejsa, Kapolnek, Milenkovic, Savopoulos, Torres and White

NAYS: None

ABSENT: None

ABSTENTION: None

APPROVED by me this 6th day of October, 2020.

Jeff Walik, President

ATTESTED AND FILED in my
office this 6th day of October, 2020.

Audrey McAdams, Village Clerk