

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: August 9, 2022 (B of T) Date: August 18, 2022

TITLE: Ordinance Regarding Sale and Consumption of Alcoholic Beverages in the Public Right-of-Way in Connection with Cruise Nights & Summer Concerts Season Finale

BACKGROUND/POLICY IMPLICATIONS:

Attached please find information pertaining to approval of Class J liquor licenses for up to six downtown businesses in connection with the season finale of the Cruise Nights & Summer Concerts series. The event will take place on Saturday, August 27, 2022 and will feature a concert by Seventh Heaven in the right-of-way on St. Charles Road and South Park Avenue. The proposed liquor license would authorize issuance of a special event liquor license to existing liquor license holders immediately adjacent to the event space that would allow for outdoor consumption of alcohol in the proposed concert viewing area. While approval of this ordinance would permit the issuance of Class J liquor licenses by staff, the actual issuance of the licenses will remain dependent on the interest, application, payment and permitting of the individual licensee following approval of this ordinance.

Review (as necessary):

Village Attorney X _____	Date _____
Finance Director X _____	Date _____
Village Manager X <u><i>Scott Niehaus</i></u>	Date <u><i>8/10/22</i></u>

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: Nicole Aranas, Assistant Village Manager *NA*
DATE: August 8, 2022
SUBJECT: **ORDINANCE REGARDING SALE AND CONSUMPTION OF ALCOHOLIC BEVERAGES IN THE PUBLIC RIGHT-OF-WAY IN CONNECTION WITH CRUISE NIGHTS & SUMMER CONCERTS SEASON FINALE**

Attached please find information pertaining to approval of Class "J" liquor licenses for up to six downtown businesses in connection with the Cruise Nights & Summer Concerts Season Finale to take place on Saturday, August 27, 2022. The private businesses that would be eligible to participate in the event, based upon their immediate proximity to the event space, are Babcock's Grove House, Corridor Kitchen & Tap, Ground Level 105, Nacho Rita, Punky's Pub and Shannon's Butcher Shoppe and Deli.

The Village Cruise Nights & Summer Concert series will end this season with a final live music concert, featuring band, 7th Heaven on August 27, 2022. The viewing audience for the concert is anticipated to exceed the capacity of the regular concert viewing area on South Park Avenue. Accordingly, the Village will be shutting down traffic on a portion of St. Charles Road to safely accommodate the volume of anticipated attendees.

The proposed ordinance would authorize existing businesses holding local liquor licenses, which are immediately adjacent to the concert viewing area, to serve alcohol for consumption in a defined event area. The proposed event area is described as St. Charles Road, between Main Street to just west of Park Avenue, and Park Avenue from Michael McGuire to St. Charles Road. Existing liquor license holders would be permitted to receive a Class "J" license for the sale of alcoholic beverages within the limits of their establishment or within fifteen (15) feet of their main entrance for consumption throughout the event space as designated within the Village special event permit.

Certain conditions have been placed upon the sale of alcohol under the proposed Class "J" liquor license. These restrictions include:

- Sales of alcohol for outdoor consumption must be restricted to plastic cups with a 16 oz. maximum capacity (no glass drinkware or bottles);
- No more than 2 beverages may be purchased by any one person at the same time;
- The sale of alcoholic beverages in pitchers is prohibited;
- Sale may only occur within the licensed premises of the building or outdoors within fifteen feet of the main entrance of the licensed premises; and,
- Each individual liquor licensee shall be responsible for the age verification of the patrons they are serving.

A temporary special event permit application shall control the parameters of the special event. Approval of the attached ordinance shall permit the issuance of a special event Class "J" liquor license in the event that all necessary requirements for application are met. Similarly, approval of the ordinance shall not obligate a licensee to the application or service of alcohol at the special event. Participating businesses must meet the insurance, liability, conditions, restrictions and obligations under the special event permit and liquor license application prior to final receipt of a special event Class "J" liquor license.

Please let me know of any issues, questions or concerns you may have regarding this matter.

