

VILLAGE OF DOWNERS GROVE
REPORT FOR THE VILLAGE COUNCIL MEETING
APRIL 1, 2008 AGENDA

SUBJECT:	TYPE:	SUBMITTED BY:
Ordinance Amendments: Liquor Provisions	Resolution ✓ Ordinance Motion Discussion Only	Enza Petrarca Village Attorney

SYNOPSIS

An ordinance has been prepared amending the Liquor Code which would prohibit patrons from ordering a bottle of distilled spirits for consumption on premises.

STRATEGIC PLAN ALIGNMENT

The Downers Grove Vision for 2021 provides for *Businesses to Thrive* and a principle for that vision is *Unique, Quality Restaurants Serving Residents and Corporations*.

FISCAL IMPACT

N/A

UPDATE & RECOMMENDATION

This item was discussed at the March 25, 2008 Workshop. Staff recommends approval on the April 1, 2008 active agenda.

BACKGROUND

State law was recently amended to allow two or more patrons to order a bottle of distilled spirits for consumption on a licensed premise. This is commonly known as "bottle service". Essentially, a bottle of distilled spirits could be ordered and placed on the table to allow patrons to mix their own drinks. This State law amendment currently applies to all Illinois municipalities, unless a home rule municipality adopts an ordinance specifically prohibiting it.

The Liquor Commission discussed this matter at their meeting of March 6, 2008 and recommended by a vote of 4:2 that the ordinance prohibiting the sale of distilled spirits by the bottle be forwarded to the Village Council for their consideration. Staff recommends adopting the proposed ordinance prohibiting bottle service, as there is concern that by allowing bottle service the alcohol would not be under the direct control of the licensee and would make it difficult to monitor over consumption.

VILLAGE OF DOWNERS GROVE
COUNCIL ACTION SUMMARY

INITIATED: _____ Village Attorney _____ **DATE:** _____ April 1, 2008 _____
(Name)

RECOMMENDATION FROM: _____ **FILE REF:** _____
(Board or Department)

NATURE OF ACTION:

STEPS NEEDED TO IMPLEMENT ACTION:

Ordinance

Motion to Adopt “AN ORDINANCE AMENDING LIQUOR SALES PROVISIONS FOR ON-PREMISE CONSUMPTION”, as presented.

Resolution

Motion

Other

SUMMARY OF ITEM:

Adoption of the attached ordinance shall amend provisions for the sale of alcoholic liquor for on-premise consumption.

RECORD OF ACTION TAKEN:

Bottle Service

ORDINANCE NO. _____

**AN ORDINANCE AMENDING LIQUOR SALES PROVISIONS
FOR ON-PREMISE CONSUMPTION**

BE IT ORDAINED by the Village Council of the Village of Downers Grove in DuPage County, Illinois, as follows: (Additions are indicated by **shading/underline**; deletions by ~~strikeout~~):

Section 1. That Section 3.33.1. is hereby amended to read as follows:

3.33.1. Limitations on the sale and promotion of alcoholic liquor on licensed premises.

(a) It shall be unlawful for any licensee, or any employee or agent of any licensee, on licensed premises where alcoholic liquor is sold or offered for sale for consumption thereon, to engage in any of the following practices:

- (1) Deliver two or more drinks to any one person at one time, except sale or delivery of:
 - (i) wine by the bottle or carafe;
- (2) Sell, offer for sale, or deliver to any person an unlimited number of drinks during any set period of time for a fixed price, except at private functions not open to the public;
- (3) Sell, offer for sale, or deliver drinks to any person or group of persons on any one day at prices less than those charged the general public on that entire day, except at private functions not open to the public;
- (4) Increase the volume of alcoholic liquor contained in a drink without a proportionate increase in the price charged for such drink as compared to prices during the same calendar week;
- (5) Encourage or permit on the licensed premises any game or contest which involves drinking or the awarding of drinks as prizes.
- (6) Sell, offer for sale, or deliver to any person or group of persons a bottle of distilled spirits.

(b) No licensee shall advertise or promote in any way, whether within or outside of the licensed premises, any of the practices prohibited under this section. Specifically, no licensee shall advertise or promote in any way, whether on or off-licensed premises, any of the practices prohibited under subsections (2) and (3) of this Section. This includes but is not limited to, advertisements using the words "free", "complimentary", "open bar" or "unlimited drinks" in regard to alcoholic liquor.

(c) It is intended that the service of alcohol is merely an adjunct to the meals offered at any restaurant and that the restaurant must not be advertised or otherwise held out to be a drinking establishment.

(d) Nothing contained in this section shall prohibit a licensee from engaging in any of the following practices:

- (1) Offering free food or entertainment at any time;
- (2) Offering a drink as part of a meal or hotel services package;
- (3) Offering free wine tastings;
- (4) Offering room service to registered guests in hotels licensed for such service.
- (5) Selling or delivering any container (including, but not limited to buckets, pitchers, carafes or bottles) of alcoholic liquor provided:

a. Containers shall not exceed sixty-four (64) ounces of beer, or no more than two (2) types of spirits combined with non-alcoholic beverages or mixers (i.e. margaritas) in a sixty-four (64) ounce container, ~~and only two (2) types of spirits~~ shall be served in the single container for on-premise consumption and said container shall only be delivered to two or more persons over the age of twenty-one at one time.

b. A single container shall not exceed ninety-six (96) ounces of beer for on-premise consumption and shall be delivered to four or more persons over the age of twenty-one at one time.

Bottle Service

c. Nothing herein shall prohibit a Class "B" license holder from offering the sale of beer produced on the licensed premises for off-premise consumption.
(Ord. No. 3089, § 1; Ord. No. 3290, § 1.)

Section 2. That all ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

Section 3. That this ordinance shall be in full force and effect from and after its passage and publication in the manner provided by law.

Mayor

Passed:

Published:

Attest:

Village Clerk