

**VILLAGE OF DOWNERS GROVE
REPORT FOR THE VILLAGE COUNCIL MEETING
OCTOBER 5, 2010 AGENDA**

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

SYNOPSIS

Ordinances been prepared amending the Liquor Code which would:

- Allow on-site consumption of alcoholic liquor at a video gaming facility;
- Amend the definition of recreational facilities in the Liquor Code to allow on-site consumption of beer and wine at an Indoor Simulated Golf Facility;
- Amend Sunday hours for the on-premise consumption 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 October 12, 2010 active agenda.

BACKGROUND

Based upon a request, the Downers Grove Liquor Commission discussed creating a liquor license classification which would allow the consumption of alcoholic liquor at a video gaming facility. Currently, the Village does not have a license classification which would allow on-site consumption for premises where the primary business is where the public may participate for a fee in organized, competitive video gaming, online and through the use of video gaming consoles (i.e. Wii, XBox, PlayStation). Food service will be available at all times, however restaurant activities would not be the primary business of the establishment. The bar/lounge area will be limited to 20% of the total seating available in the establishment.

The Downers Grove Liquor Commission discussed another request to allow the consumption of beer and wine at an Indoor Simulated Golf Facility. Currently, the Village allows beer and wine consumption at certain recreational facilities which are sport oriented. Staff proposed amending the recreational facility definition to include indoor simulated golf as it is in line with the nature of the classification where activities such as volleyball, tennis, racquetball or handball clubs, bowling, pool are the primary business of the establishment. Limited food service will be available, however, restaurant activities would be ancillary to the primary business. The bar/lounge area will be limited to 20% of the total seating available.

The Municipal Code was amended in February of 2009 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 at on-premise licensed establishments. A number of surrounding communities have amended

Sunday liquor sales hours for on-premise license holders, including Westmont (9:00 a.m.), Lisle (10:00 a.m.), Woodridge (6:00 a.m.) and Darien (9:00 a.m.) and most recently, Naperville (8:00 am.).

In an effort to remain competitive with our surrounding communities, staff presented a draft ordinance to the Liquor Commission to allow on-premised licensees to be able to offer liquor on Sundays beginning at 9:00 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 these matters at their meeting of September 9, 2010 and unanimously recommended that the ordinances be forwarded to the Council for their consideration and approval.

ATTACHMENTS

Draft Ordinances

Liquor Commission Recommendation & Minutes – September 9, 2010

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Sunday On-Site Hours

ORDINANCE NO. _____

**AN ORDINANCE AMENDING SUNDAY LIQUOR SERVING HOURS
FOR PREMISES WITH ON-SITE 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 3.31. 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, sell or offer for sale, 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~~ 9:00 A.M. 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) 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 as set forth in Administrative Regulation entitled "User-Fee, License and Fine Schedule" shall be submitted for each day of requested extension.

(d) 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.

(e) 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.

(f) 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.

Sunday On-Site Hours

Mayor

Passed:

Published:

Attest: _____
Village Clerk



www.downers.us

September 23, 2010

**COMMUNITY RESPONSE
CENTER**

630.434.CALL (2255)

CIVIC CENTER
801 Burlington Avenue
Downers Grove
Illinois 60515-4782
630.434.5500
TDD 630.434.5511
FAX 630.434.5571

**FIRE DEPARTMENT
ADMINISTRATION**
5420 Main Street
Downers Grove
Illinois 60515-4834
630.434.5980
FAX 630.434.5998

POLICE DEPARTMENT
825 Burlington Avenue
Downers Grove
Illinois 60515-4783
630.434.5600
FAX 630.434.5690

**PUBLIC WORKS
DEPARTMENT**
5101 Walnut Avenue
Downers Grove
Illinois 60515-4046
630.434.5460
FAX 630.434.5495

The Honorable Ronald L. Sandack
Mayor and Liquor Commissioner

Re: *Sunday On-Premise Serving Hours*

Dear Mayor Sandack:

On Thursday, September 9, 2010, at a regular meeting of the Downers Grove Liquor Commission, the members made a recommendation concerning an amendment to on-premise consumption sales hours. The following finding was made:

MS. STRELAU RECOMMENDED AMENDING SUNDAY SALES HOURS FROM 12 NOON TO 9 A.M. FOR ON-PREMISE CONSUMPTION LICENSE HOLDERS. MS. FREGEAU SECONDED.

