

**VILLAGE OF DOWNERS GROVE
REPORT FOR THE VILLAGE COUNCIL WORKSHOP
MAY 4, 2009 AGENDA**

SUBJECT:	TYPE:	SUBMITTED BY:
Increase the Number of Class “S” Liquor Licenses Available	Resolution ✓ Ordinance Motion Discussion Only	Enza Petrarca Village Attorney

SYNOPSIS

An ordinance has been prepared amending the Liquor Code to increase the number of Class “S”, special event liquor licenses available.

STRATEGIC PLAN ALIGNMENT

The Five Year Plan and Goals identified *Exceptional Services and Communications*.

FISCAL IMPACT

N/A

RECOMMENDATION

Approval on the May 11, 2010 Active agenda.

BACKGROUND

A special event liquor license is required of any person or entity that does not hold a valid liquor license or any liquor licensee wishing to hold a special event which exceeds the limitations on their approved liquor license. Typically, local not-for-profit organizations and churches apply for these licenses for congregation events and fundraisers. The Mayor/Liquor Commissioner may issue a special event license subject to reasonable restrictions to protect the public health, safety and welfare in the service of liquor at certain events.

Currently, special event licenses are limited to three per year per location. Based upon a request from St. Joseph’s Church, the Downers Grove Liquor Commission discussed increasing the number of special event licenses to six per year at their meeting of April 1, 2010 and recommended a positive recommendation be forwarded to the Village Council for its consideration and approval.

ATTACHMENTS

- Draft Ordinance
- Liquor Commission Recommendation & Minutes – April 1, 2010 (draft)

ORDINANCE NO. _____

AN ORDINANCE AMENDING SPECIAL EVENT LIQUOR LICENSES

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 3.13 is hereby amended to read as follows:

3.13 Classification of licenses.

Such licenses shall be, and are hereby, divided into the following classes:

* * *

Class "S" Special Event Licenses

"S" special event licenses shall be issued for the temporary sale of alcoholic liquor during special events.

(a) It shall be unlawful for any person who does not hold a valid liquor license pursuant to the provisions of this Chapter, to dispense or cause to be dispensed alcoholic beverages at a grand opening, wine tasting, open house or other special event open to the public, without first having obtained a special event license from the Local Liquor Commissioner. It shall be unlawful for any person holding a valid liquor license to conduct a special event which exceeds the limitations on liquor sales or otherwise fails to meet the requirements inherent in the applicable license classification without first having obtained a special event license from the Local Liquor Commissioner.

(b) Applications for a license under the provisions of this section shall be filed on forms provided by the Village. The general application procedures set forth in Sections 3-9 and 3-12 shall not apply to licenses issued under this section except for the requirement under Section 3-9(c)(9) concerning dram shop insurance coverage. Provided, the Commissioner may refer any application under this section to the Commission for review and comment. The application shall include such information as the Commissioner determines is necessary to process such application and may include, but is not limited to, the estimated number of persons attending the event, the location and layout of liquor sales at the event and at the premises, the persons responsible for dispensing of alcoholic liquor, steps to be taken by applicant to protect against any violations of the Village's ordinances and information regarding the manner in which and what type of liquor shall be dispensed and consumed. Additional information and material may be required during the processing of such application related to applicant's qualifications and information provided in the original submittal, including attachments. In the event the applicant is made aware that any information or document submitted as part of this application process is inaccurate or incomplete, the applicant shall immediately notify the Village and provide appropriate corrections. Failure to accurately and completely provide, or as necessary update, required information may delay the processing of such application or result in its denial.

(c) A fee shall be paid along with the application submittal as follows:

(1) "S-1" Licenses shall be issued if a public hearing before the Downers Grove Liquor Commission is required:

\$ 420.00

(2) "S-2" Licenses shall be issued if a public hearing is waived and the Downers Grove Liquor Commissioner issues the license administratively:

\$ 95.00

(d) Where the applicant is a governmental unit and/or charitable organization, the Liquor Commissioner may waive the fee otherwise required by this section under his sole discretion.

(e) Upon submittal of a properly completed application and payment of fee, the Commissioner may issue a special events license subject to such reasonable restrictions as the Liquor Commissioner may require

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to protect the public health, safety and welfare, including, but not limited to the following:

(1) No more than ~~three~~^{six} (3~~0~~⁶) such special event licenses shall be issued for the same location within any calendar year.

