ORDINANCE 2018-088

PASSED: DECEMBER 10, 2018

AMENDING CHAPTER 38 "INTOXICATING LIQUORS", SECTION 38.24 "POWERS OF THE LIQUOR COMMISSIONER", OF THE CITY OF DEKALB, ILLINOIS MUNICIPAL CODE AS IT PERTAINS TO PROVIDING A PROCESS FOR GRANTING DEVIATIONS FROM OTHERWISE APPLICABLE DISTANCE SETBACK REQUIREMENTS.

WHEREAS, the City of DeKalb is a home rule municipality with the power and authority conferred thereupon by virtue of the Illinois Municipal Code, the Illinois Constitution, the Illinois Liquor Control Act and the City Code of the City of DeKalb; and,

WHEREAS, the City Council has determined that it is necessary and advantageous to alter the standards for liquor license setbacks as defined within Chapter 38 of the City Code pursuant to the Illinois Liquor Control Act;

THEREFORE BE IT ORDAINED by the Mayor and City Council of the City of DeKalb, DeKalb County, Illinois, as follows:

Section 1. Chapter 38, Section 38.24 shall be amended with the addition of a subsection (m) as follows:

38.24 POWERS OF THE LIQUOR COMMISSIONER.

(m) Pursuant to 235 ILCS 5/6-11(a-5), in any circumstance where the City receives a liquor license application which fails to meet the minimum distance setback standards of the balance of that statute, the Liquor Commissioner may elect to waive such minimum standards and forward a positive recommendation for licensure to the City Council. If the Liquor Commissioner elects to not waive the minimum setbacks, the application shall not be further considered. If the Liquor Commissioner elects to recommend waiver or alteration of the setbacks and otherwise approves of the license, and if the license is otherwise eligible for further consideration, then the license may proceed under Section 38.04(f) for City Council consideration. The City Council may elect to approve of the license with the waiver as recommended or may elect to deny the license.

Section 2. All ordinances or portions thereof in conflict with this ordinance, including the prior versions of the ordinances included above, are hereby repealed.

Section 3. Should any provision of this Ordinance be declared invalid by a court of competent jurisdiction, the remaining provisions will remain in full force and effect the same as if the invalid provision had not been a part of this Ordinance.

Section 4. This Ordinance shall be in full force and effect after passage and publication.
pursuant to law. Publication date: December 11, 2018. Effective date: December 20, 2018.


ATTEST:

LYNN A. FAZEKAS, City Clerk

JERRY SMITH, Mayor