

**VILLAGE OF DOWNERS GROVE**  
**REPORT FOR THE VILLAGE COUNCIL WORKSHOP**  
**FEBRUARY 10, 2009 AGENDA**

SUBJECT:	TYPE:	SUBMITTED BY:
Ordinance Amendments: Sale Hours for Off-Premise Liquor License Holders	Resolution ✓ Ordinance Motion Discussion Only	Enza I. Petrarca Village Attorney

**SYNOPSIS**

An ordinance has been prepared amending Sunday sales hours for the off-premise retail sale of liquor.

**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

**RECOMMENDATION**

Approval on the February 17, 2009 active agenda.

**BACKGROUND**

Based upon a request from Jewel-Osco, staff proposes amending the Municipal Code to allow the sale of alcoholic liquor for off-premise consumption to begin at 9:00 a.m. on Sundays. Currently, alcoholic liquor cannot be sold prior to 12 noon on Sundays. Jewel-Osco successfully petitioned a number of Illinois communities for a change to Sunday liquor sales hours, including Westmont (9:00 a.m.), Lisle (10:00 a.m.), Woodridge (6:00 a.m.) and Darien (9:00 a.m.). During the week and on Saturdays, sales are allowed beginning at 8:00 AM.

In an effort to remain competitive with surrounding communities, staff proposes that the Municipal Code be amended to allow off-premise packaged liquor sales on Sundays from 9:00 a.m. – 1:00 a.m. All other liquor sale hours will remain unchanged. (Monday through Friday 8:00 a.m. – 1:00 a.m. and Saturday 8:00 a.m. through 2:00 a.m.)

The Liquor Commission discussed this matter at their meeting of January 8, 2009 and recommended that an ordinance be forwarded to the Council for their consideration and approval.

**ATTACHMENTS**

Draft Ordinance

Liquor Commission Recommendation & Minutes – January 8, 2009

Jewel-Osco Correspondence

Sun Liq Hours

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE AMENDING SUNDAY SALES HOURS FOR  
OFF-PREMISE CONSUMPTION LICENSE HOLDERS**

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 3.31. is hereby amended to read as follows:**

**3.31. Hours of business.**

(a) It shall be unlawful for any on-premise liquor license holder to deliver, to sell or offer for sale, at retail any alcoholic liquor in the Village between the hours of 1:00 A.M. and 8:00 A.M. or between the hours of 2:00 A.M. and 12:00 Noon on any Sunday.

(b) It shall be unlawful for any off-premise liquor license holder to sell or offer for sale, at retail, any alcoholic liquor in the Village between the hours of 1:00 A.M. and 8:00 A.M. or between the hours of 2:00 A.M. and 9:00 A.M. on any Sunday.

(c) Provided, the Hours during which sale is lawful may be extended by written order of the Local Liquor Commissioner for periods not to exceed three hours upon written application by the licensee stating the reasons for the requested extension and the date or dates for which the extension is sought. The request shall be forwarded to the Village in writing no later than two (2) weeks prior to the date the extension is requested or the request shall automatically be denied. No licensee shall be granted such extension for more than eight dates in any one calendar year, provided a fee in the amount of \$50.00 shall be submitted for each day of requested extension.

(bd) It shall be unlawful to keep open for business or to admit prospective customers to any premises having a Class "P" packaged liquor license during the hours within which the sale of alcoholic liquor is prohibited; provided, that in the case of:

(1) A Class "P" packaged liquor license for premises from which less than half of the gross revenues are derived from the sale of alcoholic liquor not for consumption on the premises, such premises may be kept open during such hours, but no alcoholic liquor may be sold to any person in such premises during such hours.

(ee) It shall be unlawful for any licensee to suffer or permit any person to consume alcoholic liquor on premises licensed under this Chapter later than one hour after the applicable closing time determined under paragraph (a) of this Section 3-31.

