



VILLAGE OF LOMBARD

255 E. Wilson Ave.
Lombard, Illinois 60148-3926
(630) 620-5700 Fax (630) 620-8222
www.villageoflombard.org

February 25, 2019

Village President
Keith T. Giagnorio

Village Clerk
Sharon Kuderna

Trustees
Dan Whittington, Dist. 1
Michael A. Fugiel, Dist. 2
Reid Foltyniewicz, Dist. 3
Bill T. Johnston, Dist. 4
Robyn Pike, Dist. 5
William "Bill" Ware, Dist. 6

Village Manager
Scott R. Niehaus

"Our shared Vision for Lombard is a community of excellence exemplified by its government working together with residents and businesses to create a distinctive sense of spirit and an outstanding quality of life."

"The Mission of the Village of Lombard is to provide superior and responsive governmental services to the people of Lombard."

President and Board of Trustees
Village of Lombard
255 East Wilson Avenue
Lombard, Illinois 60148

President, Ladies and Gentlemen:

A special meeting of the Board of Trustees of the Village of Lombard is being called by Village President Keith Giagnorio for Thursday, March 7, 2019 beginning at 6:00 p.m. to be held in the Board Room of the Lombard Village Hall for the purpose of discussion of items as listed on the agenda.

Please contact me if you are not able to attend this meeting.

Sincerely,

Sharon Kuderna
Village Clerk

/cb

Special village board meeting notice



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Mr. Sharon Kuderna
Village Clerk
Village of Lombard
255 East Wilson
Lombard, Illinois 60148

Dear Ms. Kuderna

Please notify all Village Board members that a special meeting of the Board of Trustees of the Village of Lombard is being called by Village President Keith Giagnorio for Thursday, March 7, 2019 beginning at 6:00 p.m. to be held in the Board Room of the Lombard Village Hall for the purpose of discussion of items as listed on the agenda.

Please have the members contact you if they are not able to attend.

Sincerely,

A handwritten signature in black ink, appearing to read "Keith T. Giagnorio". The signature is fluid and cursive, with a large loop at the end.

Keith T. Giagnorio
Village President

/cb

Special village board meeting notice

Village of Lombard

*Village Hall
255 East Wilson Ave.
Lombard, IL 60148
villageoflombard.org*



Meeting Agenda

Thursday, March 7, 2019

6:00 PM

Board Room

Special Meeting Board of Trustees

*Village President Keith Giagnorio,
Village Clerk Sharon Kuderna,
Trustee Dan Whittington, Trustee Mike Fugiel,
Trustee Reid Foltyniewicz, Trustee Bill Johnston,
Trustee Robyn Pike and Trustee Bill Ware*

I Call to Order**II Pledge of Allegiance****III Roll Call****IV Public Participation****V Agenda**180450**Video Gaming**

Review of a proposed draft ordinance lifting the total ban on video gaming, and allowing video gaming within the Village of Lombard, but only in regard to certain liquor license categories and subject to certain terms and conditions, with a sunset of said limited permissive video gaming on June 30, 2020, unless further action is taken by the Village Board. Review of a proposed draft ordinance placing an advisory referendum on the March 17, 2020 ballot with regard to video gaming.

Legislative History

10/22/18	Finance & Administration Committee	approve as amended
11/7/18	Public Safety & Transportation Committee	approved with conditions
11/12/18	Community Relations Committee	approved
12/10/18	Economic & Community Development Committee	approved with conditions
1/24/19	Special Meeting Board of Trustees	continued

VI Adjournment



MEMORANDUM

TO: Keith Giagnorio, Village President
Village Board of Trustees

FROM: Scott Niehaus, Village Manager

DATE: February 28, 2019

SUBJECT: **ORDINANCE REGARDING VIDEO GAMING AND LIQUOR LICENSES FOR ESTABLISHMENTS WITH VIDEO GAMING**

Pursuant to direction from the Village Board of Trustees from the January 24th Village Board workshop on video gaming, staff has prepared a draft ordinance for review and consideration that, if adopted, would permit video gaming and liquor licenses for video gaming within the Village of Lombard.

ORDINANCE PROVISIONS

The attached ordinance provides for video gaming and liquor licenses associated with video gaming with certain conditions and restrictions which are detailed below. A review and summary of pertinent sections of the proposed ordinance follows below:

SECTION 1 – VIDEO GAMING DEFINITIONS

This language defines the terms “video gaming,” “video gaming terminal,” and “video gaming café.” A “video gaming café” is one whose primary or major focus is Video Gaming, as provided for in the Illinois Video Gaming Act and the service of alcohol and food is incidental to the operation of Video Gaming. In addition, any establishment that receives more than 49% of its gross revenue from the operation of Video Gaming Terminals shall be classified as a Video Gaming Café.

SECTION 2 – DESCRIPTIONS OF LIQUOR LICENSE CATEGORIES

This section is dedicated to refining the descriptions of various liquor license classifications. This section confirms that the currently existing liquor classes shall not permit video gaming and creates new “VG” liquor license classifications where video gaming may be permitted in the following liquor license classes:

Class “A/B-II”	Class “N-I”
Class “A/B-III”	Class “N-II”
Class “A/B-IV”	Class “S”
Class “D”	Class “XX”
Class “I”	Class “Z”
Class “M”	

At present, there are thirty-five (35) active liquor licenses in the categories above. A list of the current liquor license holders by category is attached here as “Exhibit A.” Additionally, please

note that license holders of the “A/B-I” license may opt to apply for liquor licenses under the “A/B-I-VG” category, at a higher cost.

SECTION 3 – AVAILABILITY OF LICENSES

This section provides for the addition of the “VG” license classes referenced above but provides that initially there shall be “0” available license for each newly created license class. Accordingly, this means that upon adoption of the ordinance, there are no available “VG” licenses. An ordinance increasing available licenses would need to be adopted by the Village Board in order to approve each individual new video gaming license. The Liquor Commissioner and Village Board of Trustees have discretion to control the number of licenses that are ultimately available in each liquor license class under this section. Further, if an establishment licensed for video gaming was no longer in operation or desirous of having video gaming, a Village ordinance would need to be adopted to reduce the number of available video gaming licenses accordingly.

SECTION 4 – LICENSE FEES

This section sets forth license fees for each newly created “VG” license category. The cost for each of the “VG” licenses is the same as the liquor license fee for the “non-VG” counterpart. Liquor license fees for all classes are assessed semi-annually. A summary of the semi-annual payment for a “VG” license is reflected below:

Class “A/B-II-VG”	\$1,500.00	Class “N-I-VG”	\$1,500.00
Class “A/B-III-VG”	\$2,500.00	Class “N-II-VG”	\$1,000.00
Class “A/B-IV-VG”	\$3,000.00	Class “S-VG”	\$750.00
Class “D-VG”	\$1,000.00	Class “XX-VG”	\$4,000.00
Class “I-VG”	\$400.00	Class “Z-VG”	\$2,500.00
Class “M-VG”	\$800.00		

SECTION 7 – RESTRICTIONS ON LICENSES

This section includes restrictions on video gaming licenses as recommended by the Standing Advisory Committees that go above and beyond the requirements of the Illinois Video Gaming Act. **The restrictions considered and included within the draft ordinance are matters of policy at the discretion of the Village Board of Trustees. As policy considerations of the Village, the inclusion, scope and extent of these restrictions may be amended at Board direction prior to adoption of the ordinance.** Specific restrictions found in the proposed ordinance are as follows:

SIGNAGE

(5) The establishment shall comply with all of the Village’s sign regulations and it shall be unlawful to advertise for Video Gaming via a sign visible from any street, alley or public right-of-way within the Village. This includes temporary or permanent signage that may include a business name, name, identification, description, display, illustration or attention-getting device which is affixed to or painted or represented directly or indirectly upon a building or other outdoor surface or lot, and which

directs attention to a person, business, product, service, place, organization or entertainment. As previously discussed, the Village seeks to include signage restrictions in connection with its authority to regulate and place lawful restrictions upon liquor license holders, but recognizes such authority may be subject to legal challenge.

VIDEO SURVEILLANCE

(6) The establishment shall be required to install, operate and maintain a video camera surveillance system capable of recording clear and unobstructed photographic representations of the segregated area of the establishment where the Video Gaming Terminals are located, and shall retain the video recordings produced therefrom for a minimum of thirty (30) days. Said video recordings shall be subject to inspections by the Village's Police Department upon request therefor.

ALARM CONNECTION

(7) The establishment shall be equipped with a direct connect burglar alarm system to the Village's Police Department, or to such other location as directed by the Village's Police Department, to address instances of unpermitted entry into the establishment.

PERCENTAGE OF INCOME FROM VIDEO GAMING

(8) The percentage of income received from Video Gaming shall not exceed forty-nine percent (49%) of the establishment's gross revenue. The liquor licensee shall be prepared to establish that the liquor licensee has met the forty-nine percent (49%) standard upon the request of the Village and this determination shall be based upon, but not be limited to, audited financial statements, corporate financial reports, tax return information, State liquor license reports, or any other form of documentation/information deemed acceptable by the Village. At the Village's discretion, each liquor licensee shall be subject to an annual audit to verify compliance with this subsection. The 49% threshold standard was initially recommended by the Finance and Administration Committee and subsequently recommended by additional Village standing advisory committees.

MINIMUM TIME IN OPERATION

(10)(b) A business establishment with a liquor license that allows for consumption of alcoholic beverages on the licensed premises, must have existed on, and been in continuous bona fide operation on, the licensed premises for no less than twelve (12) months at the time of the application for the liquor license which allows the operation of Video Gaming Terminals on the licensed premises. License applicants must otherwise be in "good standing" with the Village at the time of their application.

VIDEO GAMING CAFÉS PROHIBITED

(E) Expressly prohibits Video Gaming Cafés in the Village, and provides that no liquor license shall be created, maintained or authorized for a Video Gaming Café.

SECTION 12 – LICENSE FEE PER TERMINAL

This language sets the license fee per Video Gaming Terminal (VGT) at \$25.00 which is the maximum permitted under the Illinois Gaming Act for non-home rule municipalities.

SECTIONS 14 & 15 – SUNSET CLAUSE

At the request of the Village President, language setting forth a “sunset provision” has been included in the draft video gaming ordinance. These “sunset provisions” provide that the permissions authorizing video gaming under the proposed ordinance shall terminate at 11:59 p.m. on June 30, 2020. This language will automatically go into effect without further need for action by the President and Board of Trustees. As such, the only way for video gaming to be permitted beyond June 30, 2020 is for the Village Board to take affirmative action to adopt legislation to provide for it. If no further action takes place, video gaming will be prohibited effective July 1, 2020 and the liquor license shall automatically return to its current form.

ADDITIONAL CONSIDERATIONS

In the event that an ordinance for video gaming containing a “sunset provision” is approved by the Village Board of Trustees, staff recommends that any revenues generated to the Village from such activity shall not be programmed or budgeted toward operations of the Village under the general fund as the revenue source may not exist beyond one year.

As a follow-up to the Village Board workshop on January 24, Village staff has surveyed neighboring communities relative to their experiences with the business community in regards to video gaming. The results of the Community Development survey and a tabulation of liquor license activity over the last five years in the Village of Lombard are included here for your review as Exhibit B.

Pursuant to the direction of the Village Board, copies of this memo and draft ordinance will be shared publicly and posted to the Village website and social media in advance of the March 7 scheduled Village workshop.

Should you have any questions or concerns regarding the draft ordinance or this issue, please do not hesitate to contact me.

cc: Nicole P. Aranas, Assistant Village Manager
Tom Bayer, Village Attorney

ORDINANCE NO. _____

**AN ORDINANCE AMENDING TITLE XI, CHAPTER 110, SECTION 110.11;
TITLE XI, CHAPTER 112; AND TITLE XI, CHAPTER 115
OF THE LOMBARD VILLAGE CODE IN REGARD TO VIDEO GAMING
AND LIQUOR LICENSES FOR ESTABLISHMENTS WITH VIDEO GAMING**

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 112.02 of the Lombard Village Code is amended as follows:

A. By adding the following definitions thereto:

"Illinois Video Gaming Act. 230 ILCS 40/1 et seq.

Video Gaming. The activity authorized by the Illinois Video Gaming Act, involving the use of a Video Gaming Terminal.

Video Gaming Terminal. Any electronic video game machine that, upon insertion of cash, electronic cards or vouchers, or any combination thereof, is available to play or simulate the play of a video game, including but not limited to video poker, line up and blackjack, as authorized by the Illinois Gaming Board pursuant to the Illinois Video Gaming Act, utilizing a video display and microprocessors in which the player may receive free games or credits that can be redeemed for cash. The term does not include a machine that directly dispenses coins, cash or tokens, or is for amusement purposes only.

Video Gaming Café. An establishment whose primary or major focus is Video Gaming, as provided for pursuant to the Illinois Video Gaming Act, and the service of alcohol and food is incidental to the operation of Video Gaming. Any establishment that receives more than forty-nine percent (49%) of its gross revenue from the operation of Video Gaming Terminals shall be classified as a Video Gaming Café."

- B. By inserting the words "non-Video Gaming" between the words "the" and "gross" in the second sentence of the definition of "Restaurant," as contained therein.
- C. By inserting the words "non-Video Gaming" between the words "the" and "gross" in the third sentence of the definition of "Self-Service Restaurant," as contained therein.
- D. By inserting the words "non-Video Gaming" between the words "the" and "gross"

in the second sentence of the definition of "Small Restaurant," as contained therein.

