

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: February 27, 2017 (B of T) Date: March 2, 2017

TITLE: Title 11, Chapter 112 of the Lombard Village Code  
Miller's Ale House, Inc. d/a/b Miller's Ale House  
455 E. Butterfield Road

SUBMITTED BY: Keith Giagnorio  
Liquor Control Commissioner  
Village President

BACKGROUND/POLICY IMPLICATIONS:

Attached for your consideration is an ordinance amending Title 11, Chapter 112 of the Lombard Village Code relative to allowing the consumption of alcoholic beverages in an area adjacent to the licensed premises in connection with a temporary special event known as March Madness on March 17, 2017.

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

Please place this item on the March 2, 2017 Board of Trustees agenda under Items for Separate Action.

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:** March 2, 2017

**SUBJECT:** **Miller's Ale House Special Event – March Madness  
March 17, 2017**

Miller's Ale House, Inc. d/b/a Miller's Ale House applied for a Special Event Permit for a one-day, temporary event called March Madness on Friday, March 17, 2017, from 11:00 a.m. to 11:00 p.m. In conjunction with that event, Miller's Ale House is requesting permission for patrons to consume alcohol in a secured 40 x 20 tent which will be located adjacent to the licensed premises. All patrons will exit and enter the tent area through the building.

Miller's Ale House, Inc. d/b/a Miller's Ale House currently holds a Class "A/B-III" liquor license which allows them to sell and consume alcoholic liquor on the licensed premises. As Village Code does not consider the adjacent tent area part of the 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 consumption of alcoholic beverages within the tent 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 and advertise for this event.

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



Kathy Shaver, Licensing Renewals Manager  
Licensing Solutions  
[kathy@liquorlicensepros.com](mailto:kathy@liquorlicensepros.com)

February 21, 2017

**Via Email**

Village of Lombard  
Attn: Keith Giagnorio, Liquor Commissioner  
255 E. Wilson Avenue  
Lombard, IL 60148

**RE: Miller's Ale House, Inc. dba Miller's Ale House  
Request to consume Alcoholic Beverages outside for March Madness  
Located at: 455 E. Butterfield Road**

Dear Commissioner Giagnorio:

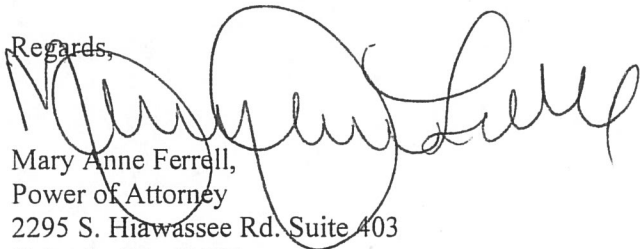
Miller's Ale House would like to hold an event outside in the designated area shown on the attached diagram and picture. The outside event will consist of consuming, not selling, alcoholic beverages during the event time inside the tent and or designated area. The specifics of the event are as follows:

Dates of the event; March 17, 2017  
Time of the event: 11am – 11pm  
Expected number of patrons: 100  
Event area: see attached picture and diagram

The tent will have sides on it in case it rains. All patrons will exit and enter the tent area through the building. There will be security present to make sure that the alcohol being consumed inside the tent is not taken outside of this designated area.

If you require any additional information please contact Kathy Shaver by email at [Kathy@liquorlicensepros.com](mailto:Kathy@liquorlicensepros.com) or by phone at (407) 476-0533.

