

**VILLAGE OF DOWNERS GROVE**  
**Report for the Village**  
**7/7/2020**

<b>SUBJECT:</b>	<b>SUBMITTED BY:</b>
Extension and amendments to Liquor and Massage License Renewal and Term, outdoor dining and liquor provisions, parking and utility billing provisions	Enza Petrarca Village Attorney

**SYNOPSIS**

Ordinances have been prepared amending the terms and annual renewal of liquor licenses and massage licenses. A resolution has been prepared extending and amending certain emergency orders regarding outdoor dining, liquor and parking provisions and utility billing

**STRATEGIC PLAN ALIGNMENT**

The goals for 2019-2021 include *Exceptional Municipal Services*.

**FISCAL IMPACT**

The proposed changes will result in a reduction of revenue. The revenue loss is anticipated and reflected in the [COVID-19 Financial Response Plan](#).

**RECOMMENDATION**

Approval at the discretion of the Village Council

**BACKGROUND**

Since the declaration of a State of Emergency due to the COVID-19 pandemic, the Village Council has affirmed and authorized the following emergency orders:

- Utility billing – staying the collection of late payments and penalties (set to expire concurrently with State Disaster Declaration currently set to expire 7/26/20);
- Parking citations & Food and beverage tax – staying the collection of late payments and penalties (set to expire concurrently with State Disaster Declaration currently set to expire 7/26/20);
- Commuter Parking Permits - authorizing an extension of second quarter commuter parking permits through September 30, 2020;
- Extension of liquor licenses through August 31, 2020;
- Extension of massage licenses through August 31, 2020;
- Establishment of outdoor dining provisions through August 31, 2020 which:
  - Allows restaurants and certain other establishments to operate outdoor dining areas adjacent to their establishment, including patios, public and private sidewalks, private parking lots and in portions of public streets.

- Temporarily waives the requirement to obtain a Temporary Use permit to operate an outdoor cafe
- Allows establishments which currently hold a liquor license to sell and serve alcohol in the outdoor dining area without the issuance of a separate outdoor dining liquor license (Class O)
- Allows establishments which currently hold a liquor license for the sale of full alcohol for on-site consumption to sell beer, wine, cocktails or mixed drinks by curbside pick-up or delivery (must be sold in connection with the purchase of food)

On June 26, 2020, the Governor extended by thirty days the State disaster proclamation related to COVID-19, and the entire State moved into Phase 4 of the Restore Illinois Plan. As such, the following documents have been prepared for the Village Council's consideration:

1. **Extension of Liquor Licenses** - The proposed Ordinance would extend the current liquor licenses, scheduled to expire on August 31, to October 31. If approved, current liquor licenses would be valid until October 31. The 2020-21 liquor licenses would be valid from November 1, 2020 until October 31, 2021. This amendment would permanently change the term of liquor licenses to November 1- October 31 for future years. No changes to liquor license fees are being proposed.
2. **Extension of Massage Licenses** - The proposed Ordinance would permanently change the term of massage licenses to September 1 - August 31 for future years. The 2020-21 massage licenses would be valid from September 1, 2020 until August 31, 2021. No changes to massage license fees are being proposed.
3. **Extension of Emergency Order re: Outdoor Dining and other Liquor Provisions** – The proposed Resolution would extend the Emergency Order through November 1, 2020, provided that the Village Manager shall have the authority to further extend the Emergency Order through November 15, 2020.
4. **Amendment to the March 24, 2020 Executive Order** - The proposed Resolution would amend the Executive Order staying Section 25.33 (c), (d) and (e) of the Downers Grove Municipal Code related to utility late payments penalties, discontinuing of services, and lien provisions by lifting the stay effective August 31, 2020.
5. **Amendment to the March 27, 2020 Executive Order** – The proposed Resolution would amend the Executive Order staying Sections 14.97.4 and 21.908 of the Downers Grove Municipal Code related to parking citations and food and beverage tax late payments and penalties by lifting the stay effective August 31, 2020;

Commuter parking permits would resume the normal process effective 4<sup>th</sup> quarter (October 1, 2020).

