

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

**INITIATED:** Liaison to the Liquor Commission      **DATE:** March 2, 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 CERTAIN ALCOHOLIC LIQUOR PROVISIONS AND LICENSE REQUIREMENTS", as presented.

*EG*

**SUMMARY OF ITEM:**

Adoption of the attached ordinance will amend certain liquor licensing provisions and requirements.

**RECORD OF ACTION TAKEN:**

---

---

---

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

**AN ORDINANCE AMENDING CERTAIN ALCOHOLIC LIQUOR PROVISIONS AND LICENSE REQUIREMENTS**

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 1.16 is hereby amended to read as follows:**

**1.16 Citation and settlement in lieu of prosecution for certain offenses.**

(a) Whenever a person is observed violating certain provisions of this code as specified in this section, or there is reasonable suspicion to believe that such a violation has occurred and that a particular person is responsible, the Village may, in lieu of filing a complaint in court, issue to the alleged violator a citation which shall:

- (1) Advise said person that the same has violated a specified ordinance;
- (2) Direct said person to make payment in an amount applicable to said alleged violation as set forth in this section as settlement of said claim;
- (3) Advise said person, where applicable, to cease and/or abate said violation forthwith and to refrain from like violations in the future;
- (4) Inform said person that, upon failure to so settle the claim and to cease and/or abate said violations, a complaint will be filed in the Circuit Court of DuPage County.

(b) Except as provided below, citations as provided herein shall be personally served upon the person responsible for the violation, his agent, representative, independent contractor or employee. In the event the owner, occupant, contractor or other person responsible for the violation cannot be located the citation may be served by posting a copy at the property, structure or vehicle where the violation has occurred and sending a copy by United States mail to the last known address of such person.

(c) Any person served with a citation for violations of the following provisions of the Downers Grove Municipal Code and the Comprehensive Zoning Ordinance of the Village of Downers Grove may settle and compromise the matter in respect of such ordinance violation by ceasing and/or abating said violation and paying the sum of ten dollars (\$10.00) if paid within ten (10) days of service of the citation, or twenty-five (\$25.00) dollars if paid after such ten (10) day period but before filing of a complaint in the Circuit Court of DuPage County.

1. DOWNERS GROVE MUNICIPAL CODE

- (i) Section 5-12; Dog, Horse or Pony Running at Large.
- (ii) Section 5-12.1; Disposal of Dog Excrement.
- (iii) Section 13-43; Storage of Refuse.
- (iv) Section 13-49.1; Placing Garbage on the Parkway for Scavenger Removal.
- (v) Section 13-39; Smoking Prohibited in Certain Places.

2. COMPREHENSIVE ZONING ORDINANCE

- (i) Section 28-1404; Regulating Off-Street Parking.
- (ii) Section 28-1502; Regulating the Placement of Signs.

(d) Any person served with a citation for violations of the following provisions of the Downers Grove Municipal Code, and such other Codes adopted therein, may settle and compromise the matter in respect of such ordinance violation by ceasing and/or abating said violation and paying the sum of twenty-five dollars (\$25.00) if paid within ten (10) days of service of the citation, or fifty dollars (\$50.00) if paid after such ten (10) day period but before filing of a complaint in the Circuit Court of DuPage County.

1. DOWNERS GROVE MUNICIPAL CODE

- (i) Section 25-11; Use of Public Hydrants.

Alcoholic Liquor

- (ii) Section 15-8; Drinking in Public.
- (iii) Section 8-99(a)(7); Requirements for Display of Massage Establishment License and Massage Therapist Permit.
- (iv) Section 14-74; Pedestrian's Duties at Railroad Grade Crossings.
- (v) Section 15-5.1; Noise Regulations.
- (vi) Section 19-21.1; Depositing Snow on Paved Streets.
- (vii) Section 13-49.2; Discarding Refuse and Compostable Materials in Streets, etc., prohibited.

2. NATIONAL FIRE PROTECTION ASSOCIATION LIFE SAFETY CODE (As adopted in Section 7-29)

- (i) Section 1-3.13.1; Building Equipment Maintenance.
- (ii) Section 1-3.13.2; Building Fire Equipment and Systems Maintained in Proper Operating Condition.

3. BUILDING OFFICIALS & CODE ADMINISTRATOR NATIONAL FIRE PREVENTION CODE (As adopted in Section 17-43)

- (i) Section F-310.4; Multi-Plug Adaptors.
- (ii) Section F-310.5; Extension Cords.
- (iii) Section F-518; Portable Fire Extinguishers.

