

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: April 10, 2018 (B of T) Date: April 19, 2018

TITLE: Amending Title 11, Chapter 112, Section 112.38(A) – Alcoholic Beverages  
Solicitation of Alcohol Purchases

SUBMITTED BY: Keith T. Giagnorio  
Local Liquor Control Commissioner  
Village President

BACKGROUND/POLICY IMPLICATIONS:

Attached is an ordinance amending Title 11, Chapter 112, Section 112.38(A) of Village Code in regard to alcoholic beverages and the service thereof.

Please place this item for consideration on the April 19, 2018 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:** Janet Downer, Business Administrator 

**DATE:** April 10, 2018

**SUBJECT:** **Amending Title 11, Chapter 112, Section 112.38(A) – Alcoholic Beverages Solicitation of Alcohol Purchases**

The last sentence of Title 11, Chapter 112, Section 112.38(A), Solicitation, of the Village Code states:

“Minors are prohibited from drawing, pouring, mixing and soliciting orders for any alcoholic liquor or beverage.”

Staff received an inquiry from a liquor licensee, asking for the definition of the term “minors”. Village Counsel researched the term “minors” and concluded that the term refers to an individual who is under 18 years of age, even in the context of alcoholic liquor regulations, and the current language of the last sentence of Section 112.38(A) of Village Code could be interpreted as implying that individuals who are at least 18 years of age, but under 21 years of age, can draw, pour, mix and solicit orders for any alcoholic liquor or beverage. In an effort to avoid an inaccurate interpretation of Village Code, Village Counsel drafted the attached ordinance clarifying the language in Section 112.38(A) in regard to the term “minors” by revising the last sentence to read:

“Except as provided in Section 112.33(B) of this Code, it shall be unlawful for anyone under the age of 21 years old to draw, pour, mix or solicit orders for any alcoholic liquor or beverage.”

Please place this item for consideration on the April 19, 2018 Village Board agenda.

/jd

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

**AN ORDINANCE  
AMENDING TITLE XI, CHAPTER 112, SECTION 112.38(A)  
OF THE LOMBARD VILLAGE CODE IN REGARD TO  
ALCOHOLIC BEVERAGES AND THE SERVICE THEREOF**

**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 112.38(A) of the Lombard Village Code is amended by revising the last sentence thereof to read in its entirety as follows:

“Except as provided in Section 112.33(B) of this Code, it shall be unlawful for anyone under the age of 21 years old to draw, pour, mix or solicit orders for any alcoholic liquor or beverage.”

**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