## ATTACHMENTS

Ordinances

Resolution

Emergency Order re: Outdoor Dining

March 24, 2020 & March 27, 2020 Executive Orders

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ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE AMENDING  
LIQUOR LICENSE RENEWAL AND TERMS**

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 3.14 is hereby amended to read as follows:****3.14 Term - fees.**

- (a) The term of each license issued hereunder shall be from ~~July 1 to June 30~~November 1 through October 31.
- (b) Licenses shall be issued to new applicants and/or renewal applicants with satisfactory performance in the most recent year in which they held a license. The fee for the various classes of licenses shall be as set forth in Administrative Regulation entitled "User-Fee, License and Fine Schedule".
- (c) Except as provided herein, there shall be no refund or proration of the license fee for any portion of a year prior to issuance or during which licensee ceases to engage in the business of selling alcoholic liquor. For any license issued on or after the first day of ~~January~~May of any year, the license fee shall be prorated by dividing the fee by twelve and multiplying the resulting sum by the number of months, or parts thereof, remaining in the license year.
- (d) For any change in classification issued on or before the first day of ~~January~~May of any year, the licensee shall be awarded a credit in the amount of the license fee previously paid by licensee in same license year for the same establishment.
- (e) All required fees shall be paid at the time of issuance of the license after approval by the Local Liquor Commissioner pursuant to Section 3.12 of this Chapter. All such fees shall be forthwith deposited with the Village Treasurer. (Ord. No. 244 §§ 5, 6; Ord. No. 279, § 1; Ord. No. 356, § 1; Ord. No. 634, § 1; Ord. No. 635, § 1; Ord. No. 1059, § 1; Ord. No. 1200, § 1; Ord. No. 1465, § 1; Ord. No. 1741, §§ 15 to 17; Ord. No. 2167, § 4; Ord. No. 2246, § 1; Ord. No. 2388, § 7; Ord. No. 2541, § 6; Ord. No. 2735, § 1; Ord. No. 3050, § 2; Ord. No. 3377, § 1.)

**Section 2. That Section 3.16. is hereby amended to read as follows:****3.16. Renewal; effect of failure to renew.**

- (a) Subject to the restrictions established in Section 3.19 respecting nonconforming licenses, any licensee may make application to renew the license at the expiration thereof, provided the applicant is then entitled to receive a license and the premises for which such renewal license is sought are suitable for such purpose.
- (b) Licensees applying for renewal shall either certify to the continued compliance of the premises with the conditions pursuant to which the license was initially granted, including the approved floor plan and dram shop insurance coverage, or shall submit a request for approval of certain changes in the licensed business pursuant to Section 3.18.1 of this Chapter. The renewal application shall be on forms provided by the Village and shall include the same information as provided for an original application to determine whether the licensee is, and will continue to be, qualified for a license. Provided, in lieu of new submittals, the renewal applicant may certify, on forms provided by the Village, that some or all of the information previously provided by the applicant with any original or renewal application has not changed.
- (c) Application for renewal along with the required license fee shall be filed with the Village no later than the ~~second Friday of June~~first Friday of October each year. Applications for renewal filed after

## Liq Lic - Annual

this deadline shall be considered a late filing but shall be accepted by the Village until ~~June 30th~~ October 31st of each year. Provided, any licensee submitting a late filing shall, in addition to the license fee, pay a late filing fee as set forth in Administrative Regulation entitled "User-Fee, License and Fine Schedule". No application for renewal shall be accepted after ~~June 30th~~ October 31st of each year. Rather, any application filed after ~~June 30th~~ October 31st shall be treated as an application for an original license and processed as provided in Section 3.12.

(d) Applications for renewal shall be considered by the Local Liquor Commissioner and either approved or denied based upon the standards and qualifications for issuance as set forth in this Chapter and State laws. Provided, before reaching a final decision, the Local Liquor Commissioner may refer any renewal application to the Local Liquor Commission for a hearing. In such case, notice shall be given to the licensee and the Local Liquor Commission shall conduct a hearing, making a recommendation to the Local Liquor Commissioner regarding the renewal status or non-renewal of the license.

(e) Except for Class "S" special event license, any license issued pursuant to this Chapter shall terminate by operation of law at 11:59:59 P.M. of the ~~June 30th~~ October 31st following issuance. Any licensee who has filed a complete application shall be permitted to continue operation under the authority of the existing license, even after ~~June 30th~~ October 31st, until a final decision is made by the Local Liquor Commissioner as provided herein. Any licensee who fails to file a renewal application shall cease liquor operation on or before ~~June 30th~~ October 31st. (Ord. No. 244, § 10; Ord. No. 1200, § 1; Ord. No. 1741, § 19; Ord. No. 2388, § 8; Ord. No. 2735, § 1; Ord. No. 3050, § 4; Ord. No. 3343, § 1.)

**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.

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Mayor

Passed:

Published:

Attest: \_\_\_\_\_

Village Clerk