4. COMPREHENSIVE ZONING ORDINANCE

- (i) Section 28-1510; Temporary Signs.
- (ii) Section 28-1408; Parking of Recreational Vehicles and Recreation Equipment in Residence District.

(e) Any person served with a citation for violations of the following provisions of the Downers Grove Municipal Code, may settle and compromise the matter in respect of such ordinance violation by ceasing and/or abating said violation and paying the sum of fifty dollars (\$50.00) if paid within ten (10) days of service of the citation, or one hundred dollars (\$100.00) if paid after such ten (10) day period but before filing of a complaint in the Circuit Court of DuPage County.

1. DOWNERS GROVE MUNICIPAL CODE

- (i) Section 13-35; Open Burning Prohibited.
- (ii) Section 15-28.3; Possession of Telecommunications Devices on Public School Property Prohibited.
- (iii) Section 17-45; Parking in Fire Lane.
- (iv) Section 25-5; Regulations for Water Conservation.

2. DOWNERS GROVE PARK DISTRICT GENERAL USE ORDINANCE (pursuant to an intergovernmental agreement with the Downers Grove Park District)

(f) Any person served with a citation for violations of the following provisions of the Downers Grove Municipal Code, may settle and compromise the matter in respect of such ordinance violation by ceasing and/or abating said violation and paying the sum of seventy-five dollars (\$75.00) if paid within ten (10) days of service of the citation, or one hundred and fifty dollars (\$150.00) if paid after such ten (10) day period but before filing of a complaint in the Circuit Court of DuPage County.

1. DOWNERS GROVE MUNICIPAL CODE

- ~~(i) Section 3-25; Sale of Liquor to Certain Persons Prohibited.~~
- (ii) Section 15-23.1; Possession of Tobacco Products by Minors.
- (iii) Any provision of Chapter 6, Bicycles.
- ~~(iii\*)~~ Section 19-15.1; Skateboarding, Roller Skating or In-Line Skating in a Business District.

2. NATIONAL FIRE PROTECTION ASSOCIATION LIFE SAFETY CODE (As adopted in Section 7-29)

- (i) Section 2-4; Obstructing Building Exits.
- (g) Any person served with a citation for violations of the following provisions of the Downers

## Alcoholic Liquor

Grove Municipal Code may settle and compromise the matter in respect of such ordinance violation by ceasing and/or abating said violation and paying the sum of two hundred dollars (\$200.00) if paid within ten (10) days of service of the citation, or four hundred dollars (\$400.00) if paid after such ten (10) day period but before filing of a complaint in the Circuit Court of DuPage County.

### 1. DOWNERS GROVE MUNICIPAL CODE

#### (i) Section 3-25. Sale of Liquor to Certain Persons Prohibited.

(gh) Payment of the citation shall be made at the window at Village Hall, or by depositing payment in the Village drop box or United States mail.

(hi) In the event that payment is not made within the time prescribed and a complaint has been filed in the Circuit Court of DuPage County, any person convicted of violating any of the provisions of this code shall be punished by a fine as determined under Section 1-15(a).

(ij) The issuance of a citation under this section shall not be deemed a waiver of the power of the Village of Downers Grove to suspend, revoke or refuse to renew any license or permit for cause.

(jk) The following Village personnel shall have the authority to issue citations under this section: police officers, fire department inspectors, code services officers, and such other persons as designated by the Village Manager; provided that fire department inspectors shall only write citations for violations of the Life Safety or BOCA Fire Prevention Code, and that the Village Manager, by administrative regulation, may limit the jurisdictional powers of other persons he designates as authorized to issue citations. (Ord. No. 2261, § 4)

### Section 2. That Section 3.3 is hereby amended to read as follows:

#### **3.3 Definitions.**

For the purposes of this Chapter, the following words and phrases shall have the meanings respectively ascribed to them by this section:

*Act.* The Illinois Liquor Control Act of 1934, as now or hereafter amended.

*Alcoholic liquor.* Any spirits, wine, beer, ale or other liquid containing more than one-half of one percent of alcohol by volume, which is fit for beverage purposes. Beverages sold as beer, ale or other designation commonly applied to malt beverages containing more than one-half of one percent of alcohol by volume shall be presumed to be alcoholic liquor for purposes of this Chapter.

