

VILLAGE OF DOWNERS GROVE
COUNCIL ACTION SUMMARY

INITIATED: Liaison to the Liquor Commission **DATE:** June 1, 2004
(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 POLICIES CONCERNING LIQUOR VIOLATIONS", as presented.



SUMMARY OF ITEM:

Adoption of the attached ordinance will amend certain liquor policies and raise fines for liquor violations.

RECORD OF ACTION TAKEN:

Liquor Violation Terms

ORDINANCE NO. _____

**AN ORDINANCE AMENDING POLICIES
CONCERNING LIQUOR VIOLATIONS**

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

Section 1. That Section 3.39. is hereby amended to read as follows:

3.39. General.

Any person violating any provision of this Chapter shall be fined ~~not more than one thousand dollars (\$1,000)~~ for each offense, and a separate offense shall be deemed committed on each day during or on which a violation occurs or continues, such fine(s) shall not to exceed ~~ten thousand~~ fifteen thousand dollars ~~(\$10,000)~~ (\$15,000) over the course of a license year. In addition to any other penalty, a licensee convicted of violating any provision of this Chapter may be subject to having its license revoked, suspended or not renewed by the local Liquor Control Commissioner. (Ord. No. 2735, § 1.)

Section 2. That Section 3.40. is hereby amended to read as follows:

3.40. Revocation or suspension of local license--Notice; hearing.

(a) The local Liquor Commissioner may revoke or suspend any license issued ~~and/or require~~ mandatory certified training if the Commissioner determines that the licensee has violated any of the provisions of this Chapter or any state law pertaining to the sale of alcohol. In addition to or in lieu of suspension, the Commissioner may levy a fine on the licensee for such violations. ~~The fine imposed shall not exceed one thousand dollars (\$1,000.00) for a first violation within a 12 month period, one thousand five hundred dollars (\$1,500.00) for a second violation within a 12 month period, and two thousand five hundred (\$2,500.00) for a third or subsequent violation within a 12 month period, provided there shall be no maximum fine over the term of the license.~~ Each day on which a violation continues shall constitute a separate violation. However, no such license shall be so revoked or suspended, and no fine shall be imposed, except after a public hearing by the Commissioner with at least three days' prior written notice, to the licensee, as provided in Section 3-41, affording the licensee an opportunity to appear and defend. If the licensee fails to appear for such public hearing after receiving notice as provided in Section 3-41, a default judgment may be entered and the Commissioner may revoke or suspend the license, and/or impose a fine.

(b) If the Commissioner has reason to believe that any continued operation of a particular licensed premises will immediately threaten the welfare of the community, the Commissioner may, upon the issuance of a written order stating the reason for such conclusion, and without notice or hearing, order the licensed premises closed for not more than seven days, giving the licensee an opportunity to be heard during that period. Provided, if such licensee shall also be engaged in the conduct of another business on the licensed premises, such order shall not be applicable to such other business.

(c) In determining the appropriate penalty for violating any of the provisions of this Chapter or any State law pertaining to the sale of alcohol, the Commissioner may consider such matters and information as the Commissioner deems are relevant including, but not limited to, the nature and circumstances surrounding the violation, the past record of the licensee and the penalties previously imposed by the Commissioner for similar violations. The past record shall include the record of the current licensee as well as the record of any other existing or prior licensee where there is, or was, not less than forty percent (40%) common identity between the owners of the current licensee and the owners of such other licensee. Such common identity shall be establish where persons holding an ownership interest of not less than 40% of the

Liquor Violation Terms

licensee under consideration also hold or held an ownership interest of not less than 40% of another existing or prior licensee. Where the licensee under consideration, or such other prior or existing licensee, is a business entity such as a corporation or partnership, the ownership interest includes the equity holdings of the stockholder or partner. The consideration of the past record of such other or prior licensee shall only include that time period when such common identity is found.

(d) The Commissioner shall, as promptly as practicable and in any event within thirty days after such hearing, if the Commissioner determines after such hearing that the license should be revoked or suspended, and/or a fine should be imposed, state the reasons for such determination in a written order of revocation or suspension, and/or a fine should be imposed and shall serve a copy of such order upon the licensee.

(e) Any licensee found guilty by the Downers Grove Liquor Commissioner for violating any provision of this Chapter, in addition to any other penalty which may be imposed, shall be assessed and required to pay to the Village an amount to cover administrative costs associated with the hearing, including, but not limited to, attorney's fees, investigation fees and court reporting fees. The Liquor Commissioner shall designate the amount of costs in his Findings and Order. Provided, such costs shall not exceed one thousand dollars (\$1,000.00) (Ord. No. 1741, § 27; Ord. No. 2388, § 13; Ord. No. 2450, § 4; Ord. No. 2541, § 11; 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.

Mayor

Passed:

Published:

Attest: _____

Village Clerk