

VILLAGE OF DOWNERS GROVE
Report for the Village Council Meeting
2/6/2018

SUBJECT:	SUBMITTED BY:
Direct staff to amend section 3.33 (c) of the Alcoholic Liquor Code to delete “Provided, however, that Class “T” Theater”	David Fieldman Village Manager

SYNOPSIS

At the request of Commissioner Waldack a proposal to amend section 3.33 (c) of the Alcoholic Liquor Code has been placed on the New Business Agenda. Pursuant to Village Council policy, this topic shall be a discussion item only to allow the Village Council to direct staff to prepare an action for consideration at a later date.

STRATEGIC PLAN ALIGNMENT

The goals for 2017-2019 include *Exceptional Municipal Services*.

FISCAL IMPACT

N/A

RECOMMENDATION

Action at the discretion of the Village Council.

BACKGROUND

Commissioner Waldack requested that section 3.33 (c) of the Alcoholic Liquor Code be amended. The proposal is:

3.33 (c) (3) shall be modified.

*Delete: “Provided, however, that Class “T” Theater “
 Shall now read; “Liquor license holders shall be allowed to show motion pictures or films classified by the Motion Picture industry as rated R or less.”*

This is the current ordinance:

Section 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 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 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 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.

Provided, however, that Class "T" Theater liquor license holders shall be allowed to show motion pictures or films classified by the Motion Picture Industry as rated R or less,

(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.

REASON FOR AMENDING:

Recently the Village Council voted to amend 3.33 in order to allow Class "T" Liquor License Holders (the only possible holder at this time being the Tivoli) to both show such movies and sell liquor.

The residents have made it clear that they want our businesses to be competitive. A basic principle of good government is that rules shall provide both equal protections and equal duties and responsibilities.

At present, any business is capable of showing motion pictures and films, although they may not also serve alcohol. While many or all may not be doing so, the fact is that they are allowed to do so.

Liquor License holders have special limitations that are described in 3.33 of the code. There have been, and are, good reasons for these restrictions in our community.

Council has recently decided that showing of R-rated or less movies and films is no longer an issue in an alcohol-available environment. Furthermore, other than Class "T" license holders are already bound to more restrictive, more controlled environments where there is less seating, generally better-lit, and adult trained servers who can better monitor, control consumption, and enforce both the letter and spirit of our liquor ordinances.

Given that all businesses as well as Class "T" license holders may already show such films, the Council should be equitable and allow other License holders the same opportunities and competitiveness and self-determine if that is an activity in which to engage.

VILLAGE OF DOWNERS GROVE
COUNCIL ACTION SUMMARY

INITIATED: Village Manager DATE: February 6, 2018
(Name)

RECOMMENDATION FROM: _____ FILE REF: _____
(Board or Department)

NATURE OF ACTION:

- Ordinance
- Resolution
- Motion
- Other

STEPS NEEDED TO IMPLEMENT ACTION:

Motion to direct staff to prepare an ordinance amending Section 3.33 (c) to allow all liquor license holders the ability to show films classified by the Motion Picture Industry as rated R or less.



SUMMARY OF ITEM:

Adoption of this motion shall direct staff to prepare an ordinance amending Section 3.33 (c) to allow all liquor license holders the ability to show films classified by the Motion Picture Industry as rated R or less.

RECORD OF ACTION TAKEN:
