

ORDINANCE NO. F-1565

**AN ORDINANCE AMENDING SECTIONS 6-82 "APPLICATIONS-GENERALLY" and
6-84 "PERSONS INELIGIBLE" OF ARTICLE III "RETAIL LICENSES" OF CHAPTER
SIX "ALCOHOLIC BEVERAGES" OF THE WHEATON CITY CODE**

WHEREAS, limited liability companies did not exist in Illinois as legal entities at the time of the adoption of Chapter Six "Alcoholic Beverages" of the Wheaton City Code;

WHEREAS, limited liability companies are now common in many areas of commerce,

WHEREAS, limited liability companies have applied for liquor licenses under the Wheaton City Code;

WHEREAS, the Illinois State Liquor Control Act of 1934 has now been amended to include limited liability companies as entities entitled to hold a State of Illinois Liquor License;

WHEREAS, Wheaton staff has been dealing with limited liability companies in the same manner as corporations in considering liquor licenses;

WHEREAS, the Wheaton City Code should be amended to make clear that limited liability companies are authorized to receive City of Wheaton liquor licenses so long as they are in compliance with all applicable provisions of Chapter Six "Alcoholic Beverages" of the Wheaton City Code;

NOW, THEREFORE BE IT ORDAINED, by the Mayor and City Council of the City of Wheaton, DuPage County, Illinois pursuant to its home rule powers as follows:

SECTION 1: That subsection (c)(4) of Section 6-82 "Applications-Generally" of Article III "Retail Licenses" of Chapter Six "Alcoholic Beverages" of the Wheaton City Code is hereby repealed and rescinded in its entirety and replaced with a new subsection (4)(c) which shall read as follows:

- (4) In the case of a Illinois corporation or an Illinois limited liability company, the date of its incorporation or registration, or if a foreign corporation or a foreign limited liability company, the state where it was incorporated or registered and the date of it becoming qualified under 805 ILCS 5/1.01 et seq. or 805 ILCS 180/1-1 et seq. to transact business in the State of Illinois and in either case, a statement of the objects or purposes for which the corporation or limited liability company is organized, the full name, address, age and

telephone number of all officers, members, directors, and shareholders with an aggregate of more than five (5%) percent of the capital stock of the corporation or more than five (5%) ownership interest in the limited liability company or any other persons receiving profits from the sale of alcoholic liquor in the City through the corporation or limited liability company.

SECTION 2: That subsections (10)(11)and (20) of Section 6-84 "Persons Ineligible" of Article III "Retail Licenses" of Chapter Six "Alcoholic Beverages" are hereby repealed and rescinded in their entirety and replaced with new subsections (10), (11) and (20) which shall read as follows:

- (10) A corporation, if any officer, manager, director, or any stockholder owning an aggregate of more than five (5%) percent of the stock of such corporation, or a limited liability company of any member, manager or organizer owning an aggregate of more than five (5%) percent interest in the limited liability company would not be eligible to receive a license under this Chapter for any reason other than citizenship and residence within the City.
- (11) A corporation unless it is incorporated in Illinois or unless it is a foreign corporation which is qualified to do business in Illinois under the Business Corporation Act of 1983 (805 ILCS 5/1.01 et seq.) or a limited liability company unless it is registered in Illinois or unless it is a limited liability company authorized to conduct business under the Illinois Limited Liability Company Act.(805 ILCS 5/180-1-5 et seq.)
- (20) A corporation, if any officer, manager or director thereof, or any stockholder owning an aggregate of more than twenty (20%) percent of the stock of such corporation, or if a limited liability company, if any manager, member or organizer owns more than a twenty (20%) percent interest in the limited liability company, has been issued a Federal Wagering Stamp for the current tax period.

SECTION 3: Any ordinance which is inconsistent with this Ordinance is repealed to the extent of such inconsistency

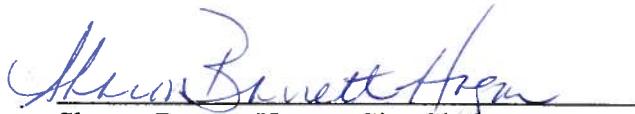
SECTION 4: If a court of competent jurisdiction sets aside any portion of this Ordinance as unconstitutional or unlawful, it shall not affect the validity of the remainder of the Ordinance.

SECTION 5: This Ordinance shall become effective upon passage, execution by the Mayor and publication as required by law.



Mayor Michael Gresk
City of Wheaton

ATTEST:



Sharon Barrett-Hagen, City Clerk

City of Wheaton

AYES: Councilman Suess
Councilwoman Ives
Councilman Mouhelis
Councilman Rutledge
Mayor Gresk
Councilwoman Pacino Sanguinetti
Councilman Scalzo

NAYS: None

ABSENT: None

MOTION CARRIED UNANIMOUSLY

PASSED AND APPROVED THIS 6th DAY OF JUNE, 2011.

PUBLISHED THIS 7th DAY OF JUNE, 2011.

