

VILLAGE OF DOWNERS GROVE
COUNCIL ACTION SUMMARY

INITIATED: Liaison to the Liquor Commission **DATE:** September 7, 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 PROVISIONS FOR CONDUCTING CHARITABLE GAMES ON LIQUOR LICENSED PREMISES", as presented.



SUMMARY OF ITEM:

Adoption of the attached ordinance will amend certain liquor provisions providing for charitable games conducted upon liquor-licensed premises.

RECORD OF ACTION TAKEN:

ORDINANCE NO. _____

**AN ORDINANCE AMENDING PROVISIONS FOR
CONDUCTING CHARITABLE GAMES ON LIQUOR LICENSED PREMISES**

BE IT ORDAINED by the Village Council of the Village of Downers Grove in DuPage County, Illinois, as follows: (Additions are indicated by ~~XXXXXX~~/underline; deletions by ~~strikeout~~; pending revisions scheduled for vote on same evening are *italicized*):

Section 1. That Section 3.33. is hereby amended to read as follows:

3.33. Prohibited activities on licensed premises.

(a) Gambling. It shall be unlawful to permit any gambling on any premises licensed to sell alcoholic liquor with the following exceptions:

(1) *the game commonly known as "bingo", when conducted in accordance with the provisions of the of the Illinois Bingo License and Tax Act (230 ILCS 25/1 et seq.) and pull tab and jar games when conducted in accordance with the provisions of the Illinois Pull Tabs and Jar Games Act (230 ILCS 20/1 et seq.) may be conducted for the sole benefit of the not-for-profit organization holding a valid Class "C" liquor license and shall be conducted upon those premises holding a Class "C" liquor license;*

(2) an event commonly referred to as a "casino night" may be conducted at those establishments holding a valid annual license to sell liquor for on-premise consumption when hosted by a Downers Grove not-for-profit organization in accordance with the provisions of the Illinois Charitable Games Act (230 ILCS 30/1 et seq.) provided a Special Event Liquor License is granted to conduct the event pursuant to Section 3.38. For purposes of this section, "Downers Grove not-for-profit organization" shall mean a not-for-profit organization with its corporate headquarters located within the corporate limits of the Village of Downers Grove or a not-for-profit organization which will directly provide financial assistance to a Downers Grove resident or organization in an amount equal to or greater than fifty percent (50%) of the profits derived from such charitable games. Evidence of such direct benefit will be required at the time of application in the form of an affidavit identifying the recipients thereof. The applicant (not-for-profit organization) and the co-applicant (liquor licensed establishment) shall be required to submit documentation that they are licensed by the State to conduct the charitable games and, if required, licensed by the State to provide premises for the conduct of the charitable games.

(b) Solicitation. It shall be unlawful for any licensee, its manager or other person in charge of any licensed premises where alcoholic liquor is sold or offered for sale for consumption thereon to engage, employ or permit the engagement or employment of any person, nor shall any person be permitted to remain on said premises, who shall solicit any patron or customer thereof to purchase alcoholic or nonalcoholic liquor for said person, or any other person therein; nor shall any person, whether or not such person impersonates or presents the appearance of one of the opposite sex, and whether or not such person is an employee or entertainer, solicit any patron or customer therein to purchase alcoholic or nonalcoholic liquor for himself or herself or any other person therein; provided, however, that nothing herein contained shall prohibit any adult manager, bartender or waitress who shall be regularly employed therein from accepting and serving the order of a patron or customer in the regular course of employment as such manager or waitress.

(c) It shall be unlawful for any licensee, its manager, or other person in charge of premises licensed to sell alcoholic liquor to permit the following kinds of conduct; or books, magazines, coin-operated motion picture devices, films, or movies depicting, describing or relating to the following kinds of conduct on such premises:

(1) The performance of acts, or simulated acts, of sexual intercourse, masturbation, sodomy,

bestiality, oral copulation, flagellation or any sexual acts which are prohibited by law.

(2) The actual or simulated touching, caressing or fondling of the breast, buttocks, anus or genitals.

(3) The actual or simulated displaying of the breasts, pubic hair, anus, vulva or genitals.

(d) It shall be unlawful for any licensee, its manager, or other person in charge of premises licensed to sell alcoholic liquor to permit any entertainment, fashion show, presentation or performance which may include any person in a nude or semi-nude state, including, but not limited to, servers, hosts, hostesses, dancers, singers, models or other performance artists, or to permit role playing interactions. (Ord. No. 2489, § 1; Ord. No. 2735, § 1.)

Section 2. That Section 3.38. is hereby amended to read as follows:

3.38. Special events.

(a) The purpose of this section is to provide for the issuance of temporary licenses for the sale of alcoholic liquor during special events. It shall be unlawful for any person who does not hold a valid liquor license pursuant to the provisions of this Chapter, to dispense or cause to be dispensed alcoholic beverages at a grand opening, wine tasting, open house or other special event open to the public, without first having obtained a special event license from the local Liquor Commissioner. It shall be unlawful for any person holding a valid liquor license to conduct a special event which exceeds the limitations on liquor sales or otherwise fails to meet the requirements inherent in the applicable license classification without first having obtained a special event license from the local Liquor Commissioner.