(df) It shall be unlawful for any licensee holding a license for on premise consumption , to sell or offer for sale any alcoholic liquor at any time when the regular food service in such licensed premises is not in actual operation, except that such sales may be made during a one-hour period immediately following the close of regular food service operations in such premises, subject to the provisions of paragraph (a) of this Section 3-31. (Ord. No. 2450, § 2; Ord. No. 2735, § 1; Ord. No. 3050, § 6; Ord. No. 3075, § 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.

Sun Liq Hours

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Mayor

Passed:

Published:

Attest:

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Village Clerk



www.downers.us

January 28, 2009

**COMMUNITY RESPONSE**

**CENTER**

630.434.CALL (2255)

The Honorable Ronald Sandack  
Mayor and Liquor Commissioner

**CIVIC CENTER**

801 Burlington Avenue

Downers Grove

Illinois 60515-4776

630.434.5500

TDD 630.434.5511

FAX 630.434.5571

Re: Proposed Ordinance Change - Sunday Off-Premise Sales Hours

Dear Mayor Sandack:

On January 8, 2009, the Liquor Commission recommended amending Sunday liquor sales hours for off-premise licensees. The following recommendation was made:

**MS. FREGEAU MOVED TO DIRECT STAFF TO DRAFT AN ORDINANCE AMENDING OFF-PREMISE CONSUMPTION SALES HOURS TO COMMENCE AT 9 AM ON SUNDAY AND FORWARD THE ORDINANCE TO THE VILLAGE COUNCIL FOR CONSIDERATION. MS. STRELAU SECONDED.**

**FIRE DEPARTMENT**

**ADMINISTRATION**

5420 Main Street

Downers Grove

Illinois 60515-4834

630.434.5980

FAX 630.434.5998

**VOTE:**

**Aye:** Ms. Strelau, Ms. King, Mr. Adank, Mr. Clary, Mr. Krusenoski, Ms. Fregeau, Chairman McInerney

**Nay:** None

**Abstain:** None

**POLICE DEPARTMENT**

825 Burlington Avenue

Downers Grove

Illinois 60515-4783

630.434.5600

FAX 630.434.5690

**MOTION CARRIED: 7:0:0**

The motion carried.

**PUBLIC WORKS**

**DEPARTMENT**

5101 Walnut Avenue

Downers Grove

Illinois 60515-4074

630.434.5460

FAX 630.434.5495

Further discussion of this subject can be found in the January 8, 2009 minutes of the Liquor Commission (attached).

Very truly yours,

Daniel McInerney, Chairman  
Liquor Commission

**DEPARTMENT OF**

**COUNSELING AND SOCIAL SERVICES**

842 Curtiss Street

Downers Grove

Illinois 60515-4761

630.434.5595

FAX 630.434.5599

VILLAGE OF DOWNERS GROVE

a\SunHours

Mr. Johnson asked if they can have exceptions from time limitations in certain instances. Ms. Petrarca noted that the ordinance provides for an extension of liquor serving hours up to eight times per year and an extension could be requested. Mr. Johnson was fine with that.

Ms. Kuchynka felt that staff could eliminate some concerns if time parameters were added and felt that they could draft an acceptable ordinance for all parties involved. She stated that she would amend the ordinance and forward it to Mr. Johnson to be certain it will meet his needs.

Chairman McInerney asked that the item be placed on a future meeting agenda for discussion and vote. He asked Mr. Johnson if there was a time frame he needed for resolution of the matter. Mr. Johnson noted that they would love to see the liquor service available soon. He stated that the Grove Foundation event which is coming up in March. Mr. Johnson was aware that they have the ability to apply for a special event liquor license, but would prefer the ordinance amended by that time.

The Commission took a 5-minute break.

