

**VILLAGE OF DOWNERS GROVE**  
**COUNCIL ACTION SUMMARY**

**INITIATED:** Liaison to the Liquor Commission      **DATE:** May 21, 2002  
(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 CERTAIN FEES RELATED TO LIQUOR LICENSING", as presented.



**SUMMARY OF ITEM:**

Adoption of the attached ordinance will amend certain related to liquor licensing.

**RECORD OF ACTION TAKEN:**

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

**AN ORDINANCE AMENDING CERTAIN FEES RELATED TO LIQUOR LICENSING**

BE IT ORDAINED by the Council of the Village of Downers Grove, in DuPage County, Illinois, as follows: (Additions are indicated by shading; deletions by ~~strikeout~~.)

SECTION 1. That Section 3-9 of the Downers Grove Municipal Code is hereby amended as follows:

**3-9. Application.**

(a) *Letter of request.* Any person who wishes to apply for a license required by Section 3-8 shall submit to the local Liquor Commissioner a letter of request containing information related to the identity, current and past business experience (including, but not limited to, handling of liquor) of the prospective applicant; the class of license desired; the location and nature of the business proposed; and any additional information relevant to his qualifications for a retail liquor dealer's license. Upon such written request, the prospective applicant shall be provided with information concerning the availability of licenses of the requested classification and the application procedure.

(b) *Availability of license.* If no license of the requested classification is available at the time a written request is received, the name of the person shall be placed on a list of persons interested in a license of such classification. Any person placed on such list shall be obligated to inform the Village Manager in writing on or before December 31 of each year of a desire to remain on such list for the next year. Failure to do so will result in removal of such person's name from the list. Persons whose names appear on such list at the time a license of the requested classification becomes available shall be so informed, and may then, at their option, proceed to apply for a liquor license.

(c) *Application for license.* Following the initial letter of request, and the Village's response to it, a person wishing to file an application for a license may obtain from the Village an application form as prescribed by the Village Manager for the purpose of providing reasonable information respecting the applicant. Such application shall be filed with the local Liquor Commissioner and shall include:

(1) A manual outlining the applicant's program for training its employees to properly handle the sale of alcoholic liquor;

(2) A floor plan:

(a) for any premises to be licensed for sale of alcoholic liquor for off premise consumption drawn to scale, with sufficient detail to depict design features.

(b) for any premises to be licensed for sale of alcoholic liquor for on-premise consumption, drawn to scale, with sufficient detail to depict the number and location of dining tables and booths, the location of any bar(s), if applicable, the establishment design features, including but not limited to, entrances/exits and hostess areas. This plan should also include the maximum occupancy of the establishment and smoking and non-smoking designated areas.

(3) A valid lease in the name of the licensee which authorizes the sale, service and/or delivery of alcoholic beverages in effect for the entire license period. Such lease shall include terms of the lease as well as a contact person as agent of the property.

(4) Menu depicting all types of food and beverage items available to its patrons.

(5) Restaurant Operation Plan describing the planned operations for the restaurant which shall include, but is not limited to, a description of the customer facilities such as seating areas, displays, service areas, access and egress and similar facilities.

(6) Hours of operation. A list of the hours of operation for the establishment.

(7) Certificate of Occupancy verifying that the applicant has met all Building, Fire and Health Department requirements of the Village.

(8) The expected date of occupancy, which shall not exceed nine months from the date such application is filed;

(9) Certification that dram shop insurance is or will be in force covering the applicant and the premises which are to be operated under the license in an amount sufficient to satisfy statutory limits. The applicant shall attach to the application a copy of the policy for dram shop insurance coverage, which policy shall contain at a minimum the following information: insurer's name, agent's name, date of expiration of policy, type and amount of coverage, and a provision that the insurance company shall give the Village at least thirty (30) days notice prior to any cancellation or termination of the policy; and

(10) The name, home address, driver's license number, and past employment experience for the person to be designated as the Liquor Manager of the establishment. Also, certification that the Liquor Manager is employed on the premises of the establishment at least thirty-five (35) hours per week.

(d) *Application for classification change.* A licensee wishing to file an application for a change of liquor license classification shall submit an application to the Village on forms as prescribed by the Village Manager. Such application shall be filed with the local Liquor Commissioner and shall include those items listed in Section 3-9(c).

(e) *Application fee.* Except as otherwise provided herein, a non-refundable application fee of ~~nine hundred and thirty dollars~~ ~~one thousand dollars (\$1,000.00)~~ shall be required with the filing of any application. The application fee may be reduced or waived as follows:

(1) If the Commissioner determines, pursuant to this Chapter, to grant a liquor license without referring the application to the local Liquor Commission or the Plan Commission, the applicant may receive a partial refund of one-half of the application fee.

