

**VILLAGE OF DOWNERS GROVE
REPORT FOR THE VILLAGE COUNCIL MEETING
MAY 13, 2014 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 to amend provisions for charitable gaming.

STRATEGIC PLAN ALIGNMENT

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

FISCAL IMPACT

N/A

UPDATE & RECOMMENDATION

This item was discussed at the May 6, 2014 Village Council meeting. Staff recommends approval on the May 13, 2014 Active Agenda.

BACKGROUND

Staff has received a request from a not-for-profit organization to allow charitable gaming events such as “casino nights” in the Village. A proposed ordinance has been drafted to allow for charitable gaming events throughout the Village, only for not-for-profit organizations that are licensed by the Illinois Department of Revenue and events conducted in accordance with the provisions of the Illinois Charitable Games Act (230 ILCS 30/1 et seq.). Both liquor license holders and non-liquor license holders will be required to obtain a Special Event Liquor License should they wish to serve alcohol at such events. This item was not presented to the Liquor Commission for consideration, but rather is being brought directly to the Village Council in order to expedite the process and for not-for-profit entities to take advantage of fundraising opportunities.

ATTACHMENTS

Ordinance
Current Chapter 15 Ordinance

VILLAGE OF DOWNERS GROVE
COUNCIL ACTION SUMMARY

INITIATED: Village Attorney **DATE:** May 13, 2014
(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 AMENDING THE LIQUOR CONTROL ORDINANCE CONCERNING CHARITABLE GAMES", as presented.



SUMMARY OF ITEM:

Adoption of the attached ordinance shall amend certain liquor license provisions concerning charitable games.

RECORD OF ACTION TAKEN:

Charitable Games

ORDINANCE NO. _____

**AN ORDINANCE AMENDING THE LIQUOR CONTROL ORDINANCE
CONCERNING CHARITABLE GAMES**

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 3.33. is hereby amended to read as follows:

3.33. Prohibited activities on licensed premises.

(a) Gambling. It shall be unlawful to permit any gambling or video gaming on any premises licensed to sell alcoholic liquor ~~except upon those premises holding a Class "C" liquor license and~~**except** in accordance with the provisions of Section 15.13.

(b) Solicitation. It shall be unlawful for any licensee, its manager or other person in charge of any licensed premises where alcoholic liquor is sold or offered for sale for consumption thereon to engage, employ or permit the engagement or employment of any person, nor shall any person be permitted to remain on said premises, who shall solicit any patron or customer thereof to purchase alcoholic or nonalcoholic liquor for said person, or any other person therein; nor shall any person, whether or not such person impersonates or presents the appearance of one of the opposite sex, and whether or not such person is an employee or entertainer, solicit any patron or customer therein to purchase alcoholic or nonalcoholic liquor for himself or herself or any other person therein; provided, however, that nothing herein contained shall prohibit any adult manager, bartender or waitress who shall be regularly employed therein from accepting and serving the order of a patron or customer in the regular course of employment as such manager or waitress.

(c) It shall be unlawful for any licensee, its manager, or other person in charge of premises licensed to sell alcoholic liquor to permit the following kinds of conduct; or books, magazines, coin-operated motion picture devices, films, or movies depicting, describing or relating to the following kinds of conduct on such premises:

- (1) The performance of acts, or simulated acts, of sexual intercourse, masturbation, sodomy, bestiality, oral copulation, flagellation or any sexual acts which are prohibited by law.
- (2) The actual or simulated touching, caressing or fondling of the breast, buttocks, anus or genitals.
- (3) The actual or simulated displaying of the breasts, pubic hair, anus, vulva or genitals.

(d) It shall be unlawful for any licensee, its manager, or other person in charge of premises licensed to sell alcoholic liquor to permit any entertainment, fashion show, presentation or performance which may include any person in a nude or semi-nude state, including, but not limited to, servers, hosts, hostesses, dancers, singers, models or other performance artists, or to permit role playing interactions. (Ord. No. 2489, § 1; Ord. No. 2735, § 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.

Charitable Games

Mayor

Passed:

Published:

Attest:

Village Clerk

Downers Grove Municipal Code

Section 15.13. Gambling.

(a) No person shall, upon any premises or within any building within the Village occupied or controlled by him, set up, keep, maintain or operate or permit to be set up, kept, maintained or operated any card game or instrument, device or thing for the purpose of gambling or with which money or property, or anything representing money or property or anything of value shall in any manner be lost or won; provided, however, that the game commonly known as "bingo", when conducted in accordance with the provisions of the Illinois Bingo License and Tax Act¹, pull tab and jar games when conducted in accordance with the provisions of the Illinois Pull Tabs and Jar Games Act², "charitable games" when conducted in accordance with the provisions of the Illinois Charitable Games Act³, and lotteries when conducted by the State of Illinois in accordance with the Illinois Lottery Law, shall be permitted and shall not be construed as a violation of this section.

(b) Pursuant to Section 27 of the Video Gaming Act⁴, video gaming is hereby prohibited within the corporate boundaries of the Village.

(c) No person shall participate in the activities defined as gambling in subsection (a) and (b). (R.O. 1925, § 411; Ord. No. 301, § 1; Ord. No. 2121, § 1; Ord. No. 2812, § 3; Ord. No. 2877, § 1.)

NOTE: For state law as to gambling, see Ill. Comp. Stat., ch. 720, §§ 5/28-1 to 5/28-9. As to authority of Village to suppress gambling, see Ill. Rev. Stat., ch. 24, § 11-501. (Repealed)

¹230 ILCS 25/1 et seq.

²230 ILCS 20/1 et seq.

³230 ILCS 30/1 et seq.

⁴230 ILCS 40/27

(Ord. 5136, Amended, 05/11/2010; Ord. 5101, Amended, 12/01/2009; 3651, Amended, 05/23/1994; 3644, Amended, 04/11/1994)