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Ms. Kuchynka included a request in the Commission packet for an amendment to Sunday liquor sales for off-premise consumption license holders. She stated that Jewel-Osco has made a request for liquor serving hours to commence at 10 AM in lieu of 12 noon. She provided a chart of Sunday selling hours of surrounding communities. She left an updated list of those communities who have since changed their ordinance to accommodate Jewel-Osco's request. She stated that licensees have advised that neighboring communities are selling alcohol before noon on Sundays and it has affected their business and has decreased Downers Grove sales tax revenue. She stated that the 12 noon selling hours have been on the books for years and are commonly referred to as "blue laws". She stated that religious institutions did not want to allow liquor sales on Sunday and she believed that these hour restrictions are now considered obsolete. She noted that Darien, Woodridge and Lisle have all amended their hours within the past few months. She stated that Naperville's change is pending. She asked that the Commission provide their comments in support or non-support of the change.

Ms. Petrarca stated that, although the request was to change the hours to 10 AM, she would recommend that the Village consider changing Sunday hours to 9 AM, in order to remain competitive with surrounding communities.

Ms. Kuchynka noted that licensees may request an extension in liquor serving hours up to eight times per year. She stated that Osco and Trader Joe's frequently request extensions for Mother's Day, Father's Day and during the month of December to accommodate holiday shoppers. She stated that this will alleviate extension request paperwork and keep Downers Grove competitive with surrounding communities that offer packaged sales earlier on Sundays.

Chairman McInerney recalled this topic being discussed in the past and it made sense to revisit the topic. He supported the change for off-premise licensees to keep competitive with neighboring communities and to generate additional sales tax revenue. He did not believe there was an issue with these licensees or negative impacts on the community for early sales.

Ms. King felt that it was an antiquated law. She had no problem with changing selling hours to 9AM and felt it would help businesses keep competitive.

Mr. Clary agreed. He felt that the change would help establishments stay competitive and keep business in town.

Mr. Adank agreed.

Ms. Fregeau agreed. She originally looked at the 10 AM hour but is fine with 9 AM. She would not support changing the hours as early as 6 or 7 AM.

Mr. Krusenoski agreed. He felt 9 AM was fine.

Ms. Strelau was also in agreement with the 10AM change, however, Ms. Petrarca made a good point by choosing 9 AM for Downers Grove licensees to stay competitive.

Chairman McInerney stated the Commission concurred with the 9 AM change. He requested a motion. Ms. Kuchynka stated that the Commission may request staff to draft an ordinance amending the selling hours.

**MS. FREGEAU MOVED TO DIRECT STAFF TO DRAFT AN ORDINANCE AMENDING OFF-PREMISE CONSUMPTION SALES HOURS TO COMMENCE AT 9 AM ON SUNDAY AND FORWARD THE ORDINANCE TO THE VILLAGE COUNCIL FOR CONSIDERATION. MS. STRELAU SECONDED.**

**VOTE:**

**Aye:** Ms. Strelau, Ms. King, Mr. Adank, Mr. Clary, Mr. Krusenoski, Ms. Fregeau, Chairman McInerney

**Nay:** None

**Abstain:** None

**MOTION CARRIED: 7:0:0**

The motion carried.

~~Ms. Kuchynka stated that the next item is to consider extending late night liquor serving hours. She stated that Mr. Benjamin of Stardust had requested extending Thursday and Friday night service hours to 2 AM in lieu of 1 AM. She provided the Commission with a chart of late night hours for surrounding communities. She stated that Darien and Naperville have 2 AM licenses on Friday only. She asked the Commission to provide their comments on extending liquor service hours for Thursday and Friday evenings.~~

~~Ms. Kuchynka advised the Commission that the Police Chief had no issue with amending early Sunday off-premise sales hours, however was concerned with the extension of late night serving hours at on-premise licensees. She stated the main concerns were the potential increase in DUIs and over service. She stated that over the course of the year, few licensees have requested extensions to their liquor serving hours, which mainly occur on or near holidays such as St. Patrick's Day, over Thanksgiving and~~