(2) The special event license holder shall take proper precautions and fully comply with the applicable provisions of this Chapter during the special event.

(3) The special event will last no longer than two (2) days, provided that three consecutive licenses can be utilized for an event which shall not exceed six (6) days.

(4) The provisions of Section 3-11(b) regarding proximity of the proposed special event shall not apply to licenses issued under this section.

(5) The following restrictions apply to community special events sponsored by a governmental entity:

(i) At least two persons over the age of twenty-one shall be present at all times in the liquor consumption area to monitor compliance with applicable regulations and laws of the Village and State of Illinois regarding the consumption of liquor.

(ii) The licensee shall incorporate such other measures as the Liquor Commissioner may direct to protect the public health safety and welfare, including measures to protect against violations of the regulations and laws of the Village and State of Illinois regarding the consumption of liquor.

(6) The provisions of Section 3-30 regarding outdoor sales shall not apply to special event licenses issued under this section and a special event may include outdoor sales, service and consumption as approved by the Liquor Commissioner.

(7) Except as otherwise provided in this section, the applicant shall comply with all applicable provisions of the Downers Grove Municipal Code, including but not limited to, zoning, building, health and safety regulations.

(f) The Commissioner may issue a special events license as provided under this section to permit the sale and consumption of alcoholic liquor on public property. Provided, except for Village sponsored or co-sponsored community-wide celebrations, special events and other similar activities or functions, a ~~special-commercial-event~~^{temporary use} license as provided in Chapter 194 of the Downers Grove Municipal Code shall be required for any special event conducted wholly or partially upon Village controlled property. An application shall be completed as provided in subsection (b) above and submitted to the Commissioner for decision. Provided, in addition to any other requirements which may be imposed, issuance of any special events license involving public property shall be contingent upon proof of dram shop insurance, up to the statutory limit, and such other liability insurance as the Village may from time to time direct, listing the Village, its officers and employees, as named insured.

(g) It is recommended that at least one (1) person on-site shall possess a certified training certificate pursuant to Section 3.33.3.

* * *

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

VI. NEW BUSINESS

Chairman McInerney asked if there was any discussion, update from staff or comments from the Commission regarding any new business.

Ms. Kuchynka stated that the Mayor asked that the Commission discuss increasing the number of special event liquor licenses from 3 to 6 based upon a request by St. Joseph's Church.

Ms. Kuchynka advised the Commission that the Village allows up to three special event liquor licenses per year which are typically approved by the Mayor administratively after staff review. She advised that a few local churches hold a number of special events per year and St. Joseph's Church has requested that the amount of special event licenses be increased to 6. Ms. Kuchynka asked the Commission for their questions or comments and asked that they make a recommendation whether they would have the Village Council consider an amendment to the liquor code.

Chairman McInerney stated that he did not object to increasing the number of special event licenses from 3 to 6, for not-for-profit organizations. He noted that the Mayor will be the determining factor in the issuance of the licenses. Ms. Kuchynka noted that if any organization puts forth a questionable special event liquor license application, he would have the right to deny it. She stated that the nature, type, duration and scope of the event are taken into consideration. She stated that on a few occasions, the Mayor has referred complex special event license applications to the Liquor Commission for public hearing and review.

Ms. Kuchynka advised that over the years, St. Joseph's Church and St. Mary's Church have held a number of special event licenses without incident. She noted that some events are public and some events are limited to congregation members. She stated that they are required to submit liquor serving guidelines, insurance, layout, menu, entertainment schedule and event descriptions.

Ms. Fregeau asked if there are any fees involved in processing the application. Ms. Kuchynka replied yes and stated that the application fee is \$95. Ms. Strelau asked if the fee is always waived. Ms. Kuchynka replied they are typically waived for not-for-profit organizations at the discretion of the Mayor. Ms. Kuchynka noted that fees a for-profit organization would not be waived.

Ms. Strelau asked staff what fees they would liked covered. Ms. Kuchynka replied that if the Village is going to consider increasing special event licenses from 3 to 6 she recommended collecting some fees to cover staff time and materials. She stated that breakdown was reviewed in the 2009 Cost Center Analysis.

Ms. Strelau asked if any other non-profit organizations have asked for the amendment. Ms. Kuchynka replied that St. Mary's indicated interest in the amendment as well.

Ms. Kuchynka stated that the applications are reviewed by staff and they must be appropriate to be considered. She noted that the church events are family-oriented activities for parish members, festivals and fund raising efforts.