SECTION 2: That Title XI, Chapter 112, Section 112.12(A) of the Lombard Village Code is amended as follows:

- A. The descriptions of the Class "A/B-I," "A/B-II," "A/B-III," "A/B-IV," "C," "D," "E," "EE," "F," "FF," "G," "GG," "GGG," "H," "I," "J," "JJ," "K," "L-I," "L-II," "M," "N-I," "N-II," "O," "P," "Q-I," "Q-II," "R," "S," "T-I," "T-II," "T-III," "U," "V," "VV," "X," "XX," "Y," "Z" and "ZZ" liquor license categories, as contained therein, are amended by adding the following to the end of each description:

"Video Gaming, as provided for under the Illinois Video Gaming Act, shall not be allowed on the licensed premises."

- B. That the following new liquor license classes and descriptions are added thereto:

"Class "A/B-II-VG" — Alcoholic beverages served as an adjunct to food service; no package sales allowed. Gross annual dollar amount of liquor sales of greater than \$100,000.00, but shall not exceed \$400,000.00. (Restaurant) The operation of Video Gaming Terminals on the licensed premises shall be allowed, provided the establishment has been issued a Video Gaming license by the Illinois Gaming Board in accordance with the provisions of the Illinois Video Gaming Act, and further provided the establishment shall comply with all the provisions of the Illinois Video Gaming Act and all rules, regulations and restrictions imposed by the Illinois Gaming Board.

Class "A/B-III-VG" — Alcoholic beverages served as an adjunct to food service; no package sales allowed. Gross annual dollar amount of liquor sales of more than \$400,000.00. (Restaurant) The operation of Video Gaming Terminals on the licensed premises shall be allowed, provided the establishment has been issued a Video Gaming license by the Illinois Gaming Board in accordance with the provisions of the Illinois Video Gaming Act, and further provided the establishment shall comply with all the provisions of the Illinois Video Gaming Act and all rules, regulations and restrictions imposed by the Illinois Gaming Board.

Class "A/B-IV-VG" — Alcoholic beverages served as an adjunct to food service, with a gross annual dollar amount of liquor sales of more than \$400,000.00 (Restaurant). Package sales of specialty wine (wine produced under the name of a current or former professional sports figure) allowed from an on-premises gift shop associated with the restaurant. Package sales of specialty wine (wine produced under the name of a current or former professional sports figure) via phone/catalogue/internet order allowed, provided said sales are processed as a sale from the licensed premises. The operation of Video Gaming Terminals on the licensed premises shall be allowed, provided the establishment has been issued a Video Gaming license by the Illinois Gaming Board in accordance with the provisions of the Illinois Video Gaming Act, and further provided the

establishment shall comply with all the provisions of the Illinois Video Gaming Act and all rules, regulations and restrictions imposed by the Illinois Gaming Board.

Class "D-VG" — Alcoholic beverages served with the primary purpose of the establishment being the sale of alcoholic beverages; package goods allowed to be sold. (Tavern) The operation of Video Gaming Terminals on the licensed premises shall be allowed, provided the establishment has been issued a Video Gaming license by the Illinois Gaming Board in accordance with the provisions of the Illinois Video Gaming Act, and further provided the establishment shall comply with all the provisions of the Illinois Video Gaming Act and all rules, regulations and restrictions imposed by the Illinois Gaming Board.

Class "I-VG" — Alcoholic beverages served for consumption on the premises of a not-for-profit club, not-for-profit entity or governmental entity; no package sales allowed. The operation of Video Gaming Terminals on the licensed premises shall be allowed, provided the establishment has been issued a Video Gaming license by the Illinois Gaming Board in accordance with the provisions of the Illinois Video Gaming Act, and further provided the establishment shall comply with all the provisions of the Illinois Video Gaming Act and all rules, regulations and restrictions imposed by the Illinois Gaming Board.

Class "M-VG" — As this liquor license category relates solely to the sale of beer and wine by a Class M Restaurant, as defined in § 112.02 of this Code, see said definition of Class M Restaurant for further requirements applicable to the Class "M-VG" liquor license. The operation of Video Gaming Terminals on the licensed premises shall be allowed, provided the establishment has been issued a Video Gaming license by the Illinois Gaming Board in accordance with the provisions of the Illinois Video Gaming Act, and further provided the establishment shall comply with all the provisions of the Illinois Video Gaming Act and all rules, regulations and restrictions imposed by the Illinois Gaming Board.

Class "N-I-VG" — Alcoholic beverages served in relation to food service, with the food service constituting at least 40 percent of the non-Video Gaming gross income of the establishment. Package sales of wine and champagne only shall be allowed. Gross annual dollar amount of liquor sales of more than \$300,000.00. The operation of Video Gaming Terminals on the licensed premises shall be allowed, provided the establishment has been issued a Video Gaming license by the Illinois Gaming Board in accordance with the provisions of the Illinois Video Gaming Act, and further provided the establishment shall comply with all the provisions of the Illinois Video Gaming Act and all rules, regulations and restrictions imposed by the Illinois Gaming Board.

Class "N-II-VG" — Alcoholic beverages served in relation to food service, with the food service constituting at least 40 percent of the non-Video Gaming gross income of the establishment. Package sales of wine and champagne only shall be allowed. Gross annual dollar amount of liquor sales shall not exceed \$300,000.00. The operation of Video Gaming Terminals on the licensed premises shall be allowed, provided the establishment has been issued a Video

Gaming license by the Illinois Gaming Board in accordance with the provisions of the Illinois Video Gaming Act, and further provided the establishment shall comply with all the provisions of the Illinois Video Gaming Act and all rules, regulations and restrictions imposed by the Illinois Gaming Board.

Class "S-VG" — The manufacturing of beer products on the licensed premises, for consumption on the licensed premises, along with the sale of said beer products manufactured on the licensed premises for consumption off the licensed premises. In addition to beer products manufactured on the licensed premises, beer, cider and wine, that are not manufactured on the licensed premises, may be sold for consumption on the licensed premises. Tasting of all alcoholic beverages sold on the licensed premises is allowed. The operation of Video Gaming Terminals on the licensed premises shall be allowed, provided the establishment has been issued a Video Gaming license by the Illinois Gaming Board in accordance with the provisions of the Illinois Video Gaming Act, and further provided the establishment shall comply with all the provisions of the Illinois Video Gaming Act and all rules, regulations and restrictions imposed by the Illinois Gaming Board.

Class "XX-VG" — Alcoholic beverages, served as an adjunct to a live entertainment establishment, subject to the following restrictions and requirements:

(1) The establishment must have a full service kitchen for the preparation of meals for the patrons of the establishment, with said full service kitchen to remain open, and food service to be offered at the establishment, each day that the establishment is open for business, from the opening time until at least 10:00 p.m.

(2) As the establishment is primarily a live entertainment venue, the liquor license fee, as set forth in § 112.14(A) of this Code, shall cover the licensing relative to the live entertainment at the establishment, and no separate live entertainment license shall be required under § 112.39 of this Code.