**Jewel-Osco**

**Jewel-Osco**  
a SUPERVALU Company

150 Pierce Drive, Suite 200  
Itasca, Illinois 60143  
Phone: (630) 948-6000

October 13, 2008

RECEIVED OCT 16 2008

Mayor Ron Sandach  
Village of Downers Grove  
801 Burlington  
Downers Grove, IL 60515

Re: **Sunday Liquor Selling Hours**  
***Jewel Osco #3047 – 6215 S. Main Street, Downers Grove***  
***Jewel Osco #3097 – 1148 Ogden Avenue, Downers Grove***

Dear Mayor Sandach:

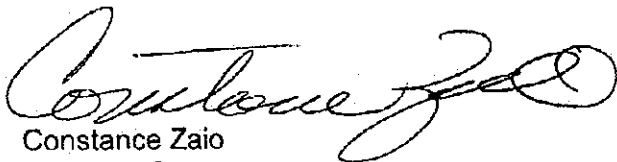
On behalf of Jewel-Osco, I would like to request a change in Sunday liquor sales restrictions in the Village of Downers Grove from 12 noon to 10:00 a.m.

Over the last several years, we have seen a change in shopping trends. In today's working society and with many family commitments on Saturdays, more and more of our customers are doing their weekly shopping on Sundays. Sunday is our Number ONE shopping day followed by Saturday, of course.

It is our goal to be a responsible retailer of age restricted products. At the same time, we like to serve the needs of our customers. Amending the Sunday liquor sales restrictions will promote our one-stop shopping concept and prevent tax dollars from leaving the village and going to neighboring communities.

The same request has been submitted to all communities with similar liquor selling hours. We hope you would consider our petition for a change in liquor selling hours. I've attached a summary of the liquor selling hours in our south area locations. Should you have any questions regarding this matter, please feel free to contact me at 630-948-6010. Thank you for your time.

Sincerely,



Constance Zaio  
Assistant Secretary

sundaysales.doc

attachment

**Kuchynka, Carol**

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**From:** Zaio, Connie [Connie.Zaio@supervalu.com]  
**Sent:** Wednesday, December 31, 2008 1:42 PM  
**To:** Kuchynka, Carol  
**Subject:** FW: Selling Hours List

**Attachments:** LIQUOR SELLING HOURS LIST.doc



LIQUOR SELLING  
HOURS LIST.doc ...

Hi Carol,

Per our telephone conversation, attached please find the amended Sunday Selling Hours' List.

All of the municipalities that are bolded; request letters were sent to change the start time for liquor selling on Sundays to 10:00 a.m.

As you can see, numerous municipalities have approved our request and amended their liquor selling hours. Some municipalities have made an earlier start time than requested. All of the changes went into effect in November or December.

Please let me know if you have any questions.

Thank you.

Happy New Year!

Connie Zaio

Jewel-Osco

150 Pierce Road, Suite 200

Itasca, IL 60143

Phone: 630-948-6010

Fax: 630-948-6664



**LIQUOR SELLING HOURS**  
**(Our central area locations)**

Addison – 9:00 a.m.

Algonquin – 7:00 a.m.

Aurora – 10:00 a.m.

Bartlett – 8:00 a.m.

**Batavia – 9:00 a.m.**

Carol Stream – 7:00 a.m.

Chicago – 11:00 a.m.

Clarendon Hills – 6:00 a.m.

Countryside – 10:00 a.m.

DeKalb – 11:00 a.m.

DesPlaines – 9:00 a.m.

**Elburn – 10:00 a.m.**

Elgin – 9:00 a.m.

Elk Grove – 6:00 a.m.

**Elmhurst – 10:00 a.m.**

Franklin Park – 9:00 a.m.

**Glen Ellyn – 10:00 a.m.**

Glendale Heights – 7:00 a.m.

Hoffman Estates – 8:00 a.m.

Huntley – 7:00 a.m.

**LaGrange Park – 10:00 a.m.**

**Lombard - 12 Noon – (Denied)**

**Melrose Park – 10:00 a.m.**

**Oak Park – 12 Noon (Hearing January)**

Oswego – 6:00 a.m.

