

VILLAGE OF DOWNERS GROVE
REPORT FOR THE VILLAGE COUNCIL MEETING
MAY 14, 2013 AGENDA

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

SYNOPSIS

An ordinance has been prepared to amend the Village's Liquor Code relative to the following items:

- Amend the floor plan/business plan change provisions
- Amend certified training requirements.

STRATEGIC PLAN ALIGNMENT

The goals for 2011-2018 identified *Strong, Diverse Local Economy*.

FISCAL IMPACT

N/A

RECOMMENDATION

Approval on the May 21, 2013 active agenda.

BACKGROUND

Staff recommends that Section 3.19 regarding floor plan and operational changes be amended to provide for stricter enforcement. Basically, it would require that a licensee obtain written approval prior to making any changes in floor plan, theme, business plan or advertising.

Staff is also recommending to eliminate the current grace period included Section 3.33.3 regarding the certified training for liquor handling requirement. The proposed amendment would require all employees who serve alcohol to be certified upon hire and would require the licensee to show proof thereof upon license renewal and at time of application.

ATTACHMENTS

Ordinance

ORDINANCE NO. _____

**AN ORDINANCE AMENDING FLOOR PLAN CHANGES
AND CERTIFIED TRAINING REQUIREMENTS**

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 3.19. is hereby amended to read as follows:

3.19. Change in floor plan or focus of local operation.

(a) ~~During the term of any license(s) issued for the sale of alcoholic liquor for consumption on the premises whether for indoor or outdoor service, if a licensee proposes to make any of the changes hereinafter enumerated, which would alter its operation from the conditions pursuant to which the license was initially granted, the licensee shall apply in writing to the Local Liquor Commissioner for approval of such changes, and provide information concerning the specific changes proposed, including a revised floor plan, if any. The following shall be considered a change in the operation for purposes of this section: (i) a change in the floor plan in any manner which would alter the number of seats provided primarily for restaurant use by more than ten percent, or which would expand any area in which entertainment or service of alcoholic liquor is provided; (ii) a change in the type and focus of the theme, concept or advertising for the licensed business.~~ a licensee shall not (i) make changes to the floor plan that would alter the seating, entertainment area or liquor service area, or (ii) make changes to the theme, business plan or advertising for the licensed business from what was presented at the time the license was issued without the prior approval of the Local Liquor Commissioner.

(b) ~~Upon receipt of a written request for approval of any of the changes as provided in paragraph (a) of this section, the Local Liquor Commissioner shall review the licensee's proposed changes to determine the nature and significance of the changes in consideration of the classification of license held and the requirements established for such classification, including the minimum number of seats required. The Local Liquor Commissioner may approve the proposed changes if it is determined that the proposed changes in the floor plan, the nature and focus of the local operation, and the type and focus of advertising make questionable the continued conformance with the requirements of the license classification. If it is determined that such proposed changes are substantial, the Local Liquor Commissioner may forward the information concerning such changes to the Local Liquor Commission for its review and recommendation as to whether the changes are so substantial as to make questionable the continued conformance of the licensed premises with the requirements of the Liquor Control Ordinance for the license classification, including the minimum number of required seats.~~ such request and in his sole discretion may approve, deny or forward the request to the Liquor Commission for its review and recommendation.

(c) ~~Fees for any application request for approval of changes on licensed premises as provided in paragraph (a) hereof shall be as provided in Section 3-9(e) of this Chapter. No additional license fee shall be payable and no new license shall be required by virtue of the changes described in paragraph (a) hereof.~~

(d) ~~So long as an application for approval of any of the changes described in paragraph (a) hereof is pending, and not yet acted on by the Local Liquor Commissioner, the applicant may continue to conduct its business and operations in the manner approved at the time the license was initially granted. If approval of the proposed changes is granted, the licensee may proceed to implement such changes in accordance with the approval granted, and subject to any conditions which may be established as part of such approval. If approval is denied, licensee shall continue to operate its business in the manner approved at the time the license was initially granted.~~

(ed) ~~Any licensed business which implements any of the changes on licensed premises as provided~~

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~~in paragraph (a) hereof, without requesting and receiving approval of the Local Liquor Commissioner as provided therein.~~ A licensee shall be subject to the penalties for violation of this ~~Chapter~~Section, as established in Article V hereof, up to and including revocation of the license. (Ord. No. 3343, § 1.)

Section 2. That Section 3.33.3. is hereby amended to read as follows:

3.33.3. Training Required.

(a) Liquor license holders shall be required to have all employees who serve, sell or distribute alcoholic liquor successfully complete a certified training program and maintain a current effective certification from said program upon hire.

(b) Proof of Educational Training Compliance. Prior to license issuance or upon~~Upon making application for liquor license renewal,~~ the licensee shall supply the Village list of all employees ~~who have successfully completed the certified training program.~~ And a copy of course completion certificate(s) shall be made available upon the licensed premises for inspection by the Village of the certified training program.

~~(c) Compliance by Existing License Holders. Liquor license holders shall be given six (6) months from July 1, 2006 in order to comply with subsections (a) and (b) above. A request for an extension to complete certified training may be made in writing to the Local Liquor Commissioner if due diligence is proven that training cannot be completed by all employees during that time frame.~~

~~(d) Compliance by New License Holders. Liquor license applicants shall be given four (4) months from the date of license issuance in order to comply with subsections (a) and (b) above.~~

~~(e) Compliance After Loss of a Certified Employee. Any liquor license holder, who, due to the loss of an employee who has successfully completed the course is put in a position of non-compliance with subsection (a) above, shall have four (4) months to come into compliance.~~

~~(f) Failure to comply with the provisions of this Chapter may subject the licensee to the penalties for violation of this ChapterSection, as established in Article V hereof, up to and including revocation of the license.~~

Section 3. That all ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

Section 4. 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