

VILLAGE OF LOMBARD
REQUEST FOR BOARD OF TRUSTEES ACTION
For Inclusion on Board Agenda

 X Resolution or Ordinance (Blue) X *Waiver of First Requested*
 Recommendations of Boards, Commissions & Committees (Green)
 Other Business (Pink)

TO: PRESIDENT AND BOARD OF TRUSTEES

FROM: Scott R. Niehaus, Village Manager

DATE: May 8, 2018 (B of T) Date: May 17, 2018

TITLE: Amending Village Code Title 11, Chapter 112, Section 112.12(A)
Class "C" Liquor License Description

SUBMITTED BY: Keith Giagnorio
Local Liquor Commissioner
Village President

BACKGROUND/POLICY IMPLICATIONS:

Please find attached an ordinance amending Title 11, Chapter 112, Section 112.12(A) of the Lombard Village Code revising the Class "C" liquor license category description by adding "Small restaurant".

Please place this item for consideration on the May 17, 2018 Board of Trustees agenda.

Staff is requesting a waiver of first reading.

Fiscal Impact/Funding Source:

Review (as necessary):

Village Attorney X _____ Date _____
Finance Director X _____ Date _____
Village Manager X _____ Date _____

NOTE: All materials must be submitted to and approved by the Village Manager's Office by 12:00 noon, Wednesday, prior to the Agenda Distribution.



MEMORANDUM

TO: Scott Niehaus, Village Manager

FROM: Keith Giagnorio
Local Liquor Control Commissioner
Village President

DATE: May 8, 2018

SUBJECT: **Amending Title 11, Chapter 112, Section 112.12(A)
Class "C" Liquor License Category Description**

Title 11, Chapter 112, Section 112.12(A) of the Village Code includes a Class "C" liquor license category description, which provides for beer and wine only served as an adjunct to food service, no packaged sales allowed. Currently, there are 8 liquor licenses issued in the Class "C" liquor license category.

In order to apply for a Class "C" liquor license, an applicant's business must be defined as a "Restaurant" or "Self-service restaurant" and does not include "Small restaurant". The definition for a "Restaurant" versus a "Small restaurant" can be found in Title 11, Chapter 112, Section 112.02 of Village Code. A "Restaurant" is defined as having the capacity for serving 75 patrons or more. A "Small restaurant" is defined as having the capacity for serving less than 75 patrons at any combination of tables and booths, as long as the character of the establishment is a restaurant rather than an establishment set up to serve alcoholic beverages as its principal activity.

The way Village Code is currently written, any business defined as a "Small restaurant" would not be eligible for a Class "C" liquor license. In response to inquiries from business owners as well as a review of the current liquor license holders, staff is recommending that the Class "C" liquor license description be amended to include "Small restaurant" whose seating capacity is less than 75 patrons. Staff met with Village Counsel, who drafted the attached ordinance for Village Board consideration.

Please place this item for consideration on the May 17, 2018 Village Board agenda. Staff is requesting a waiver of first reading.

/jd

ORDINANCE NO. _____

**AN ORDINANCE
AMENDING TITLE XI, CHAPTER 112, SECTION 112.12(A)
OF THE LOMBARD VILLAGE CODE IN REGARD TO
THE CLASS "C" LIQUOR LICENSE**

BE IT ORDAINED by the President and Board of Trustees of the Village of Lombard, DuPage County, Illinois, as follows:

SECTION 1: That Title XI, Chapter 112, Section 112.12(A) of the Lombard Village Code is amended by revising the portion thereof relative to the description of the Class "C" liquor license, to read in its entirety as follows:

"Class "C" - Beer and wine only served as an adjunct to food service; no package sales allowed. (Restaurant, Small Restaurant or Self Service Restaurant)"

SECTION 2: That this Ordinance shall be in full force and effect from and after its passage, approval and publication in pamphlet form, as provided by law.

Passed on first reading this _____ day of _____, 2018.

First reading waived by action of the Board of Trustees this ___ day of _____, 2018.

Passed on second reading this _____ day of _____, 2018, pursuant to a roll call vote as follows:

AYES: _____

NAYS: _____

ABSENT: _____

APPROVED by me this _____ day of _____, 2018.

Keith Giagnorio, Village President

ATTEST:

Sharon Kuderna, Village Clerk

Published by me in pamphlet form this _____ day of _____, 2018.

Sharon Kuderna, Village Clerk

K T J

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MEMORANDUM

To: Nicole Aranas, Assistant Village Manager, Village of Lombard
Janet Downer, Business Administrator, Village of Lombard

From: Tom Bayer, Village Attorney **Via email only**

Date: April 30, 2018

Subject: Class "C" Liquor Licenses – Applicability to Small Restaurants

As a follow-up to our meeting on April 25, 2018, relative to the above-captioned matter, attached please find the following Ordinance for your review, and approval at a future Village Board meeting:

AN ORDINANCE
AMENDING TITLE XI, CHAPTER 112, SECTION 112.12(A)
OF THE LOMBARD VILLAGE CODE IN REGARD TO
THE CLASS C LIQUOR LICENSE

Per our discussion, the Ordinance makes the Class "C" liquor license applicable to Small Restaurants (those with seating for less than 75 patrons), as well as Restaurants and Self Service Restaurants.

If there are any questions, please feel free to contact me.

encl.