

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 Niehaus, Village Manager

DATE: September 14, 2015 (B of T) Date: September 17, 2015

TITLE: The Shops on Butterfield - Special Event –Harvest Fest

SUBMITTED BY: Keith Giagnorio
Liquor Control Commissioner
Village President

BACKGROUND/POLICY IMPLICATIONS:

Attached for your consideration is an ordinance amending Title 11, Chapter 112, Section 112.18(B) of the Lombard Village Code in regard to alcoholic beverages, providing for the sale and consumption of craft beer and wine in connection with a temporary special event known as Harvest Fest on September 19, 2015.

The petitioner is requesting a waiver of first reading due to time constraints.

Please place this item on the September 17, 2015 Board of Trustees agenda.

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 T. Giagnorio
Local Liquor Control Commissioner
Village President

DATE: September 14, 2015

SUBJECT: **Title 11, Chapter 112, of the Lombard Village Code – Alcoholic Beverages**
Harvest Fest – The Shops on Butterfield (Yorktown Center)
Beer House, 322 Yorktown Center

The Village has received a request for a Class “J” liquor license from The Beer Haus, LLC d/b/a Beer House located at 322 Yorktown Center to serve craft beer and wine at a special event called Harvest Fest on September 19, 2015.

Harvest Fest will take place in the inner common areas of The Shops on Butterfield at Yorktown Center. The liquor will be served and consumed in a designated and secured portion of the patio, walkway and parking areas adjacent to and in the proximity of Beer Houses’s licensed premises (see attached diagram). As Village Code does not consider these areas part of their licensed premises, Village Board approval is needed.

Attached find an ordinance amending Village Code Title 11, Chapter 112, Section 112.18(B) to allow the sale of craft beer and wine within the aforementioned specified areas for this one-day, temporary, special event. The petitioner has verbally requested a waiver of first reading in order to allow them enough time to secure a State liquor license.

Should you need additional information, please feel free to contact me.

ORDINANCE NO. _____

**AN ORDINANCE AMENDING TITLE 11, CHAPTER 112, SECTION 112.18(B)
OF THE LOMBARD VILLAGE CODE IN REGARD TO ALCOHOLIC BEVERAGES,
PROVIDING FOR THE SALE AND CONSUMPTION OF BEER AND WINE
IN CONNECTION WITH A TEMPORARY EVENT
AT THE SHOPS ON BUTTERFIELD AT YORKTOWN CENTER
ON SEPTEMBER 19, 2015**

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

SECTION 1: That Title 11, Chapter 112, Section 112.18(B) of the Lombard Village Code is amended by adding a new subsection (7) thereto, effective upon the adoption of this Ordinance through 8:00 p.m. on Saturday, September 19, 2015, which shall read in its entirety as follows:

"(7) In light of the fact that The Beer Haus, LLC d/b/a Beer House, located at 322 Yorktown Center, (hereinafter the "Liquor Licensee"), will be participating in a temporary event known as Yorktown Center Autumn Harvest Fest, at the Shops on Butterfield at Yorktown Center, on September 19, 2015, between the hours of 2:00 p.m. and 8:00 p.m., said Liquor Licensee shall be eligible for a Class "J" liquor license, in addition to the Village liquor license currently issued to the Liquor Licensee, despite the fact that said Liquor Licensee is a for-profit business entity, for the sole purpose of selling beer and wine for consumption in a designated and secured portion of the patio and walkway areas, serving the Shops on Butterfield at Yorktown Center, adjacent to and in the proximity of said Liquor Licensee's currently licensed premises, to be approved by the Village pursuant to the issuance of a temporary event permit under Chapter 110 of the Village Code. The liquor license to be issued under this subsection (7) may be issued by the Local Liquor Commissioner upon proper application to the Village, and satisfaction of all applicable requirements and conditions by the Liquor Licensee. No liquor license shall be issued under this subsection (7) until such time as the Liquor Licensee obtains the necessary temporary event permit under Chapter 110 of the Village Code and complies with all requirements and conditions thereof, including, without limitation, the insurance, bond and indemnification requirements of Chapter 110 for temporary events. In addition, if such liquor license is issued by the Local Liquor Commissioner under this subsection (7), said Liquor Licensee shall, notwithstanding any other provisions of this Chapter 112, be subject to the following additional requirements:

- (a) The sale of beer and wine shall occur within the building on the premises for which the Liquor Licensee has a valid non-Class "J" liquor license (the "Licensed Premises") or outdoors, but within a defined, fenced in portion of the patio and walkway areas serving the Shops on Butterfield at

