

**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:

- Ordinance
- Resolution
- Motion
- Other

STEPS NEEDED TO IMPLEMENT ACTION:

Motion to Adopt "AN ORDINANCE CREATING A GAMING FACILITY LIQUOR LICENSE ", as presented.

SUMMARY OF ITEM:

Adoption of the attached ordinance shall create a liquor license classification for gaming facilities.

RECORD OF ACTION TAKEN:

Gaming Facility

ORDINANCE NO. _____

AN ORDINANCE CREATING A GAMING FACILITY LIQUOR LICENSE

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 3.3 is hereby amended to read as follows:

3.3 Definitions.

For the purposes of this Chapter, the following words and phrases shall have the meanings respectively ascribed to them by this section:

* * *

Gaming Facility. A place in which the public may participate for a fee in organized, competitive video gaming, online and through the use of video gaming consoles, excluding video gaming that involves gambling of any type.

* * *

Section 2. 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:

* * *

"E-6" Entertainment/Gaming Facility licenses shall authorize the sale of alcoholic liquor for consumption on the license premises where the primary business is a gaming facility as defined herein, of not less than ten thousand (10,000) square feet. Such facility shall have a retail game sales area. Such facility will have an area where food is prepared on the premises. Food service shall be available during operation and such facility shall have a guest seating capacity, excluding outdoor areas, of not less than thirty-five (35). Bar/lounge seating shall be no more than twenty percent (20%) of the total seating provided for patrons of the establishment.

* * *

Section 3. That Section 3.15. is hereby amended to read as follows:

3.15. Limitation on number of licenses.

The number of licenses in each classification as defined in Section 3-13 which it shall be lawful to issue shall be limited so that the licenses in force and effect at any time shall not exceed the following numbers:

License Classification	Amount of licenses not to Exceed
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* * *

<u>"E-6" (Gaming Facility - full)</u>	<u>1</u>
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* * *

Gaming Facility

Section 4. That all ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

Section 5. 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