Ms. Strelau asked if the events are beer and wine only. Ms. Kuchynka replied that all alcohol may be served and noted that applicants submit a list of what is being made available.

Ms. Kuchynka advised that the Police Department is notified of the event and it is announced at roll call on the day of.

Ms. Strelau asked if staff was willing to have the first three application fees waived if the license number available is increased to six. Ms. Strelau noted that St. Joseph's was willing to provide their requests for the year in advance to help with staff workload. Ms. Kuchynka stated that staff still has to do a number of things administratively at the time of each event, but was in agreement to limiting the fee waivers to three. Ms. Strelau noted that the application fee will come out of the profits of the event but realizes that staff costs need to be covered.

Chairman McInerney suggested that language be added to allow up to three special event license fee waivers. Ms. Strelau noted that if staff is spending the time to work on it, their time should be covered. She was in favor of granting up to three fee waivers.

Chairman McInerney asked if the fee waiver provision was codified in the ordinance or if it is at the Mayor's discretion. Ms. Kuchynka replied both.

Ms. Fregeau stated that fee waivers were recently discussed by the Council during the budget review. Ms. Strelau noted that this fee is small in comparison to some.

Ms. Kuchynka noted that additional fees may be incurred if Public Works, Fire or Police get involved with the event.

Ms. Strelau was in favor of increase the number of special event licenses to 6, but waiving up to three of the application fees. Ms. Fregeau agreed. Chairman McInerney agreed with raising the number of special event licenses to 6 per year and the waiving of fees at the Mayor's discretion.

Ms. Strelau asked what section was being amended. Ms. Kuchynka replied Section 3.13 with regard to the Class S Special Event Liquor licenses, raising the number allowed from 3 to 6.

Ms. Strelau asked if they need to amend the Code with regard to the fee waiver. Ms. Kuchynka replied that the fee waiver provision was under a separate section of the code.

Chairman McInerney asked for a recommendation regarding the Class "S" special event licenses.

MS. STRELAU MOVED TO AMEND SECTION 3.13 TO INCREASE THE NUMBER OF CLASS "S" SPECIAL EVENT LICENSES AVAILABLE PER YEAR FROM THREE (3) TO SIX (6) WITH UP TO THREE APPLICATION FEE WAIVERS FOR NOT-FOR-PROFIT ORGANIZATIONS. MR. ADANK SECONDED.

VOTE: **Aye:** Ms. Strelau, Mr. Adank, Ms. Fregeau, Chairman McInerney
Nay: None
Abstain: None

MOTION CARRIED: 4:0:0

The motion carried.



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March 25, 2010

Hon. Ronald L. Sandack, Mayor
Village of Downers Grove
801 Burlington Avenue
Downers Grove, Illinois 60515

RE: Proposed Amendment to Village Liquor Ordinance

Dear Mayor Sandack:

As you are aware through your recent dealings with the Municipal budget, these are difficult financial times. We are all looking for new ways to create revenue and offset expenses. It is for this reason I write you today.

St. Joseph Church and School rely upon the generosity of our parish and larger community for assistance throughout the year to supplement regular financial stewardship commitments from our parishioners. For years, and without incident, we have taken full advantage of the Special Event Liquor Licenses available to not-for-profit groups. The Church and School separately have successfully sponsored parish-wide Annual Block Party, Annual St. Patrick's Dinner and Dance, Tailgate Dinner, Trivia Nights and several other adult focused events to meet some of our financial goals. However, we are finding that the number of permitted temporary licenses is insufficient to allow for the implementation of creative, new ways for us to provide opportunities for our parishioners to participate financially.

On behalf of St. Joseph and all groups allowed licenses under the current ordinance, we would like to request an amendment to increase from three (3) to six (6) the number of annual Special Event Liquor Licenses permitted. This important change would allow for our many groups, including Athletic Boosters, Knights of Columbus, School Alumni Association, Adult Faith Formation and Parish Service Committee to work with our Development Committee to collaborate on new fundraising opportunities.

We understand the potential for additional administrative expenses for the consideration of additional license requests. To this end we support the bundling of requests, especially for those annually recurring events, to help offset this workload.

St. Joseph Church and School thanks the Village for your consideration of this request and looks forward to maintaining our role as a responsible recipient of temporary licenses.

Sincerely in Christ,

Rev. Jerome Kish
Pastor