

**VILLAGE OF DOWNERS GROVE
REPORT FOR THE VILLAGE COUNCIL MEETING
OCTOBER 12, 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

UPDATE & RECOMMENDATION

This item was discussed at the October 5, 2010 Village Council meeting. Staff recommends 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

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VILLAGE OF DOWNERS GROVE
COUNCIL ACTION SUMMARY

INITIATED: Village Attorney **DATE:** October 12, 2010
(Name)

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

NATURE OF ACTION:

STEPS NEEDED TO IMPLEMENT ACTION:

- Ordinance
- Resolution
- Motion
- Other

Motion to Adopt "AN ORDINANCE AMENDING SUNDAY HOURS FOR ON-PREMISE CONSUMPTION OF LIQUOR", as presented.

SUMMARY OF ITEM:

Adoption of the attached ordinance shall amend Sunday liquor serving hours for on-premise license holders.

RECORD OF ACTION TAKEN:

Sunday On-Site Hours

ORDINANCE NO. _____

**AN ORDINANCE AMENDING SUNDAY HOURS
FOR ON-PREMISE CONSUMPTION OF LIQUOR**

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