Ordinance No.: 8002
File No.: 255L

**ORDINANCE AMENDING SECTION 329 OF THE CODE OF ORDINANCES OF THE CITY OF CRYSTAL LAKE REGARDING PRIOR FELONY CONVICTIONS IN RELATION TO THE ISSUANCE OF LIQUOR LICENSES**

**WHEREAS,** Prior to 1990, Section 6-2 the Illinois Liquor Control Act (235 ILCS 5/6-2) provided that any person that had been convicted of felony was prohibited from obtaining a liquor license; and

**WHEREAS, this** absolute prohibition against the issuance of a liquor license to a person convicted of a felony has been removed from the Illinois Liquor Control Act (the "Act") and presently allows such a person to hold a liquor license upon a finding by the Illinois Liquor Control Commission (the "ILCC") that the applicant's ability to operate pursuant to a license will not be impaired by the prior conviction; and

**WHEREAS,** Section 329-4(D) of the Code of Ordinances of the City (the "Code") prohibits the issuance of a liquor license to any person who has "been convicted of a felony under any federal or state law", but makes no provision for an exemption from this restriction; and

**WHEREAS,** Section 329-3(A)(7) of the Code requires that an applicant asking a question for a liquor license include in their application that "the applicant has never been convicted of a felony"; and

**WHEREAS,** the Mayor and City Council have found and determined that it would be in the best interests of the City and its residents to provide a mechanism to allow for the issuance of a liquor license to applicants who have been convicted of a felony who have demonstrated that their ability to operate pursuant to license would not be impaired by such conviction.

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**NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF CRYSTAL LAKE THAT:**

SECTION ONE. Recitals. The foregoing recitals are incorporated as though fully set forth herein.

SECTION TWO. Amendment to Section 329-4 (D). Section 329-4(D) is hereby amended by deleting said section, in its entirety, and replacing it with the following:

(D) An applicant who has been convicted of a felony under any state or federal law, unless the Liquor Commissioner determines that such person has been sufficiently rehabilitated to warrant the public trust after considering matters set forth in such the applicant's application and the Liquor Commissioner's investigation. The burden of proof of sufficient rehabilitation is on the applicant.

SECTION THREE. Amendment to Section 329-3(A)(7). Section 329-3(A)(7) is hereby amended by as follows:

[deletions are shown as ~~strikethroughs~~ and additions are shown in **bold** and underlined]

7) A statement that **as to whether** the applicant has ~~never~~ **ever** been convicted of a felony ~~and~~ **or** is disqualified to receive a license by reason of any matter or thing contained in this chapter, laws of this state or the ordinances of this City.

SECTION FOUR. Effective Date. This Ordinance shall be in full force and effect after its passage, approval, and publication in pamphlet form in the manner provided by law.

DATED this 20th day of February, 2024

APPROVED:

Haig Haleblian, MAYOR

ATTEST:

Nick Kachiroubas, CITY CLERK

PASSED: February 20, 2024
APPROVED: February 20, 2024

Published in pamphlet form by the authority of the Mayor and City Council of the City of Crystal Lake.