

ORDINANCE NO. O-2024-24

**AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF WHEATON
CHAPTER 6 (ALCOHOLIC BEVERAGES), CHAPTER 26 (BUSINESSES) AND APPENDIX B (FEE SCHEDULE)
RELATING TO FINGERPRINTING OF LICENSE APPLICANTS**

WHEREAS, the City of Wheaton ("City") is an Illinois Home Rule Municipality pursuant to provisions of Article VII, Section 6 of the Illinois Constitution, and as such the City may exercise any power and perform any function pertaining to its government and affairs; and

WHEREAS, the subject matter of this ordinance pertains to the government and affairs of the City and its residents; and

WHEREAS, applicants and/or managers of liquor license establishments and massage businesses are required to be fingerprinted as part of the application process; and

WHEREAS, the City's Police Department currently provides this service; and

WHEREAS, the City has determined that outsourcing the fingerprinting for these licenses will be more efficient and is in the best interests of the City.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and City Council of the City of Wheaton, Illinois by its home rule authority, that the Wheaton City Code is hereby amended to provide as follows:

SECTION 1: That Chapter 6 (Alcoholic Beverages), Article III (Retail Licenses) and Article IV (Conduct on Licensed Premises), is hereby amended as follows:

Sec. 6-86. Processing of applications.

- (b) *Investigation/liquor manager.* Except as provided herein, on receipt of an application for any license authorized to be issued pursuant to this chapter, the local liquor commissioner shall cause a full investigation to be undertaken of the designated liquor manager. The investigation shall include a background check conducted by the city police department and such other matters as the local liquor commissioner deems appropriate. The designated liquor manager shall submit his or her fingerprints in accordance with city policy to be used in completing the investigation. The local liquor commissioner may accept certified copies of fingerprints taken by other federal, state or local law enforcement agencies. No license shall be issued until the local liquor commissioner has received, reviewed and approved the fingerprint results.

Sec. 6-123. Notification of and application for new managers.

- (6) Arrange for fingerprinting of the proposed new manager in accordance with city policy. Payment shall be made at the time of the appointment.

SECTION 2: That Chapter 26 (Businesses), Article VII (Massage Businesses) is hereby amended as follows:

Sec. 26-181. Application for massage business license.

All massage businesses required to obtain a license to operate a massage business shall make application to the city clerk. The city clerk shall have the right to confirm any of the information requested, or provided, in the application. Applications shall include the following:

- (12) The applicants shall submit their fingerprints to be used in completing the investigation. Applicants are required to present themselves for fingerprints to be taken in accordance with city policy. If the applicant is a corporation, fingerprints shall be required of each of the applicant's officers, directors, and any stockholder owning in the aggregate more than 20 percent of the stock of such corporation. If the applicant is a partnership, fingerprints shall be required of all general partners, and any limited partner owning more than 20 percent interest in such partnership. If the applicant is a limited liability company, fingerprints shall be required of all managers and any member owning more than 20 percent interest in the company. The applicant shall pay the fingerprint fee as provided in section 26-185(b) for each person required to submit fingerprints. Provided, in the case of a renewal application, fingerprints and the fingerprint fee shall not be required from a renewal applicant whose fingerprints are on file unless the city determines that there may be reason to believe that the renewal applicant may have unreported convictions.

Sec. 26-185. – Fees.

- (a) The fee for a license shall be in accordance with appendix B to this Code.
 (b) The fingerprint fee shall be paid at the time of appointment in accordance with city policy.

SECTION 3: That Sections B-4, Administrative Fees, and B-10 Police Department Fees, Appendix B, Fee Schedule, of the Wheaton City Code are hereby amended as follows:

B-4 Administrative Fees.

Massage		
a. Two-year license	\$100.00	Per license
b. Fingerprint fee	Prevailing charge of third-party vendor	Per individual

1. Alcoholic beverages	(Chapter 6)	
A. Application fees		Per application
1. Retail liquor dealer's license	\$500.00	
2. Special Event liquor license (Wheaton based non-profit organization, Classes A, B, or I)	\$50.00	
3. Class F	\$50.00	
4. Fingerprinting fee	Prevailing charge of third-party vendor	Per individual

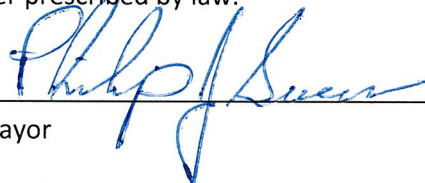
B-10 Police Department Fees		
6. Fingerprints (applies to all persons, including school district applicants and all non-city, non-law enforcement entities. There is no charge for military personnel or individuals seeking a position in the United States Armed Forces service	\$25.00	Per set

SECTION 4: In all other respects, the terms and provisions of the Wheaton City Code are ratified and remain in full force and effect.

SECTION 5: All ordinances or parts of ordinances in conflict with these provisions are hereby repealed.

SECTION 6: In the event that any section, clause, provision, or part of this ordinance shall be found and determined to be invalid by a court of competent jurisdiction, all valid parts that are severable from the invalid parts shall remain in full force and effect.

SECTION 7: This ordinance shall become effective from and after its passage, approval, and publication in pamphlet form in the manner prescribed by law.



Mayor

ATTEST:


City Clerk

Roll Call Vote:
Ayes: Councilman Brown
Mayor Suess
Councilman Clousing
Councilman Weller
Councilman Barbier
Councilwoman Bray-Parker

Nays: None
Absent: Councilwoman Robbins
Motion Carried Unanimously

Passed: September 3, 2024
Published: September 4, 2024