(b) Applications for a license under the provisions of this section shall be filed on forms provided by the Village. The general application procedures set forth in Sections 3-9 and 3-12 shall not apply to licenses issued under this section except for the requirement under Section 3-9(c) concerning dram shop insurance coverage. Provided, however, the Commissioner may refer any application under this section to the Commission for review and comment for any of the following reasons, including, but not limited to, the nature and complexity of the event and or concerns with past performance of an applicant. The application shall include such information as the Commissioner determines is necessary to process such application and may include, but is not limited to, the estimated number of persons attending the event, the location and layout of liquor sales at the event and at the premises, the persons responsible for dispensing of alcoholic liquor, steps to be taken by applicant to protect against any violations of the Village's ordinances, and information regarding the manner in which liquor will be dispensed and consumed. Additional information and material may be required during the processing of such application related to applicant's qualifications and information provided in the original submittal, including attachments. In the event applicant is made aware that any information or document submitted as part of this application process is inaccurate or incomplete, applicant shall immediately notify the Village and provide appropriate corrections. Failure to accurately and completely provide, or as necessary update, required information may delay the processing of such application or result in its denial.

(c) A fee shall be paid along with the application submittal based upon the estimated number of persons attending, as follows: to cover those administrative costs associated with processing the application. The fee for processing of license shall be \$75.00. The fee for processing of license when a hearing is required before the Downers Grove Liquor Commission shall be \$175.00.

<u>Estimated Attendance</u>	<u>Event Fee</u>
0-500	\$-25.00
500-1,000	—50.00
1,001-5,000	—100.00
5,001-10,000	—150.00
more than 10,000	—200.00

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(d) ~~In the event actual attendance exceeds the estimated amount by more than 5%, the applicant shall pay to the Village the difference between the fee received by the Village at the time of application and the fee which would have been required based upon the actual attendance. Provided, where the applicant is a governmental unit, the Liquor Commissioner may waive the fee otherwise required by this section.~~

(e) Upon submittal of a properly completed application and payment of fee, the Commissioner may issue a special events license subject to such reasonable restrictions as the Liquor Commissioner may require to protect the public health, safety and welfare, including, but not limited to the following:

(1) ~~No more than three such special event licenses shall be issued for the same location within any calendar year; however only one special event license shall be issued for a "casino night" pursuant to 3-33(a)(2) for the same location or the same applicant/organization within any calendar year.~~

(2) The special event license holder shall take proper precautions and fully comply with the applicable provisions of this Chapter during the special event.

(3) ~~The Each special event license will last no longer than two daysforty-eight consecutive hours; however, special events held pursuant to Section 3.33(a)(2) shall last no longer than twenty-four consecutive hours. Hours of liquor sales must be in accordance with the provisions of Section 3-31(a).~~

(4) The provisions of Section 3-11(b) regarding proximity of the proposed special event shall not apply to licenses issued under this section.

(5) The provisions of Section 3-33.1(a)(1) regarding the number of drinks which may be delivered shall not apply to community special events sponsored by a governmental entity, subject to the following restrictions:

(i) No more than three glasses of beer or wine combined shall be sold or delivered to any one person at one time.

(ii) At least two persons over the age of twenty-one shall be present at all times in the liquor consumption area to monitor compliance with applicable regulations and laws of the Village and State of Illinois regarding the consumption of liquor.

(iii) The licensee shall incorporate such other measures as the Liquor Commissioner may direct to protect the public health safety and welfare, including measures to protect against violations of the regulations and laws of the Village and State of Illinois regarding the consumption of liquor.

(6) The provisions of Section 3-30 regarding outdoor sales shall not apply to special event licenses issued under this section and a special event may include outdoor sales, service and consumption as approved by the Liquor Commissioner.

(7) Except as otherwise provided in this section, the applicant shall comply with all applicable provisions of the Downers Grove Municipal Code, including but not limited to, zoning, building, health and safety regulations.

(ef) The Commissioner may issue a special events license as provided under this section to permit the sale and consumption of alcoholic liquor on public property. Provided, except for Village sponsored or co-sponsored community-wide celebrations, special events and other similar activities or functions, a special commercial event license as provided in Chapter 19 of the Downers Grove Municipal Code shall be required for any special event conducted wholly or partially upon Village controlled property. An application shall be completed as provided in subsection (b) above and submitted to the Commissioner for decision. Provided, in addition to any other requirements which may be imposed, issuance of any special events license involving public property shall be contingent upon proof of dram shop insurance, up to the statutory limit, and such other liability insurance as the Village may from time to time direct, listing the Village, its officers and employees, as named insured. (Ord. No. 2246, § 4; Ord. No. 2586, § 2; Ord. No. 2735, § 1.)

Section #3. That all ordinances or parts of ordinances in conflict with the provisions of this ordinance

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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.

Mayor

Passed:

Published:

Attest: _____

Village Clerk