

**VILLAGE OF DOWNERS GROVE  
REPORT FOR THE VILLAGE COUNCIL MEETING  
MARCH 1, 2011 AGENDA**

<b>SUBJECT:</b>	<b>TYPE:</b>	<b>SUBMITTED BY:</b>
Ordinance Amendments: Liquor Provisions	Resolution ✓ Ordinance Motion Discussion Only	Enza I. Petrarca Village Attorney

**SYNOPSIS**

Ordinances have been prepared amending the Liquor Code which would:

- Increase the allowable on-site consumption square footage limit from 550 square feet to 750 square feet for the Class P-O-2 liquor license classification (Lemon Tree Grocer).
- Amend Friday hours for the sale of liquor.

**STRATEGIC PLAN ALIGNMENT**

The strategic goals for 2011 to 2018 include *Strong, Diverse Local Economy*.

**FISCAL IMPACT**

N/A

**UPDATE & RECOMMENDATION**

These items were discussed at the February 15, 2011 Council meeting. Pursuant to Village Council direction, staff has included a six month sunset clause into the ordinance amending Friday liquor sale hours and will forward the amendment to the Liquor Commission for further review.

Also, in response to Council’s inquiry regarding the additional 200 sq. ft added to the Class P-O-2 liquor license, the licensee has informed the Village that that the additional 200 sq. ft. is currently not being used for any purpose. According to the Lemon Tree, the store has added many new dry grocery items to the store and continues to build upon their butcher and deli offerings. The store has also launched a homemade dessert/pastry program selling cakes, pies, and cupcakes. The Lemon Tree intends to continue operating as a full-scale local market, even with the expanded seating and liquor service.

Staff recommends approval on the March 1, 2011 active agenda.

Based upon a request from the Lemon Tree Grocer, the Liquor Commissioner considered amending the Class P-O-2 liquor license classification which would increase the square footage area for the on-site consumption of beer and wine. Lemon Tree has experienced a larger than anticipated need for on-site consumption of food, beer and wine. This amendment would increase the square footage for on-site consumption by 200 square feet. Food service will be available at all times, however the grocery store shall remain the primary business of the establishment. The dining area is roughly 13% of the total square footage of the entire establishment.

A draft ordinance is attached amending the square footage area from 550 square feet to 750 square feet for the Class P-O-2 license classification.

Based upon a request from the Downers Grove Chamber on behalf of several license holders, the Liquor Commission discussed amending liquor sales hours on Friday until 2 a.m. Currently, alcoholic liquor cannot be sold after 1 a.m. on Friday (into Saturday) at licensed establishments. A number of communities have 2 a.m. Friday liquor sales hours, including Glen Ellyn, Lisle, Lombard, Oak Brook (with an extra \$500 fee), Naperville and Westmont. Local licensees claim the need to remain competitive with these surrounding communities.

A draft ordinance is attached amending Friday hours to 2 a.m. Other liquor sale hours will remain unchanged. (Monday through Thursday 8:00 a.m. – 1:00 a.m. and Saturday 8:00 a.m. through 2:00 a.m., Sunday 9 a.m. - 1:00 a.m.) This would apply to both on-site and off-site consumption license holders.

The Liquor Commission discussed this matter at their meetings of September 9, 2010, October 7<sup>th</sup> and November 4, 2010. On November 4<sup>th</sup> the Commission unanimously recommended that Friday hours be amended to 2 a.m. with a 1 year sunset clause.

#### **ATTACHMENTS**

An Ordinance Amending Class P-O-2 License Provisions

An Ordinance Amending Liquor Sales Hours

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

**INITIATED:** Village Attorney **DATE:** March 1, 2011  
(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 LIQUOR SALES HOURS", as presented.

**SUMMARY OF ITEM:**

Adoption of the attached ordinance shall amend liquor serving hours.

**RECORD OF ACTION TAKEN:**

---

---

---

Friday 2AM

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

**AN ORDINANCE AMENDING LIQUOR SALES HOURS**

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 3.31. is hereby amended to read as follows:**

**3.31. Hours of business.**

(a) It shall be unlawful for any on-premise liquor license holder to deliver, sell or offer for sale, any alcoholic liquor in the Village between the hours of 1:00 A.M. and 8:00 A.M. Monday through Friday, between the hours of 2:00 A.M. and 8:00 A.M. on Saturday. After September 1, 2011, it shall be unlawful for any on-premise liquor license holder to deliver, sell or offer for sale, any alcoholic liquor between 1:00 A.M. and 8:00 A.M. on Saturday, or between the hours of 2:00 A.M. and 9:00 A.M. on any Sunday.

(b) It shall be unlawful for any off-premise liquor license holder 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. or between the hours of 2:00 A.M. and 9:00 A.M. on any Sunday.

~~\_\_\_\_\_ (e)~~ 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. The request shall be forwarded to the Village in writing no later than two (2) weeks prior to the date the extension is requested or the request shall automatically be denied. No licensee shall be granted such extension for more than eight dates in any one calendar year, provided a fee as set forth in Administrative Regulation entitled "User-Fee, License and Fine Schedule" shall be submitted for each day of requested extension.

~~(d)~~ It shall be unlawful to keep open for business or to admit prospective customers to any premises having a Class "P" packaged liquor license during the hours within which the sale of alcoholic liquor is prohibited; provided, that in the case of:

(1) A Class "P" packaged liquor 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.

~~(e)~~ 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.

~~(f)~~ It shall be unlawful for any licensee holding a license for on premise consumption, 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 #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

Friday 2AM

in the manner provided by law.

---

Mayor

Passed:

Published:

Attest: \_\_\_\_\_  
Village Clerk