(3) No individual under the age of 21 years shall be allowed in the licensed premises at any time period that live entertainment is taking place, including during any break periods for said live entertainment, or during any time period that the full service kitchen is closed, and food service is not being offered.

(4) No package sales of alcoholic beverages shall be allowed.

The operation of Video Gaming Terminals on the licensed premises shall be allowed, provided the establishment has been issued a Video Gaming license by the Illinois Gaming Board in accordance with the provisions of the Illinois Video Gaming Act, and further provided the establishment shall comply with all the provisions of the Illinois Video Gaming Act and all rules, regulations and restrictions imposed by the Illinois Gaming Board.

Class "Z-VG" — Alcoholic beverages served as an adjunct to food service at a location that also brews beer on the licensed premises. The sale of beer brewed on the licensed premises for carry-out shall be allowed; with all other package

sales prohibited. (Restaurant/Brew Pub) The operation of Video Gaming Terminals on the licensed premises shall be allowed, provided the establishment has been issued a Video Gaming license by the Illinois Gaming Board in accordance with the provisions of the Illinois Video Gaming Act, and further provided the establishment shall comply with all the provisions of the Illinois Video Gaming Act and all rules, regulations and restrictions imposed by the Illinois Gaming Board."

SECTION 3: That Title XI, Chapter 112, Section 112.13(A) of the Lombard Village Code is amended by adding the following thereto:

"Class "A/B-II-VG" – 0
Class "A/B-III-VG" – 0
Class "A/B-IV-VG" – 0
Class "D-VG" – 0
Class "I-VG" – 0
Class "M-VG" – 0
Class "N-I-VG" – 0
Class "N-II-VG" – 0
Class "S-VG" – 0
Class "XX-VG" – 0
Class "Z-VG" – 0"

SECTION 4: That Title XI, Chapter 112, Section 112.14(A) of the Lombard Village Code is amended by adding the following thereto:

"Class "A/B-II-VG" – \$1,500.00
Class "A/B-III-VG" – \$2,500.00
Class "A/B-IV-VG" – \$3,000.00
Class "D-VG" – \$1,000.00
Class "I-VG" – \$400.00
Class "M-VG" – \$800.00
Class "N-I-VG" – \$1,500.00
Class "N-II-VG" – \$1,000.00
Class "S-VG" – \$750.00
Class "XX-VG" – \$4,000.00
Class "Z-VG" – \$2,500.00"

SECTION 5: That Title XI, Chapter 112, Section 112.14(E) of the Lombard Village Code is amended by adding the following between "a" and "Class A/B-I":

"Class A/B-II-VG, Class A/B-III-VG,"

SECTION 6: That Title XI, Chapter 112, Section 112.17(D) of the Lombard Village Code is amended by adding the following between "date" and "Class A/B-I":

"Class A/B-II-VG, Class A/B-III-VG,"

SECTION 7: That Title XI, Chapter 112, Section 112.18 of the Lombard Village Code is amended by adding new subsections (D) and (E) thereto, which shall read in their entirety as follows:

“(D) The following restrictions apply to all liquor licenses which allow for and authorize the operation of Video Gaming Terminals upon the licensed premises:

(1) The operation of Video Gaming Terminals shall not be permitted during the hours alcoholic liquor sales are prohibited, as provided in Section 112.36 of this Code.

(2) As required by the Illinois Video Gaming Act, Video Gaming is prohibited in any establishment located within 100 feet of any school (as defined in the Illinois Video Gaming Act) or place of worship.

(3) As required by the Illinois Video Gaming Act, Video Gaming shall be located in an area that is restricted to persons 21 years of age or older.

(4) As required by the Illinois Video Gaming Act, the total number of Video Gaming Terminals located in the establishment shall not exceed five (5).

(5) The establishment shall comply with all of the Village’s sign regulations and it shall be unlawful to advertise for Video Gaming via a sign visible from any street, alley or public right-of-way within the Village. This includes temporary or permanent signage that may include a business name, name, identification, description, display, illustration or attention-getting device which is affixed to or painted or represented directly or indirectly upon a building or other outdoor surface or lot, and which directs attention to a person, business, product, service, place, organization or entertainment.

(6) The establishment shall be required to install, operate and maintain a video camera surveillance system capable of recording clear and unobstructed photographic representations of the segregated area of the establishment where the Video Gaming Terminals are located, and shall retain the video recordings produced therefrom for a minimum of thirty (30) days. Said video recordings shall be subject to inspections by the Village’s Police Department upon request therefor.

(7) The establishment shall be equipped with a direct connect burglar alarm system to the Village’s Police Department, or to such other location as directed by the Village’s Police Department, to address instances of unpermitted entry into the establishment.

(8) The percentage of income received from Video Gaming shall not exceed forty-nine percent (49%) of the establishment’s gross revenue. The liquor licensee shall be prepared to establish that the liquor licensee has met the forty-nine percent (49%) standard upon the request of the Village and this determination shall be based upon, but not be limited to, audited financial statements, corporate financial reports, tax return information, State liquor license reports, or any other form of documentation/information deemed acceptable by the Village. At the Village’s discretion, each liquor licensee shall be subject to an annual audit to verify compliance with this subsection.

(9) As required by the Illinois Video Gaming Act, all Video Gaming Terminals shall be located in a segregated area which shall be accessible only to

persons over 21 years of age. Applicants shall submit a site plan clearly indicating the proposed location of all Video Gaming Terminals and the type of barrier to be utilized to segregate the area; provided however, that such barrier shall not obstruct the view of the Video Gaming area, which shall be visible to an employee of the liquor licensee, who is over 21 years of age, at all times.

(10) The liquor licensee applicant/business establishment must be in good standing with the Village at the time of the application for a liquor license which allows for the operation of Video Gaming Terminals on the licensed premises. To be in "in good standing":

(a) the liquor license applicant shall owe no sums of money to the Village at the time of submitting an application for a liquor license which allows for the operation of Video Gaming Terminals on the licensed premises;

(b) a business establishment, with a liquor license that allows for consumption of alcoholic beverages on the licensed premises, must have existed on, and been in continuous bona fide operation on, the licensed premises for no less than twelve (12) months at the time of the application for the liquor license which allows the operation of Video Gaming Terminals on the licensed premises;

(c) the liquor license applicant shall have had no violations causing a suspension of its liquor or business license in the twelve (12) months prior to submitting an application for a liquor license which allows for the operation of Video Gaming on the licensed premises; and

(d) the liquor license applicant shall be in compliance with all dram shop and Video Gaming laws, rules and regulations of the Village and the State of Illinois.

(E) Video Gaming Cafés are expressly prohibited in the Village, and no liquor license shall be created, maintained or authorized for a Video Gaming Café."

