


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

 X Resolution or Ordinance (Blue) _____ *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: September 11, 2018 (B of T) Date: September 20, 2018
TITLE: Amending Village Code Title XI, Chapter 112 – Alcoholic Beverages
Liquor Licensee Location Prohibition Exemptions

SUBMITTED BY: Janet Downer, Business Administrator 

BACKGROUND/POLICY IMPLICATIONS:

Please find attached an ordinance amending Title XI, Chapter 112, Section 112.18 giving the Local Liquor Commissioner the option to exercise the location prohibition exemption in accordance with Illinois Statute 235 ILCS 5/6-11(a).

Please place these items for consideration on the September 20, 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: September 11, 2018

SUBJECT: **Ordinance Amending Title XI, Chapter 112 – Alcoholic Beverages
Liquor Licensee Location Prohibition Exemptions**

Illinois Statute 235 ILCS 5/6-11(a) prohibits a new liquor licensee from being located within 100 feet of certain property uses such as a church, school (other than an institution of higher learning), hospital, home for aged or indigent persons or for veterans, their spouses or children or any military or naval station) unless the liquor licensee is a hotel offering restaurant service, a regularly organized club, or a restaurant, food shop or other place where the sale of alcoholic liquor is not the principal business being carried on.

In August, 2018 State Statute was amended by adding an exception to the aforementioned 100 foot separation requirement which now gives local liquor officials the option to decide whether they want to allow a liquor licensee to be located within the 100 foot restriction. In order to allow the Local Liquor Commissioner to have the option to exercise the location prohibition exemption, a Village Code amendment is required.

Attached is an ordinance amending Village Code Title XI, Chapter 112, Section 112.18 adding a new subsection (C). The new language would provide the Local Liquor Commissioner the authority to waive the 100' foot separation requirement as set forth in 235 ILCS 5/6-11(a).

Staff has met with Village Counsel relative to this amendment who drafted the attached ordinance. Please place this item on the September 20, 2018 Village Board agenda for consideration.

If you have any questions, please feel free to contact me.

/jd

ORDINANCE NO. _____

**AN ORDINANCE
AMENDING TITLE XI, CHAPTER 112, SECTION 112.18
OF THE LOMBARD VILLAGE CODE IN REGARD TO
LIQUOR LICENSEE LOCATION PROHIBITION EXEMPTIONS**

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 112.18 of the Lombard Village Code is amended by adding a new subsection (C) thereto, which shall read in its entirety as follows:

“(C) Pursuant to 235 ILCS 5/6-11(a-5), the Local Liquor Commissioner may grant an exemption from the liquor licensee location prohibitions as set forth in 235 ILCS 5/6-11(a).”

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