*Catering Business.* A business which provides and serves alcoholic liquor at locations not owned or leased by the catering business for consumption at such location.

*Catered event.* A dinner, banquet, party or other similar event at which alcoholic liquor is provided for consumption on the premises by a Catering Business.

*Club.* A corporation organized under the laws of this state, not for pecuniary profit, solely for the promotion of some common object other than the sale or consumption of alcoholic liquors, kept, used and maintained by its members through the payment of annual dues, and owning, hiring or leasing a building or space in a building, of such extent and character as may be suitable and adequate for the reasonable comfortable use and accommodation of its members and their bona fide guests and provided with suitable and adequate kitchen and dining room space and equipment and maintaining a sufficient number of employees for cooking, preparing and serving food and meals for its members and their bona fide guests. Provided, the sale or offer of alcoholic liquor for sale to the public by the club, except as provided in Section 3-32 of this Chapter is not permitted, and further provided, that the affairs and management of the club shall be conducted by a board of directors, executive committee or similar body chosen by the members at their annual meeting, and that no member or any officer, agent or employee of the club shall be paid, or directly or indirectly receives, in the form of salary or other compensation, any profits from the distribution or sale of alcoholic liquor to the club or the members of the club or its guests introduced by members beyond the amount of such salary as may be fixed and voted at any annual meeting by the members or by its board of directors or other governing body out of the general revenue

## Alcoholic Liquor

of the club. The term club shall not include any "men's or women's club" as defined herein.

*Comedy Club.* A non-restaurant business with live performances by comedians during one or more performances conducted at set times per day.

*Contracted theater rental.* A prearranged function in which an entity enters into a rental agreement or contract for the use of a theater for events, private film viewing/critique and/or theatrical, musical or live performances.

*Convenience Store.* A building in which the primary business is the sale of food, non-alcoholic beverages, household products, cosmetic items and reading materials.

*Fashion show.* The modeling, showing or other presentation of lingerie or other garments for the purpose of entertaining or for sale of the garment, where the person so modeling the garment appears in a nude or semi-nude state.

*Hotel.* A building or group of buildings used in conjunction with one another as a lodging facility providing sleeping accommodations for compensation to travelers and guests, whether transient, permanent or residential and in which one hundred or more rooms are provided for such purpose.

*Liquor product identification sign.* Any sign, including any placard, banner, poster, streamer, balloon or other attention getting device, which is designed or used to advertise, promote or identify a particular brand of liquor. This includes, but is not limited to, those signs commonly referred to as "beer signs" and may involve electronic or neon displays.

*Men's or women's club.* An establishment which offers entertainment where any person may appear in a nude or semi-nude state, or offers the customer a role playing interaction, including but not limited to servers, hosts, hostesses, dancers, singers, models or other performance artists, or an establishment which offers customers role playing interaction.

*Nude or nudity or a state of nudity.* The appearance of a human bare buttock, anus, male genitals, female genitals, or female breast; or, a state of dress which fails to opaquely cover a human buttock, anus, male genitals, female genitals, or areola of the female breast.

*Semi-nude.* A state of dress in which clothing covers no more than the genitals, pubic region, and areolae of the female breast, as well as portions of the body covered by supporting straps or devices.

*Original package.* Any bottle, flask, jug, can, barrel, keg, or other receptacle or container whatsoever, used, corked or capped, sealed and labeled by the manufacturer of alcoholic liquor, to contain and to convey any alcoholic liquor.

*Private function.* A prearranged private party, function, or event for a specific social or business occasion, either by invitation or reservation and not open to the general public, where the guests in attendance are served in an area designated and used exclusively for the private party, function or event and where the licensee is not the host of said function.

*Regularly scheduled motion pictures or films.* Motion pictures or films scheduled to be shown at previously arranged and advertised times and open to the general public. Regularly scheduled motion pictures or films shall not include any motion pictures or films shown as a result of a contracted theater rental, as defined in this section.

*Recreational facility.* A building or area in which the primary business is to provide, by membership or user fee or both, a place in which the public may participate in a sport or engage in physical fitness activities, including but not limited to volleyball, tennis, racquetball or handball clubs; bowling alleys; and health clubs. Provided, such facilities shall include an area in which service of food prepared on premises is provided, including hot or cold sandwiches or other similar foods.