SECTION 8: That Title XI, Chapter 112, Section 112.33(B) of the Lombard Village Code is amended by adding the following between "Class" and "A/B-I", at both locations where same exists in said Section 112.33(B):

"A/B-II-VG, A/B-III-VG, A/B-IV-VG, M-VG, N-I-VG, N-II-VG, Z-VG,"

SECTION 9: That Title XI, Chapter 112, Section 112.36(B) of the Lombard Village Code is amended by adding "or Class M-VG" between "Class "M" " and "liquor," as contained therein.

SECTION 10: That Title XI, Chapter 112, Section 112.36(D) of the Lombard Village Code is amended by adding " "D-VG," "I-VG," "M-VG" " between "Class" and " "D" ", as contained therein.

SECTION 11: That Title XI, Chapter 112, Section 112.40(A) of the Lombard Village Code is amended by adding "A/B-II-VG, A/B-III-VG, A/B-IV-VG, D-VG, I-VG,

M-VG, N-I-VG, N-II-VG, S-VG, XX-VG, Z-VG” between “Class” and “A/B-I”, as contained therein.

SECTION 12: That Title XI, Chapter 110, Section 110.11 of the Lombard Village Code is amended to read in its entirety as follows:

“§ 110.11 – Video Gaming.

- (A) Video Gaming, as provided for by the Illinois Video Gaming Act, 230 ILCS 40/1 *et seq.*, and defined in Section 112.02 of this Code, is prohibited in the Village, except as expressly authorized pursuant to Chapter 112 of this Code. Video Gaming is prohibited in licensed truck stop establishments, as defined by the Illinois Video Gaming Act. Video Gaming Cafés, as defined in Section 112.02 of this Code, shall not be qualified to obtain any existing classification of Village liquor license, and no such liquor license, allowing Video Gaming Cafés, shall be created, maintained or authorized by Chapter 112 of this Code.
- (B) Any establishment operating pursuant to a liquor license which allows for and authorizes Video Gaming Terminals on the licensed premises must pay, in addition to the applicable liquor license fee, an annual fee to the Village in the amount of \$25.00 per Video Gaming Terminal operated in the establishment. Failure to pay said fee will result in the suspension of any Village licenses issued to said establishment, as well as fines as provided for by Section 10.99 of this Code. For purposes of this subsection, the annual Video Gaming Terminal license year shall be from July 1st through June 30th of the following year. There shall be no proration of the license fee in regard to a Video Gaming Terminal license issued after July 1st.”

SECTION 13: That Title XI, Chapter 115 of the Lombard Village Code is amended by adding a new Section 115.08 thereto, which shall read in its entirety as follows:

“§ 115.08 – Video Gaming Prohibition.

Video Gaming, as provided for by the Illinois Video Gaming Act, 230 ILCS 40/1 *et seq.*, and defined in Section 112.02 of this Code, is prohibited at those business establishments, licensed under this Chapter 115, which constitute licensed truck stop establishments, as defined in the Illinois Video Gaming Act.”

SECTION 14: That Title XI, Chapter 115, Section 115.08 of the Village Code shall be repealed, effective at 11:59:59 p.m. on June 30, 2020, without need for further action of the President and Board of Trustees of the Village.

SECTION 15: That the additions to Title XI, Chapter 112 of the Lombard Village Code, as provided for in Sections 1 through 11 of this Ordinance, are hereby repealed effective at 11:59:59 p.m. on June 30, 2020, without need for further action of the President and Board of Trustees of the Village, with the Sections and subsections of Title XI, Chapter 112 of the Lombard Village Code, that were amended by Sections 1 through 11 of this Ordinance, reverting to the form in which they appeared, prior to the

effective date of this Ordinance, but as further amended after the effective date of this Ordinance, as of 11:59:59 p.m. on June 30, 2020.

SECTION 16: That Title XI, Chapter 110, Section 110.11 of the Lombard Village Code shall be amended, effective at 11:59:59 p.m. on June 30, 2020, to read in its entirety as follows:

“§ 110.11 - Video Gaming Prohibition.

(A) *Authority.* This Section is promulgated pursuant to the authority to prohibit Video Gaming (as defined below) in the Village, as contained in 230 ILCS 40/27, all as may be amended from time to time.

(B) *Definitions.*

For purposes of this Section, the following terms shall be defined as follows:

Video Gaming means the ownership, placement, maintenance, operation or use of a Video Gaming Terminal (as defined below) in a licensed establishment, licensed fraternal establishment, licensed veterans establishment or licensed truck stop establishment, as said terms are defined within the Illinois Video Gaming Act (230 ILCS 40/1 *et seq.*) (hereinafter the "Establishment(s)"), within the Village.

Video Gaming Terminal means any electronic video game machine that, upon insertion of cash, is available to play or simulate the play of a video game, including but not limited to video poker, line up and blackjack, as authorized by the Illinois Gaming Board, utilizing a video display and microprocessors in which the player may receive free games or credits that can be redeemed for cash. The term does not include a machine that directly dispenses coins, cash or tokens or is for amusement purposes only.

(C) *Prohibition.*

- (1) Video Gaming is prohibited within the Village.
- (2) A Video Gaming license issued by the State of Illinois is not effective within the Village.
- (3) A prohibited Video Gaming Terminal shall be immediately removed by the owner or operator from the Establishment(s).
- (4) It shall be unlawful for a person, firm or corporation to permit or allow any Video Gaming Terminal to be played or remain within any Establishment(s) within the Village.

(D) *Enforcement.*

Authorized representatives of the Village's Police Department, including sworn peace officers and other individuals as the Chief of the Village's Police Department may designate from time to time, may make inspections of the premises of Establishment(s) or any premises where there is cause to believe Video Gaming occurs, for the purpose of determining whether a violation of this Section is taking place. These inspection rights

are in addition to any other statutory or common law powers of the Village's Police Department.

(E) *Penalties.*

- (1) Any person, firm or corporation who violates any provision of this Section shall be subject to a fine of not less than \$750.00.
- (2) In lieu of prosecution under subsection (1) above, any person, firm or corporation who violates any provision of this Section may be subject to prosecution under the gambling provisions of the Illinois Criminal Code, 720 ILCS 5/28-1, *et seq.*"

SECTION 17: 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 _____, 2019.

First reading waived by action of the Board of Trustees this ___ day of _____, 2019.

Passed on second reading this _____ day of _____, 2019, pursuant to a roll call vote as follows.

AYES: _____

NAYS: _____

ABSENT: _____

APPROVED by me this _____ day of _____, 2019.

Keith Giagnorio, Village President

ATTEST:

Sharon Kuderna, Village Clerk

Published by me in pamphlet form this _____ day of _____, 2019.