River Forest – 9:00 a.m.

**St. Charles – 10:00 a.m.**

Schaumburg – 7:00 a.m.

South Elgin – 9:00 a.m.

Streamwood 9:00 a.m.

Sugar Grove – 8:00 a.m.

**Sycamore – 10:00 a.m.**

**Villa Park – 12 Noon (Denied)**

**West Chicago – 12 Noon (Pending)**

West Dundee 10:00 a.m.

Westchester – 6:00 a.m.

**Wheaton – 12 Noon (On Hold)**

Wood Dale – 9:00 a.m.

Yorkville – 10:00 a.m.

**SUNDAY LIQUOR SELLING HOURS**  
**(Our north area locations)**

Antioch – 8:00 a.m.

Arlington Heights – 11:00 a.m.

Barrington – 8:00 a.m.

Buffalo Grove – 9:00 a.m.

Cary 6:00 a.m.

Chicago – 11:00 a.m.

Crystal Lake – 7:00 a.m.

Deerfield – 6:00 a.m.

Evanston – 8:00 a.m.

Fox Lake – 5:00 a.m.

Glenview – 6:00 a.m.

Grayslake 5:00 a.m.

Gurnee – 6:00 a.m.

Highland Park – 8:00 a.m.

Hoffman Estates – 8:00 a.m.

Lake Forest – 6:00 a.m.

Lake Zurich – 6:00 a.m.

Libertyville – 7:00 a.m.

McHenry – 6:00 a.m.

Mount Prospect – 9:00 a.m.

Mundelein – 6:00 a.m.

Niles – 6:00 a.m.

Palatine – 6:00 a.m.

Park Ridge – 8:00 a.m.

**Rolling Meadows – 11:00 a.m. (Denied)**

Round Lake Beach – 5:00 a.m.

Skokie – 10:00 a.m.

Spring Grove – 5:00 a.m.

Wauconda – 6:00 a.m.

Waukegan – 6:00 a.m.

Wilmette – 8:00 a.m.

Woodstock – 6:00 a.m.

Zion – 7:00 a.m.

**SUNDAY LIQUOR SELLING HOURS**  
**(Our south area locations)**

**Alsip - 12 Noon (Denied)**

Blue Island - 12 Noon

Bolingbrook - 8:00 a.m.

**Bourbonnais - 11:00 a.m. (Denied)**

**Bloomington - 12 Noon (Hearing Pending)**

**Blue Island - 12 Noon (Pending)**

Burbank - 7:00 a.m.

Chicago - 11:00 a.m.

**Darien - 9:00 a.m.**

**Downers Grove - Pending**

East Moline - 8:00 a.m.

**Frankfort - 10:00 a.m.**

Hickory Hills - 9:00 a.m.

**Homewood - 12 Noon ( On hold until May)**

Joliet - 10:00 a.m.

**Kankakee - 10:00 a.m.**

Lemont - 9:00 a.m.

**Lisle - 10:00 a.m.**

Lockport - 6:00 a.m.

Minooka - 6:00 a.m.

Moline – 10:00 a.m.

**Naperville 12 Noon (pending)**

New Lenox – 9:00 a.m.

Normal – 7:00 a.m.

Oak Forest 9:00 a.m.

Oak Lawn – 9:00 a.m.

**Olympia Fields – 10:00 a.m.**

**Orland Park – 9:00 a.m.**

**Palos Heights – 10:00 a.m.**

**Palos Park – 9:00 a.m.**

Peru – 6:00 a.m.

Plainfield – 10:00 a.m.

Romeoville – 7:00 a.m.

Shorewood – 6:00 a.m.

Silvis – 8:00 a.m.

South Chicago Heights – 6:00 a.m.

Tinley Park – 7:00 a.m.

Westmont – 9:00 a.m.

**Woodridge – 6:00 a.m.**