*Restaurant.* Any public place kept, used, maintained, advertised or held out to the public as a place where the primary business is the service of meals, and where meals are actually and regularly served, without sleeping accommodations, and where adequate provision is made for sanitary kitchen and dining room equipment and capacity and a sufficient number of employees to prepare, cook and serve a reasonable variety of meals for its customers. The mere availability and service at any premises of cold sandwiches, hors d'oeuvres or other similar foods will not, standing alone, be deemed sufficient to constitute such premises a restaurant within the meaning of this paragraph, it being the intent of this

## Alcoholic Liquor

paragraph that the primary business conducted on premises to be licensed as restaurants hereunder shall be the service of meals. A full menu, including entrees and appropriate side dishes, shall be available at all times liquor sales are being conducted until ten o'clock (10:00) p.m. Sunday through Thursday, and eleven o'clock (11:00) p.m. Friday and Saturday. After such times, in the event a full menu is not provided, a reduced menu, which must include appetizers, sandwiches, hors d'oeuvres or other similar foods shall be available. Such menu shall be on the table, presented to each patron as they are seated or be posted in such a manner to be easily readable by the patrons of the restaurant. Provided, the kitchen may cease operating no sooner than one hour before closing.

*Retail sale.* The sale for use or consumption, and not for resale.

*Retail sales square footage area.* The area or space in a building devoted for the retail sale of goods or products offered for consumer purchase and shall not include storage freezers, storage coolers, warehouse, office areas or areas that are not open to the general public.

*Role playing interaction.* An arrangement, service or program where a server, host, hostess, dancer, singer, model or other performance artist, engages a customer in a meeting or conversation involving, depicting, participating in, or relating to any "specified sexual activities" as defined and set forth in Section 8-79(g).

*Sale.* Any transfer, exchange or barter, in any manner or by any means whatsoever, for a consideration and not for resale, including all sales made by any person whether as principal, proprietor, agent, servant or employee, and including, but not limited to, all of the following acts when done for consideration:

- (1) The selling of liquor.
- (2) The delivery of liquor, without additional charge, with a meal or with entertainment or the providing of samples of liquor as part of a promotion or sales device of any kind.
- (3) The dispensing of liquor.
- (4) The providing of mix, ice, water or glasses for the purposes of mixing drinks containing alcoholic liquor for consumption on the same premises.
- (5) The pouring of liquor.
- (6) The providing of "set-ups" containing alcoholic liquor.

"Sale" shall not include:

- (1) a person acting in the privacy of his home
- (2) where liquor is provided as part of a religious ceremony; and
- (3) to private functions as defined herein that are held by the host and where the guests are not charged for the liquor consumed.

*Service Bar.* The sale of liquor at a restaurant for consumption on the licensed premises in conjunction with the service of food, to customers seated at tables. A service bar shall not include, and shall specifically exclude, any counter, bar, lounge, waiting area or similar arrangement where liquor is sold to, or consumed by, customers who are not seated at a dining table.

*Theater.* A facility within the Central Business District as that term is defined in the Downers Grove Zoning Ordinance, regularly used for showing motion pictures/films or conducting theatrical, musical or live performances or events with a seating capacity of 900 or more persons. (Ord. No. 244, § 1; Ord. No. 1741, § 1; Ord. No. 1749, § 1; Ord. No. 2388, § 1; Ord. No. 2450, § 1; Ord. No. 2541, § 1; Ord. No. 2735, § 1; Ord. No. 2847, § 1; Ord. No. 3164, § 1.)

NOTE: For state law as to definitions, see Ill. Comp. Stat., Ch. 235, § 5/1-3 et seq.

### **Section 3. That Section 3.9. is hereby amended to read 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,

## Alcoholic Liquor

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 and depicting the total square footage of the establishment and the retail square footage area devoted to products sold from the premises.

(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. A reduced restaurant menu shall also be required should licensees remain open after 10:00 p.m. Sunday through Thursday or 11:00 p.m. on Friday or Saturday.

(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

## Alcoholic Liquor

Liquor Manager is employed on the premises of the establishment at least thirty-five (35) hours per week.

(11) Declaration page including the corporate name, business name and address along with information concerning the type of business activity or retail sales primarily engaged in.

(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 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.