Sharon Kuderna, Village Clerk

Exhibit A - Liquor License Categories

Possibly Permitted Under Draft Ordinance (35)

A/B-II – Restaurant gross sales \$100,000-\$400,000 (\$1,500)(8)

- Stack's Grilled Cheese Bar
- Babcock's Grove
- Flat Top Grill
- Whirly Ball
- Sal's Pizza Pub
- Marquette Kitchen & Tap
- Armand's Victory Tap
- Anthony's Coal Fired Pizza

A/B-III – Restaurant gross sales >\$400,000 (\$2,500)(14)

- Miller's Ale House
- Greek Islands
- Brio
- Buca di Beppo
- Overtime Bar & Grill
- Buffalo Wild Wings
- Capital Grille
- Claim Jumper
- PF Changs
- RA Sushi
- Uncle Julio's
- Weber Grill
- Benihana
- Yard House

A/B-IV – Restaurant gross sales >\$400,000 w/package sales of specialty wine (\$3,000)(1)

- Harry Caray's

D – Tavern (full alcohol & packaged goods) (\$500)(3)

- O'Neill's
- Otto's
- Punky's Pub

I – Not-for-profit clubs and governmental entities (\$400)(3)

- Beacon Hill
- Lombard Moose
- Western Acres Golf Course

M – Principal business operation of 8 or more coin-operated amusement devices (\$800)(1)

- Enchanted Castle

N1 – Full alcohol (40/60 food:alcohol) – sales >\$300,000 – package wine and champagne (\$1,500)(1)

- DOC Wine Bar

N2 – Full alcohol (40/60 food:alcohol) – sales <\$300,000 – package wine and champagne (\$1,000)(1)

- Praga

S – Brewery on premises (\$750)(1)

- Noon Whistle

XX – Live entertainment – full alcohol (\$4,000)(1)

- Brauerhouse

Z – Restaurant/Brew Pub (\$2,500)(1)


- Rock Bottom

Exhibit B



MEMORANDUM

TO: Scott R. Niehaus, Village Manager

FROM: William J. Heniff, AICP, Director of Community Development 

MEETING DATE: March 7, 2019

SUBJECT: **Neighboring Community Survey – Video Gaming Experiences**

As a follow-up to the Special Meeting of the Lombard Village Board on January 24, staff had an opportunity to contact some of the adjacent municipalities relative to their experiences with the business community as it pertains to video gaming. Specific outreach was made to the communities named at the meeting that currently prohibit gaming (Glen Ellyn and Wheaton) as well as the Village of Villa Park and the City of Oakbrook Terrace which do permit gaming.

Attached is a table noting their responses. A quick summation finds that all four of the municipalities share the same general opinion that their desire to permit or prohibit gaming in their respective communities has been generally supported by their own business community and/or public. None of them expressed concerns about their existing policies.

Also attached was an internal tabulation of restaurant business activity in the Village relative to the total number of restaurants/liquor establishments in the Village over the last five years. In total, there was a net gain of two restaurants over that time.

**Municipal Survey Regarding Video Gaming
Selected Named Communities Without Gaming as of February, 2019**

	Glen Ellyn	Wheaton
Since 2014, how many new restaurants with a companion liquor license have opened within your community?	12	7
Since 2014, how many new restaurants with a companion liquor license have closed within your community?	3	2
NET CHANGE	9	5
Did any of these businesses state that the reason they closed was because they could not have gaming?	No	No
Based upon your experience, has the prohibition on gaming resulted in any restaurant business relocations from your town to one with gaming?	No	No
Has your restaurant business community overall expressed their concerns about not being able to have such an opportunity?	No	One (Wheaton Bowl)
Are you aware of any lost restaurant or other economic development opportunities that otherwise would have come to your community, but for the gaming prohibition?	No	No
Any other thoughts that have come up in your community?	“They had a couple of restaurants inquire, because they have other locations in other municipalities where gaming is permitted, however, they still opened here in Glen Ellyn.”	“The City council has absolutely no interest in allowing video gaming.”

**Municipal Survey Regarding Video Gaming
 Selected Named Communities With Gaming as of February, 2019**

	Villa Park	Oakbrook Terrace
How many restaurants have opened since the beginning of 2014 that have on-premises liquor?	Restaurants – 12 Restaurants with gaming - 6	Restaurants – 8 Gaming Cafes - 9
How many also have closed during the same period?	1 restaurant closed, but moved to another location in Villa Park	Restaurants – 8 Gaming Cafes - 1
NET CHANGE	Restaurants - 12 Restaurants with gaming - 6	Restaurants – 0 Gaming Cafes - 8
Does this include/exclude establishments like Dottie’s & Stella’s (i.e., establishments where gaming is the principal use but also have a food/liquor licenses)?	Yes, 2 gaming locations	Yes, the gaming cafes
As far as you know, were any of new businesses simple relocations from communities that don’t allow for gaming?	Do not know	Do not know
Did any of these businesses state that the reason they opened in your town versus elsewhere was because they could have gaming?	Do not know the direct answer to the question	Do not know
Has allowing on gaming resulted in any business to not locate in your community or lost other economic development opportunities?	Not that they were aware of	Not aware of any
Are you aware of any comments, benefits, or other economic development opportunities that otherwise have come to your community since 2014?	Villa Park has been able to have additional business activity, including the new More Brewing in their downtown. Gaming has not hurt their ability to attract new establishments.	None

Name of Business – Liquor Licenses Terminated (Restaurant/Liquor Establishments Only)	Year	Name of Business – Liquor Licenses Added (Restaurant/Liquor Establishments Only)
DMK Burger Bar – Class A/B-III - Business closed Roundhead’s Pizza Pub –Class A/B-III - Business closed	2018	Yard House – Class A/B-III Balkan Bakery – Class C Anthony’s Coal Fired Pizza – Class A/B-II
Subtotal 2		Subtotal 3
El Anzuelo De Oro – Class A/B-I – Business Closed Casey’s Restaurant & Bar – Class A/B-II – Business Closed Noodles & Company – Class C – Business in operation – voluntary non-renewal of their liquor license Tom & Eddies Better Burgers – Class C – Business Closed Beer House – Class L-II – Business closed Thai Sushi Inn – Class U – Business closed Gail’s Carriage Café – Class C – Business sold and replaced by Maple Café’	2017	Kai Sushi – Class C Firewater BBQ N Brew – Class C Taqueria Los Comales – Class U
Subtotal 8		Subtotal 3
Casa Real Cosina Mexicana – Class A/B-II – Closed – replaced by LA Fitness Lucky Strike Lanes – Class R - Business closed – replaced by Nordstrom Rack Rokki Japanese Cuisine – Class U Omega Restaurant – Class C – Business sold to Gail’s Carriage Café (see 2017) TGI Friday’s – A/B-III - Business closed – lost lease and razed for Sam’s Club Champps Americana – Class A/B-III – Business closed and building razed and replaced by Yard House (see 2018)	2016	Babcock’s Grove House – Class A/B-II Shahi Banquets – Class K Gail’s Carriage Café – Class C Brick’s Wood Fired Pizza Café (2 nd location – Highlands of Lombard) Class C Brauerhouse Expansion – Class XX The Cellar – Class L-I
Subtotal 6		Subtotal 6
Capone’s Restaurant & Pizzeria – Class A/B-I – business closed and to be replaced by Ground Level Restaurant	2015	Marquette Kitchen & Tap – Class A/B-II LaFrance Café & Crepes – Class C
Subtotal 1		Subtotal 2
Kobe Hibachi Sushi Buffet – Class C - Closed and replaced by LA Fitness	2014	El Anzuelo De Oro – Class A/B-I Billy Goat Tavern & Grill – Class A/B-I Casa Real Cosina Mexicana – Class A/B-II Armand’s Victory Tap – Class A/B-II Thai Sushi Inn – Class U Noon Whistle – Class S
Subtotal 1		Subtotal 6
Grand Total 18		Grand Total 20
NET CHANGE (2014 to 2018)	+2	

CHAPTER 112: - ALCOHOLIC BEVERAGES

ARTICLE I. - GENERAL PROVISIONS

§ 112.01 - Construction of chapter.