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

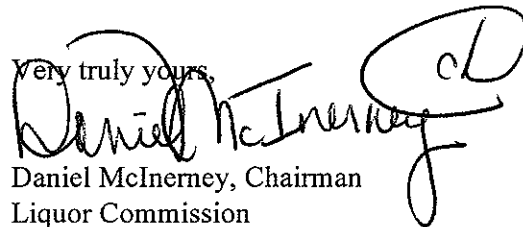
Nay: None

Abstain: None

MOTION CARRIED: 5:0:0

The motion carried.

This motion can be found in the September 9, 2010 minutes of the Liquor Commission (attached).

Very truly yours,

Daniel McInerney, Chairman
Liquor Commission

VILLAGE OF DOWNERS GROVE

cc: April Holden, Village Clerk

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Sunday On-Premise Serving Hours:

Ms. Kuchynka stated that Mayor requested the Commission to discuss Sunday on-premise consumption serving hours. She provide the Commission with information on Sunday hours of service for surrounding communities. She noted that Sunday serving hours for surrounding communities have changed recently. She reminded the Commission that off-premise selling hours were changed from 12:00 noon to 9:00 a.m. a few years back. She asked the Commission for input on changing the on-premise consumption hours to accommodate brunch service. She stated that staff supports an across the board change with no increase in fee. She stated that it would eliminate most of extension requests received for Sunday service on holidays such as Easter, Mothers Day, Fathers Day and football Sundays. She stated that most licensees wish to provide a champagne brunch or bloody mary bar.

Ms. Fregeau asked what time licensees have requested for extensions. Ms. Kuchynka replied that the ordinance allows up to a three hour extension. She stated that she typically gets requests for service at 10 a.m. She did not anticipate many licensees serving this early on a regular basis and noted they may be limited to pancake houses and hotels. She stated that the licensees who are requesting the late night licenses probably will not be in this service category as they stay open late on Saturday.

Chairman McInerney asked staff if they were proposing to change Sunday serving hours from 12 noon to 9:00 a.m. or 10:00 a.m.. Ms. Kuchynka replied either. She noted that surrounding communities vary from 9:00 a.m. or 10:00 a.m.. Ms. Fregeau noted that Naperville, Lisle and Glen Ellyn remain at noon. She noted there were two that have 6:00 a.m. and 7:00 a.m. service, which she was not in favor of. Ms. Kuchynka thought Naperville was in the process of offering early hours. Ms. Kuchynka noted that Sunday hours is coming around, just as is the 2:00 a.m. change. She stated that communities are competing for sales tax revenue and establishments are competing for business in this tough economy.

Chairman McInerney did not feel that the DUI rate will increase exponentially on Sunday mornings. He asked for comments from the Commission.

Ms. Strelau was not concerned with allowing service at 9:00 a.m. or 10:00 a.m., but felt it should match off-premise consumption hours. She thought when they changed off-premise consumption hours they should have considered changing on-premise hours as well. She stated that this is a category of service that restaurants can not offer with brunches. She did not believe that the DUI situation would be a problem between 10:00 a.m. and noon on Sundays like they are from 2:00 a.m. to 3:00 a.m.. She did not feel the change warrants an extra license fee.

Ms. Fregeau agreed with Ms. Strelau. She would not be adverse to changing the hours to either 9:00 a.m. or 10:00 a.m.. She recalled some licensees wanting to provide brunch and provide liquor service at them.

Mr. Clary agreed with changing the hours. He felt it should be consistent with off-premise license hours.

Ms. King agreed to change the hours. She did not believe people would over indulge that early in the morning. She did not have a preference to change hours to 9:00 a.m. or 10:00 a.m..

Chairman McInerney agreed with the Commission members. He felt that the hours should be kept the same as off-premise and keep selling/serving hours consistent. He did not see a big risk involved in early service.

Ms. Kuchynka asked if the Commission would like the Sunday and Friday change of hours ordinance combined or separate. Ms. Strelau felt they should be separated in case one or the other gets hung up. She noted that 2:00 a.m. serving hours is potentially challenging.

Ms. Kuchynka asked the Commission for a recommendation.

MS. STRELAU RECOMMENDED AMENDING SUNDAY SALES HOURS FROM 12 NOON TO 9 A.M. FOR ON-PREMISE CONSUMPTION LICENSE HOLDERS. MS. FREGEAU SECONDED.

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

Nay: None

Abstain: None

MOTION CARRIED: 5:0:0

The motion carried.

Ms. Kuchynka advised that she would prepare a draft ordinance with the change and get an agenda date for the item to go before the Village Council for consideration.