In the event that the applicant is seeking a license for outdoor liquor sales, a non-refundable application fee shall be required with the filing of any application. The fee for such application shall be four hundred twenty-five dollars (\$425.00). Provided, in the event the outdoor seating area application is filed and processed in conjunction with an application for issuance of a liquor license under this Section, the outdoor seating area application fee shall be two hundred fifteen dollars (\$215.00). (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 4. That Section 3.13 is hereby amended to read as follows:**

#### **3.13 Classification of licenses.**

Such licenses shall be, and are hereby, divided into the following classes:

(a) Class "A" package liquor licenses, which shall authorize the retail sale on the premises specified, which shall not include premises of less than three thousand six hundred square feet, of alcoholic liquor in packages with the seals unbroken, only, and not for consumption on the premises, except that wine tasting shall be permitted on such premises. Such licenses shall be only authorized in locations where the sale of packaged liquor is the main or principal business and/or in locations where the principal business is that of a drug store or grocery store, including those grocery stores referred to as "convenience stores."

(b) Class "B" beer and wine on-premise consumption licenses as follows:

(1) Class "B-1" beer and wine licenses shall authorize the retail sale of beer and wine with meals for consumption on the premises where the major business is that of a restaurant having a guest seating capacity, excluding outdoor areas, of not less than thirty-five.

## Alcoholic Liquor

(2) Class "B-3" beer and wine licenses shall authorize the retail sale of beer and wine with meals for consumption on the premises where the major business is that of a restaurant, as defined herein, with full kitchen facilities for on-site preparation of meals, and which is open for business for a single daily period between the hours of 11:00 A.M. and 3:00 P.M., and for a single period on Sundays between the hours of 12:00 Noon and 4:00 P.M.

(c) Class "B" beer and wine off-premise consumption licenses as follows:

(1) Class "B-2-A" beer and wine licenses shall authorize the retail sale on the premises specified, of beer and wine in original packages, unopened only, and not for consumption on the premises, except that wine tasting shall be permitted on such premises. Such licenses shall be only authorized in locations where the sale of beer and wine is the main or principal business.

(2) Class "B-2-B" beer and wine licenses shall authorize the retail sale on the premises specified, of beer and wine in original packages, unopened only, and not for consumption on the premises, except that wine tasting shall be permitted on such premises. Such licenses shall be only authorized in locations where the main or principal business is that of a drug store or grocery store.

(3) Class "B-2-C" beer and wine licenses shall authorize the retail sale on the premises specified, of beer and wine in original packages, unopened only, and not for consumption on the premises, except that wine tasting shall be permitted on such premises. Such licenses shall be only authorized in locations where the main or principal business is that of a convenience store wherein at least seventy-five percent (75%) of the retail sale square footage area is devoted to the sale of food, non-alcoholic beverages, household products, cosmetic items and reading materials.

(d) Class "C" club licenses shall authorize the retail sale of alcoholic liquor for consumption on the premises where the business is that of a club as defined herein.

(e) Class "C-1" licenses shall authorize the retail sale of alcoholic liquor for consumption on the premises where the major and primary business is that of a Comedy Club. Provided, the sale of alcoholic beverages shall be authorized only during or one hour before the regularly scheduled performances. The performances shall consist of one or more comedians and shall be not less than 1.5 hours in length with patrons paying a separate admission charge for each performance. At the end of each performance, patrons shall be required to exit before the next group of patrons admitted. Provided, performances shall be done by professional comedians except that amateur performances (open mike) shall be permitted not more than one night per week.

(f) Class "D" restaurant licenses as follows:

(1) Class "D-1" restaurant licenses shall authorize the retail sale of alcoholic liquor for consumption on the licensed premises where the major and primary business is that of a restaurant located in a retail or freestanding structure and having a guest seating capacity, excluding outdoor areas, of not less than one hundred twenty-five.

(2) Class "D-3" restaurant licenses shall authorize the retail sale of alcoholic liquor for consumption on the licensed premises by service bar only, where the major and primary business is that of a restaurant located in a retail or freestanding structure and having a guest seating capacity, excluding outdoor areas, of not less than seventy-five.

(3) Class "D-4" restaurant licenses shall authorize the retail sale of alcoholic liquor for consumption on the licensed premises; and the retail sale of beer and wine only in original packages, unopened only, and not for consumption on the premises, subject to the following:

a. The licensed premises shall have a guest seating capacity, excluding outdoor areas, of not less than one hundred twenty-five.

b. Retail liquor sales for off-site consumption shall be limited to beer and/or wine produced on the licensed premises, such as a micro-brewery.