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 ALCOHOL IN CONNECTION
WITH A TEMPORARY EVENT WITHIN THE ST. CHARLES ROAD (FROM MAIN
STREET TO 150 FEET WEST OF PARK AVENUE) AND PARK AVENUE (FROM
MICHAEL MCGUIRE DRIVE TO ST. CHARLES ROAD) PUBLIC RIGHT-OF-WAYS ON
AUGUST 27, 2022
RELATIVE TO CRUISE NIGHTS AND THE SUMMER CONCERT SEASON FINALE**

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 new subsection (5) thereto, effective upon the adoption of this Ordinance through 11:59 p.m. on Saturday, August 27, 2022, which shall read in its entirety as follows:

“(5) In light of the fact that Shannon’s on Park, Inc. d/b/a & Deli located at 11-15 South Park Avenue, Fitz’s Five Leaf Clover, Inc. d/b/a Punky’s Irish Pub, located at 16 South Park Avenue, Topaz RG, LLC d/b/a Babcock’s Grove House, located at 101 West St. Charles Road, Eighteen West LLC d/b/a Corridor Kitchen & Tap, located at 18 W. St. Charles Road, GroundLevel 105, LLC d/b/a GroundLevel 105, located at 105 W. St. Charles Road, and Tuxedo T-Shirt, LLC d/b/a NachoRita, located at 14 W. St. Charles Road (hereinafter individually a “Liquor Licensee” and collectively the “Liquor Licensees”), may co-sponsor and participate in one (1) temporary event known as Cruise Nights and the Summer Concerts Season Finale on August 27, 2022, said Liquor Licensees shall each be eligible for a Class “J” liquor license, despite the fact that said Liquor Licensees are for-profit business entities, for the sole purpose of selling alcoholic beverages for consumption in a designated and secured area within the St. Charles Road and Park Avenue right-of-ways to be approved by the Village pursuant to the issuance of a temporary event permit under Chapter 110 of the Village Code on August 27, 2022, from 6:00 p.m. to 10:00 p.m. The liquor licenses to be issued under this subsection (5) may be issued by the Local Liquor Commissioner upon proper application to the Village, and satisfaction of all applicable requirements and conditions by each of the Liquor Licensees. No liquor license shall be issued under this subsection (5), to a Liquor Licensee, until such time as said 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 of the Lombard Village Code in regard to temporary events.

In addition, if such Liquor Licensees are issued liquor licenses by the Local Liquor Commissioner under this subsection (5), each Liquor Licensee that is issued a liquor license shall, notwithstanding any other provisions of this Chapter 112, be subject to the following additional requirements:

- (a) The sale of alcoholic beverages 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 fifteen (15) feet of the main entrance of the Licensed Premises, or, in the case of Topaz RG, LLC d/b/a Babcock's Grove House, within fifteen (15) feet of the 4 South Park entrance to the building in which Babcock's Grove House is located, in light of the stairs located at the main entrance of the Licensed Premises for Babcock's Grove House;
- (b) The sales and dispensing of alcoholic beverages in pitchers is prohibited;
- (c) No more than two (2) alcoholic beverages may be purchased by any person at the same time;
- (d) All individuals purchasing or consuming alcoholic beverages shall be required to provide documentation showing that they are at least twenty-one (21) years of age and each Liquor Licensee shall be responsible for the verification of age for their patrons;
- (e) Alcoholic beverages, that are sold for consumption outside of the Licensed Premises, must be served in plastic cups with a capacity of no more than sixteen (16) ounces;

SECTION 2: That, effective at 11:59 p.m. on Saturday, August 27, 2022, Title 11, Chapter 112, Section 112.18(B)(5) 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: 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 August, 2022.

First reading waived by action of the Board of Trustees this ____ day of August, 2022.

Passed on second reading this ____ day of August, 2022.

Ayes: _____

Nays: _____

Absent: _____

Approved by me this ____ day of August, 2022.

Keith T. Giagnorio
Village President

ATTEST:

Elizabeth Brezinski
Village Clerk

Published by me in pamphlet form on this ____ day of August, 2022.

Elizabeth Brezinski
Village Clerk