This Chapter shall be liberally construed so that the public health, safety, and welfare shall be protected and temperance in the consumption of alcoholic liquor shall be fostered and promoted by sound and careful control and regulation of the sale and distribution of alcoholic liquors.

('70 Code, § 5.28.010) (Ord. 2545, passed 7-8-82)

§ 112.02 - Definitions.

For the purpose of this Chapter the following definitions shall apply unless the context clearly indicates or requires a different meaning.

Alcohol. Means the product of distillation of any fermented liquid, whether rectified or diluted, whatever may be the origin thereof, and includes synthetic ethyl alcohol. It does not include denatured alcohol or wood alcohol.

Alcoholic liquor. Alcohol, spirits, wine, and beer, and every liquid or solid, patented or not, containing alcohol, spirits, wine, or beer, and capable of being consumed as a beverage by a human being. The provisions of this Chapter shall not apply to alcohol used in the manufacture of denatured alcohol produced in accordance with acts of Congress and regulations promulgated thereunder, nor to any liquid or solid containing one-half (0.5) percent, or less, of alcohol by volume. No tax provided for in Title IX of this code shall apply to wine intended for use and used by any church or religious organization for sacramental purposes, provided that such wine shall be purchased from a licensed manufacturer or importing distributor.

Alcohol wristband. An indicia of eligibility (worn on the wrist of a movie theater patron) to be served an alcoholic beverage by a Class "X" liquor licensee.

Beer. A beverage obtained by the alcoholic fermentation of an infusion or concoction of barley, or other grain, malt, and hops in water, and includes, among other things, beer, ale, stout, lager beer, porter, and the like.

Bowling alley. Every establishment or building, or part of an establishment or building, as the case may be, wherein the game of bowling, played with composition balls and ten wooden pins, is played.

Class M restaurant. Any public place, kept, used, maintained, advertised, and held out to the public as a place where meals are actually and regularly served, with adequate and sanitary kitchen and dining room equipment and with adequate staff to take orders, prepare food, and serve food. Beer and wine may only be sold at this restaurant which is an adjunct to an establishment whose principal business is the operation of eight or more coin-operated amusement devices. The principal business activity shall be the operation of more than eight coin-operated amusement devices, but the operation of a restaurant is related to any a portion of the principal business activity. The establishment is not restricted to family units, and minors under 18 are not admitted for the playing of devices both coin-operated and non-coin-operated, even if no food is served. Minors will not be admitted during normal school hours on school days or after curfew, unless the minors are accompanied by an adult. Adequate supervision must be provided by the liquor license holder to ensure the purpose of a restaurant and food service is maintained and that 30 percent of the business is related to restaurant and public accommodation portion of the establishment. Food service area is separate and apart from the coin-operated amusement devices. Notwithstanding the requirement that the beer and wine may only be sold at the restaurant portion of the establishment, whose principal business is the operation of eight or more coin operated amusement devices, the consumption of the beer and wine so sold may take place in any portion of said establishment, and not just within the restaurant portion of said establishment.

Hotel. Every building or other structure kept, used, maintained, advertised, and held out to the public to be a place where food is actually served and consumed and sleeping accommodations are offered for

adequate pay to travelers and guests, whether transient, permanent, or residential, in which 25 or more rooms are used for the sleeping accommodations of such guests and having one or more public dining rooms where meals are served to such guests, such sleeping accommodations and dining rooms being conducted in the same building or buildings in connection therewith, and such building or buildings, structure or structures being provided with adequate and sanitary kitchen and dining room equipment and capacity.

Illinois Video Gaming Act. 230 ILCS 40/1 et seq.

Key holder. An individual who holds the key to the liquor license establishment within a sufficiently close area as approved by the Liquor Commissioner to ensure immediate access to the establishment should there be an emergency wherein the Police or Fire Departments deem it necessary to secure the key to unlock the establishment.

Local liquor commissioner or Local liquor control commissioner. The President of the Village of Lombard. For purposes of this Chapter, Local Liquor Commissioner and Local Liquor Control Commissioner have the same meaning and refer to the same individual.

Movie theater. Any building to which the public is invited and pays consideration for the purpose of viewing motion pictures.

Movie theater auditorium. That portion (or those portions) of a movie theater where patrons are seated for the actual viewing of motion pictures.

Not-for-profit club. A corporation organized under the laws of this state, not for pecuniary profit, solely for the promotion of some common object other than the sale or consumption of alcoholic liquors, kept, used, and maintained by its members through the payment of annual dues, and owning, hiring, or leasing a building or space in a building, of such extent and character as may be suitable and adequate for the reasonable and comfortable use and accommodation of its members and their guests and provided with suitable and adequate kitchen and dining room space and equipment and maintaining a sufficient number of servants and employees for cooking, preparing, and serving food and meals for its members and their guests; provided, that such club files with the local Liquor Control Commissioner at the time of its application for a license under this Chapter two copies of a list of names and residences of its members, and similarly files within ten days of the election of any additional member his name and address, and, provided further, that its affairs and management are conducted by a board of directors, executive committee, or similar body chosen by the members at their annual meeting and that no member or any officer, agent, or employee of the club is paid, or directly or indirectly receives, in the form of salary or other compensation any profits from the distribution or sale of alcoholic liquor to the club or the members of the club or its guests introduced by members beyond the amount of such salary as may be fixed and voted at any annual meeting by the members or by its board of directors or other governing body out of the general revenue of the club.

Package goods. Any bottle, flask, jug, can, cask, barrel, keg, hogshead or other receptacle or container whatsoever, used, corked or capped, sealed and labeled by the manufacturer of alcoholic liquor, which contains and conveys any alcoholic liquor, and which is sold in said corked or capped, sealed and labeled condition for consumption of the contents thereof at a location other than on the premises where sold.

Package sales. The sale of package goods.