~~e. For any new license issued after July 1, 2000, not more than forty percent (40%) of food and on-site beverage consumption sales shall be derived from alcoholic liquor.~~

(4) Class "D-5" restaurant licenses shall authorize the retail sale of alcoholic liquor for consumption on the licensed premises, where the major and primary business is that of a restaurant

## Alcoholic Liquor

located in the Concentrated Central Area as defined in the Downers Grove Zoning Ordinance, and having a guest seating capacity, excluding outdoor areas, of not less than sixty but not more than one hundred twenty four.

(g) Class "E" transition licenses as follows:

(1) Class "E-1" transition licenses shall be issued only for premises which were licensed by DuPage County for the retail sale of alcoholic liquor immediately prior to the annexation to the Village of the territory on which such premises are located; provided, however, that within three years of initial issuance of a Class "E-1" license,

a. The licensed premises must comply with the requirements for the issuance of a retail liquor license in the Village;

b. The licensee must apply for and receive such a license, or if no license of the necessary classification is available, the Liquor Commissioner may issue an "E-2" license as provided herein; and

c. The licensee must thereafter comply with the limitations of the license applied for and issued.

(2) Class "E-2" transition licenses shall be issued only for premises which were issued an "E-1" license and which comply with the requirements for issuance of a retail liquor license in the Village. Such license shall state limitations on liquor sales and required seating, if applicable.

(h) Class "F" hotel licenses shall authorize the retail sale of alcoholic liquor for consumption on the premises of a hotel, and the retail packaged sale of beer and wine in original packages to hotel patrons. This shall include sales occurring at facilities, or as part of activities, normally operated as an integral part of the hotel, such as, but not necessarily limited to, restaurants, cocktail lounges, room service and banquets. Provided, the licensed premises shall have at least one restaurant with a seating capacity of not less than one hundred twenty-five operated as an integral part of the hotel.

(i) Class "G" recreation facilities licenses as follows:

(1) Class "G-1" recreation facility license shall authorize the retail sale of beer and wine for consumption on the licensed premises in a recreational facility having a guest seating capacity, excluding outdoor areas, of not less than thirty-five.

(2) Class "G-2" recreation facility license shall authorize the retail sale of alcoholic liquor for consumption on the licensed premises in a recreational facility of not less than 16,000 square feet and having a guest seating capacity, excluding outdoor areas, of not less than one hundred twenty-five.

(j) Class "H" publicly owned golf course license shall authorize the retail sale of beer and wine for consumption on the licensed premises in a facility located on a golf course owned and operated by the Downers Grove Park District.

(k) Class "I" catering license shall authorize the sale of alcoholic liquor in connection with the operation of an off-site catering business that serves alcoholic liquor in connection with the catering of foods for private functions and for consumption only on the premises where the food is catered. The sale of alcoholic liquor shall be incidental to the food service and if the catered event does not qualify as a private function, a special event license shall also be required for the location of the catered event. No cash bar shall be permitted. No alcoholic liquor shall be served at a single location for more than eight (8) consecutive hours. A licensee shall submit a report to the Village within thirty days following each July 1 and January 1 setting forth the location of each event the licensee has catered within the Village and the number of hours for which liquor and food were served at such events during the six months prior. In addition, such report shall describe any planned events currently scheduled by the Licensee.

(l) Class "O" outdoor license shall authorize the sale and consumption of alcoholic liquor in and enclosed seating area. This license shall be limited to the conditions of the license classification issued to the establishment. The main and principal operation of the outdoor area shall be for dining purposes and food must be available in the outdoor dining area at all times.

(m) Class "R" restaurant license shall authorize the sale of alcoholic liquor for consumption on

## Alcoholic Liquor

the licensed premises, where the major and primary business is that of a restaurant. ~~Provided, not more than forty percent (40%) of food and beverage sales shall be derived from alcoholic liquor.~~ In addition, bar seating shall be limited to twenty percent (20%) of the entire seating for the establishment.

(n) Class "R-1" restaurant licenses shall authorize the retail sale of beer and wine for consumption on the licensed premises, where the major and primary business is that of a restaurant. ~~Provided, not more than forty percent (40%) of food and beverage sales shall be derived from alcoholic liquor.~~ In addition, bar seating shall be limited to twenty percent (20%) of the entire seating for the establishment.