Yorktown Center, adjacent to and in the proximity of the Licensed Premises, in which the temporary event is taking place;

- (b) The sales and dispensing of beer in pitchers and wine in bottles, other than within the Licensed Premises, and for consumption within the Licensed Premises, is prohibited;
- (c) No more than two (2) cups of beer or two (2) glasses of wine may be purchased by any person at the same time;
- (d) All individuals purchasing or consuming beer and wine shall be required to wear a wristband, to indicate that they are at least twenty-one (21) years of age, and the Liquor Licensee shall be responsible for the verification of age and distribution of said wristbands; and
- (e) Beer and wine, that is sold for consumption outside of the Licensed Premises, must be served in plastic cups with a capacity of no more than fourteen (14) ounces as to beer and six (6) ounces as to wine."

SECTION 2: That, effective at 8:00 p.m. on Saturday, September 19, 2015, Title 11, Chapter 112, Section 112.18(B)(7) of the Lombard Village Code, as set forth in Section 1 above, is hereby repealed, without need for any further action by the President and Board of Trustees.

SECTION 3: That this Ordinance shall be in full force and effect from and after its passage and approval as provided by law.

Passed on first reading this ____ day of _____, 2015.

First reading waived by action of the Board of Trustees this ____ day of _____, 2015.

Passed on second reading this ____ day of _____, 2015, pursuant to a roll call vote as follows:

AYES: _____

NAYS: _____

ABSENT: _____

APPROVED by me this ____ day of _____, 2015.

Keith Giagnorio, Village President

ATTEST:

Sharon Kuderna, Village Clerk

**HOLD HARMLESS AND INDEMNIFICATION AGREEMENT
 RELATIVE TO THE YORKTOWN CENTER AUTUMN HARVEST FEST
 TEMPORARY EVENT AT THE SHOPS ON BUTTERFIELD
 AT YORKTOWN CENTER, LOMBARD, ILLINOIS
 (The Beer Haus, LLC d/b/a Beer House)**

In consideration of the Village of Lombard, DuPage County, Illinois (the "Village") issuing a Class "J" liquor license and Temporary Event Permit to The Beer Haus, LLC d/b/a Beer House, located at 322 Yorktown Center, Lombard, Illinois (the "Business"), so as to allow for the sale of beer and wine, in a designated and secured portion of the patio and walkway areas serving the Shops on Butterfield at Yorktown Center adjacent to and in the proximity of the Business, during the Yorktown Center Autumn Harvest Fest event on September 19, 2015, between the hours of 2:00 p.m. and 8:00 p.m. (the "Event"), the Business hereby agrees to indemnify, defend and hold harmless the Village, and its officers, agents, employees, representatives and assigns (the "Indemnified Parties"), from any and all lawsuits, actions, costs (including attorneys' fees), claims or liabilities of any character whatsoever, including, as allowed by law, liabilities incurred due to joint negligence of any of the Indemnified Parties and the Business, brought because of any injuries or damages received or sustained by any person, persons or property because of any act or omission, neglect or misconduct of said Business, or its officers, agents, members, volunteers, contractors and/or employees, arising out of, or as a result of, the Event, or in conjunction with the sale of beer and/or wine by the Business during the Event. In connection with any such claims, lawsuits, actions or liabilities, the Indemnified Parties shall have the right to defense counsel of their choice. The Business shall be solely liable for all costs of such defense and for all expenses, fees, judgments, settlements and all other costs arising out of such claims, lawsuits, actions or liabilities.

Executed this ____ day of September, 2015, by _____, one of the Managers of, and authorized agent for, the Business.

Name: _____
 Manager

ACKNOWLEDGMENT

State of Illinois)
) SS
 County of DuPage)

I, the undersigned, a Notary Public, in and for the County and State aforesaid, DO HEREBY CERTIFY that _____, personally known to me to be one of the Managers of The Beer Haus, LLC d/b/a Beer House, located at 322 Yorktown Center, Lombard, Illinois, and personally known to me to be the same person whose name is subscribed to the foregoing instrument, appeared before me this day in person and acknowledged that, as such Manager, he signed and delivered the said instrument, as his free and voluntary act, and as the free and voluntary act and deed of said The Beer Haus, LLC d/b/a Beer House, for the uses and purposes therein set forth.

GIVEN under my hand and official seal, this ____ day of September, 2015.

 Notary Public