

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

SUBJECT:	SUBMITTED BY:
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 4th quarter (October 1, 2020).

ATTACHMENTS

Ordinances

Resolution

Emergency Order re: Outdoor Dining

March 24, 2020 & March 27, 2020 Executive Orders

Massage - Ext

ORDINANCE NO. _____

**AN ORDINANCE AMENDING
MESSAGE LICENSE RENEWALS**

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 8.2023. is hereby amended to read as follows:

8.2023. Expiration of Massage Establishment License-- Renewal.

(a) Each Massage Establishment License shall expire on ~~June 30~~August 31 and may be renewed only by making application as provided in Section 8.2005 ~~and 8.2006~~. Provided, in lieu of full submittal, an applicant may, on forms provided by the Village, certify that the information previously provided remains true and valid. This renewal application shall be processed as provided in Section 8.2008. Application for renewal shall be made at least thirty (30) days before the expiration date.

(b) Application for renewal along with the required license fee shall be filed with the Village no later than August 1 of each year. Applications for renewal filed after this deadline shall be considered a late filing but shall be accepted by the Village until August 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". Any application filed after August 31st shall be treated as an application for an original license and processed as provided in Section 8.2005.

~~(bc)~~ Before the Massage Business Commissioner denies renewal of a Massage Establishment License, notice and a hearing shall be provided as set in Section 8.2016. Such denial shall be equivalent to a revocation.

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.

Mayor

Passed:

Published:

Attest: _____

Village Clerk