(2) If the Commissioner determines, pursuant this Chapter, to grant or deny a liquor license without requiring a full investigation, the applicant may receive a partial refund of one-half of the application fee.

(3) If the Commissioner determines, pursuant this Chapter, to grant a liquor license without referring the application to the local Liquor Commission or the Plan Commission, and without requiring a full investigation, the applicant may receive a partial or full refund of the application fee as provided herein. Where the Commissioner determines, based upon the nature and complexity of the application, that the administrative functions were de minimis, a full refund may be granted. Where the Commissioner determines that the administrative functions were not de minimis, a partial refund of one-half of the application fee may be granted.

(4) If the Commissioner determines, pursuant to this Chapter, to grant a liquor license while referring the application to the local Liquor Commission or Plan Commission for change of liquor license classification, at the discretion of the Liquor Commissioner the applicant may receive a partial or full refund of the application fee. (Ord. No. 244, § 3; Ord. No. 1741, § 10; Ord. No. 1749, § 2; Ord. No. 2388, § 5; Ord. No. 2450, § 3; Ord. No. 2541, § 4; Ord. No. 2735, § 1; Ord. No. 2847, § 2; Ord. No. 3064, § 1; Ord. No. 3182, § 2; Ord. No. 3343, § 1.)

SECTION 2. That Section 3-14 of the Downers Grove Municipal Code is hereby amended as follows:

**3-14. Term; fees.**

- (a) The term of each license issued hereunder shall be from July 1 to June 30.
- (b) The fee for the various classes of licenses shall be as follows:

License	Annual Fee
"A"	\$ 1,400.00\$1,600.00
"B-1"	975.00\$1,075.00
"B-2"	750.00\$950.00
"B-3"	285.00\$450.00
"C"	335.00\$470.00
"C-1"	750.00\$850.00
"D-1"	2,550.00\$2,630.00
"D-3"	1,650.00\$1,750.00
"D-4"	2,550.00\$2,770.00
"D-5"	2,550.00\$2,630.00
"E-1"	2,550.00\$2,630.00
"E-2"	2,550.00\$2,630.00
"F"	2,550.00\$2,730.00
"G-1"	975.00\$1,075.00
"G-2"	2,550.00\$2,630.00
"H"	975.00\$1,075.00
"I"	700.00\$765.00
"R"	2,550.00\$2,700.00
"R-1"	975.00\$1,150.00
"T"	700.00\$765.00

(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 of any year, the license fee shall be prorated by dividing the fee set forth in subsection (b) 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 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) The annual fee shall be due and payable June 30 in each year. No licensee shall continue to engage in the business of selling alcoholic liquor unless such fee has been paid.

(f) 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.

(g) It is the intention of the Village to review and, if justified, adjust license fees annually based upon the costs and expenses incurred by the Village to administer this section. Provided, however, nothing herein shall require such review nor impair or prohibit any adjustment in fees as may from time to time, be approved by the Council. (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 3. That Section 3-30 of the Downers Grove Municipal Code is hereby amended as follows:

**3-30. Outdoor sales.**

(a) Subject to the approval of the Liquor Commissioner, the sale, service and consumption of alcoholic liquor in an outdoor seating area may be permitted adjacent to premises licensed to sell alcoholic liquor for consumption on the premises; subject to the following conditions:

- (1) The outdoor area is enclosed; and
- (2) The outdoor area is owned or leased by the licensee; and
- (3) The outdoor area is included as part of the regular food service business located on the licensed premises; and

(4) Access to the outdoor area is through the licensed premises, and no direct entrance to or exit from such area is available other than emergency exits.

(5) Seating in the outdoor area shall not be included to meet the required guest seating capacity for any license classification as established in Section 3-13 of this Chapter.

(6) A sidewalk cafe license as provided in Chapter 19 of the Downers Grove Municipal Code shall be required for any outdoor seating area conducted wholly or partially upon Village controlled property.

(b) Applications for the establishment an outdoor seating area, or the amendment of an existing outdoor seating area, shall be filed on such forms and with such information as may be directed by the Liquor Commissioner. The fee for such application shall be ~~\$360.00~~ four hundred twenty-five dollars (\$425.00). Provided, in the event an outdoor seating area application is filed and processed in conjunction with an application for issuance of a liquor license under Section 3-9, the outdoor seating area application fee shall be ~~\$180.00~~ two hundred fifteen dollars \$215.00. The Liquor Commissioner may refer an outdoor seating area application to the Liquor Commission for review and comment.(Ord. No. 2735, § 1; Ord. No. 2945, § 2.)

SECTION 4. That all ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION 5. 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

[liq-fees]