(o) Class "T" theater licenses shall authorize the retail sale of alcoholic liquor for consumption on the licensed premises where the major and primary business is that of a theater, subject to the following conditions:

- a. Sales of alcoholic beverages shall be limited to contracted theater rentals.
- b. Alcoholic beverage sales shall not be allowed during regularly scheduled motion pictures or films.
- c. Sales shall be made from portable bars containing alcoholic liquor, mixes and related preparation materials. Such portable bars shall not have seats or stools for patrons at which to sit.
- d. Portable bars shall be removed and/or stored out of view during all regularly scheduled motion pictures.
- e. No alcoholic liquor shall be served at a single contracted theater rental for more than six (6) consecutive hours.
- f. Food service must be available during contracted theater rentals in which alcoholic liquor service exceeds two (2) consecutive hours. However, should there be a suspension of liquor service for a main event or attraction (at a minimum duration of one (1) hour), such food service shall not be required.
- g. The licensee shall submit a report to the Village within thirty days following each July 1 and January 1 setting forth each contracted theater rental and the number of hours for which liquor was served during the six months prior. In addition, such report shall describe any planned events currently scheduled by the Licensee. (Ord. No. 244, § 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. 2246, § 1; Ord. No. 2388, § 7; Ord. No. 2541, § 6; Ord. No. 2735, § 1; Ord. No. 2945, § 1; Ord. No. 2996, § 1; Ord. No. 3050, § 1; Ord. No. 3164, § 2.)

### **Section 5. That Section 3.27. is hereby amended to read as follows:**

#### **3.27. Required warning signs.**

In every place in the Village where alcoholic liquor is sold there shall be displayed at all times in a prominent place a printed card which shall read substantially as follows:

*Warning: If you are under twenty-one years of age, you are subject to a fine of up to \$750.00 under the Downers Grove Municipal Code if you attempt to purchase alcoholic liquor, purchase alcoholic liquor or misrepresent your age for the purpose of purchasing or obtaining alcoholic liquor. Official photo identification will be required to prove age before purchase.*

#### **Warning to Servers & Sellers of Alcoholic Liquor**

*If you sell, give or deliver alcoholic liquor to a person under twenty-one years of age, you are subject to a minimum fine of \$200.00 under Section 1-16 the Downers Grove Municipal Code. Official photo identification should be requested from patrons to prove age before a purchase.*

(Ord. No. 2735, § 1; Ord. No. 2910, § 2.)

Alcoholic Liquor

**Section 6. That Section 3.31. is hereby amended to read as follows:**

**3.31. Hours of business.**

(a) It shall be unlawful to sell or offer for sale at retail any alcoholic liquor in the Village between the hours of 1:00 A.M. and 8:00 A.M. on any day other than a Sunday, or between the hours of 2:00 A.M. and 12:00 Noon on any Sunday. Provided, the hours during which sale is lawful may be extended by written order of the local Liquor Commissioner for periods not to exceed three hours upon written application by the licensee stating the reasons for the requested extension and the date or dates for which the extension is sought. No licensee shall be granted such extension for more than two dates in any one calendar year.

(b) It shall be unlawful to keep open for business or to admit prospective customers to any premises having a Class "A", Class "B-2", Class "E-1" or Class "E-2" license during the hours within which the sale of alcoholic liquor is prohibited; provided, that in the case of:

(1) A Class "E-1" or Class "E-2" license for premises in which a restaurant, club, hotel, or recreational facility is operated, or

(2) A Class "A", "B-2", "E-1" or "E-2" license for premises from which less than half of the gross revenues are derived from the sale of alcoholic liquor not for consumption on the premises, such premises may be kept open during such hours, but no alcoholic liquor may be sold to any person in such premises during such hours.

(c) It shall be unlawful for any licensee to suffer or permit any person to consume alcoholic liquor on premises licensed under this Chapter later than one hour after the applicable closing time determined under paragraph (a) of this Section 3-31.

(d) It shall be unlawful for any licensee holding a ~~Class "B-1", Class "D-1", Class "D-2", Class "D-3", Class "D-4", Class "D-5", Class "E-1", Class "E-2", Class "F", Class "G-1", or Class "G-2"~~ license for ~~on premises consumption in which a restaurant, club, hotel or recreational facility is operated,~~ to sell or offer for sale any alcoholic liquor at any time when the regular food service in such licensed premises is not in actual operation, except that such sales may be made during a one-hour period immediately following the close of regular food service operations in such premises, subject to the provisions of paragraph (a) of this Section 3-31. (Ord. No. 2450, § 2; Ord. No. 2735, § 1; Ord. No. 3050, § 6; Ord. No. 3075, § 1.)

**Section 8.** That all ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

**Section 9.** 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