Regards,



Mary Anne Ferrell,  
Power of Attorney  
2295 S. Hiwassee Rd. Suite 403  
Orlando, FL 32835

cc: Arlene Hutchinson  
Jaime Cenatiemo

enclosure(s)





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 ALCOHOLIC BEVERAGES  
IN CONNECTION WITH A TEMPORARY EVENT  
AT MILLER'S ALE HOUSE ON MARCH 17, 2017**

**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 (6) thereto, effective upon the adoption of this Ordinance through 11:00 p.m. on Friday, March 17, 2017, which shall read in its entirety as follows:

"(6) In light of the fact that Miller's Ale House, Inc. d/b/a Miller's Ale House, located at 455 East Butterfield Road, (hereinafter the "Liquor Licensee"), will be holding a temporary event in regard to the viewing of NCAA basketball tournament games within a secured forty (40) foot by twenty (20) foot tent adjacent to the Liquor Licensee's currently licensed premises (hereinafter the "Tent") on March 17, 2017, between the hours of 11:00 a.m. and 11:00 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 allowing for the consumption of alcoholic beverages in the Tent, 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 (6) 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 (6) 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 (6), said Liquor Licensee shall, notwithstanding any other provisions of this Chapter 112, be subject to the following additional requirements:

- (a) The sale of alcoholic beverages shall occur solely within the building on the premises for which the Liquor Licensee has a valid non-Class "J" liquor license (the "Licensed Premises"), with only the consumption of alcoholic beverages being allowed in the Tent.

- (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) alcoholic beverages may be purchased by any person at the same time;
- (d) Access to the Tent shall only be permitted by first entering the Licensed Premises, and then entering the Tent from the Licensed Premises, with no direct access to the Tent from outside of the Licensed Premises;
- (e) All individuals consuming alcoholic beverages within the Tent 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
- (f) Alcoholic beverages, that are sold for consumption outside of the Licensed Premises and within the Tent, must be served in plastic cups with a capacity of no more than sixteen (16) ounces as to beer, and six (6) ounces as to wine and spirits.”

**SECTION 2:** That, effective at 11:00 p.m. on Friday, March 17, 2017, Title 11, Chapter 112, Section 112.18(B)(6) 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 \_\_\_\_\_, 2017.

First reading waived by action of the Board of Trustees this 2nd day of March, 2017.

Passed on second reading this 2nd day of March, 2017, pursuant to a roll call vote as follows:

AYES: \_\_\_\_\_

NAYS: \_\_\_\_\_

ABSENT: \_\_\_\_\_

**APPROVED** by me this 2nd day of March, 2017.

\_\_\_\_\_  
Keith Giagnorio, Village President

**ATTEST:**

\_\_\_\_\_  
Sharon Kuderna, Village Clerk

**HOLD HARMLESS AND INDEMNIFICATION AGREEMENT  
RELATIVE TO THE NCAA BASKETBALL TOURNAMENT  
TEMPORARY EVENT AT MILLER'S ALE HOUSE  
(Miller's Ale House, Inc. d/b/a Miller's Ale House)**

In consideration of the Village of Lombard, DuPage County, Illinois (the "Village") issuing a Class "J" liquor license and Temporary Event Permit to Miller's Ale House, Inc. d/b/a Miller's Ale House, located at 455 East Butterfield Road, Lombard, Illinois (the "Business"), so as to allow for the consumption of alcoholic beverages in a secured forty (40) foot by twenty (20) foot tent adjacent to the Business, during the NCAA basketball tournament viewing event on March 17, 2017, between the hours of 11:00 a.m. and 11:00 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 alcoholic beverages 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 \_\_\_\_\_, 2017, by \_\_\_\_\_,  
the authorized agent for the Business.

Name: \_\_\_\_\_  
Title: \_\_\_\_\_

**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 the \_\_\_\_\_ of, and authorized agent for, Miller's Ale House, Inc. d/b/a Miller's Ale House, Lombard, Illinois, (the "Business"), 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 \_\_\_\_\_ of, and authorized agent for, the Business, he/she signed and delivered the said instrument, as his/her free and voluntary act, and as the free and voluntary act and deed of said Business, for the uses and purposes therein set forth.

GIVEN under my hand and official seal, this \_\_\_\_ day of \_\_\_\_\_, 2017.

\_\_\_\_\_  
Notary Public