Profit making club. A corporation organized under the laws of this state, for pecuniary purposes, open only to members of that club and owning, hiring, or leasing a building or space in a building, of such extent and character as may be suitable and adequate for the reasonable and comfortable use and accommodation of its members and their guests, and provided with suitable and adequate kitchen and dining room space and maintaining a sufficient number of servants and employees for cooking, preparing, and serving food and meals for its members and their guests. The profit making club also means a corporation organized under the laws of this state for pecuniary purposes, open only to members of that club and owning, hiring, or leasing a building or space in a building, of such extent and character as may be suitable and adequate for the reasonable and comfortable use of its members and within which package liquor sales is allowed as an adjunct to the sale of other mercantile items. The area set aside for

the sale of mercantile items must be in excess of 10,000 square feet interior space and the area set aside for liquor sales and storage shall be in excess of 2,000 square feet.

Restaurant. Except for a "Class M restaurant", any public place kept, used, maintained, advertised, and held out to the public as a place where meals are actually and regularly served, with adequate and sanitary kitchen and dining room equipment and with adequate staff to take orders, prepare food, and serve the food in a full service operation rather than a fast service operation. The principal business of a restaurant is the service of such meals and such service should constitute at least 60 percent of the non-Video Gaming gross income of the establishment as distinguished from the principal business is the service of alcoholic beverages with service of food as a supplement to the service of alcoholic beverages. The capacity for serving patrons shall not be less than 75 patrons, at any combination of tables, booths, and bars which reflect that the character of the establishment is a restaurant rather than an establishment set up to serve alcoholic beverages as its principal activity.

Sale. Any transfer, exchange or barter in any manner, or by any means whatsoever, including the transfer of alcoholic liquors by and through the transfer or negotiation of warehouse receipts.

Self-service restaurant. Any public place kept, used, maintained, advertised and held out to the public as a place where meals are actually and regularly served with adequate and sanitary kitchen and dining room equipment and with adequate staff to take specialized orders, to prepare individualized orders and to serve the individualized orders to the individual patron. The patrons may opt to pick up the food and deliver it to their own places of eating rather than having a waiter or waitress deliver the food. The principal business of a self-service restaurant is the preparation of such meals, and said meals should constitute at least 60 percent of the non-Video Gaming gross income of the establishment as distinguished from the principal business being the service of alcohol. The sale of alcoholic beverages shall be in individual containers and may not be purchased in bulk amounts, other than with bulk food orders. The capacity for serving patrons should not be less than 100 patrons, at any combination of tables, booths and bars which reflect the character of the establishment as a self-service restaurant rather than as an establishment set up to serve alcoholic beverages as its principal activity.

Small restaurant. Except for a "Class M restaurant" any public place, kept, used, maintained, advertised, and held out to the public as a place where meals are actually and regularly served, with adequate and sanitary kitchen and dining room equipment and with adequate staff to take orders, prepare food, and serve the food in a full service operation rather than a fast service operation. The principal business of a Small Restaurant is the service of such meals and such service should constitute at least 60 percent of the non-Video Gaming gross income of the establishment, as distinguished from where the principal business is the service of alcoholic beverages with service of food as a supplement to the service of alcoholic beverages. The capacity for serving patrons shall be less than 75 patrons, at any combination of tables and booths which reflect that the character of the establishment is a restaurant rather than an establishment set up to serve alcoholic beverages as its principal activity.

Spirits. Any beverage which contains alcohol obtained by distillation, mixed with water or other substance in solution, and includes brandy, rum, whiskey, gin, or other spirituous liquors, and such liquors when rectified, blended, or otherwise mixed with alcohol or other substances.

Video Gaming Café. An establishment whose primary or major focus is Video Gaming, as provided for pursuant to the Illinois Video Gaming Act, and the service of alcohol and food is incidental to the operation of Video Gaming. Any establishment that receives more than forty-nine percent (49%) of its gross revenue from the operation of Video Gaming Terminals shall be classified as a Video Gaming Café. Video Gaming. The activity authorized by the Illinois Video Gaming Act, involving the use of a Video Gaming Terminal.

Video Gaming Terminal. Any electronic video game machine that, upon insertion of cash, electronic cards or vouchers, or any combination thereof, is available to play or simulate the play of a video game, including but not limited to video poker, line up and blackjack, as authorized by the Illinois Gaming Board pursuant to the Illinois Video Gaming Act, utilizing a video display and microprocessors in

which the player may receive free games or credits that can be redeemed for cash. The term does not include a machine that directly dispenses coins, cash or tokens, or is for amusement purposes only.

Wine. Any alcoholic beverage obtained by the fermentation of the natural contents of fruits, or vegetables containing sugar, including such beverages when fortified by the addition of alcohol or spirits, as above defined.

('70 Code, § 5.28.020) (Ord. 2545, passed 7-8-82; Am. Ord. 2827, passed 2-27-86; Am. Ord. 2841, passed 4-24-86; Am. Ord. 2940, passed 3-26-87; Am. Ord. 3097-A, passed 8-4-88; Am. Ord. 3108, passed 10-20-88; Ord. 6077, passed 9/6/07; Ord. No. 6935, § 1, 4-17-14; Ord. No. 7207, § 1, passed 4-7-16)

ARTICLE II. - LICENSING

§ 112.10 - License required.

- (A) It is unlawful to sell or offer for sale at retail in the village any alcoholic liquor without having a retail liquor dealer's license, or in violation of the terms of such license.
- (B) Peddling of alcoholic liquor is absolutely prohibited.
- (C) It is unlawful for any business or club to allow the consumption of alcoholic beverages on the premises of that business or club unless the business or club has a validly issued liquor license, or the consumption of alcoholic beverage is without fee or charge and done on a special occasion basis only (open house, Christmas party, or the like).

('70 Code, § 5.28.030) (Ord. 2545, passed 7-8-82; Am. Ord. 2907, passed 12-18-86)

§ 112.11 - Application.

- (A) Application for licenses of all categories except for "J" shall be made to the Liquor Commissioner in writing and accompanied by payment of a non-refundable \$500.00 fee, payable to the village, signed by the applicant, if an individual, or by a duly authorized agent thereof, if a club or corporation, verified by oath or affidavit, and shall contain the following information and statements:
 - (1) The name, age, and address of all applicants, whether an individual, partners, or limited partners; in the case of profit corporations or clubs, the date of incorporation or organization, corporate or organizational purpose, and names and addresses of all officers and directors. In addition, corporate applicants whose stock is not regulated by a state or federal securities' commission shall identify all stockholders, including trust beneficiaries, pledge, contract purchasers, or persons otherwise having a similar interest in any of its stock, by name, address, and number of shares, unless waived by the local Liquor Commissioner;
 - (2) The citizenship of the applicant, his place of birth and, if a naturalized citizen, the time and place of his naturalization;
 - (3) The character of business of the applicant; and in case of a corporation, the objects for which it was formed;
 - (4) The length of time that the applicant has been in business of that character or, in the case of a corporation, the date on which its charter was issued;
 - (5) The amount of goods, wares, and merchandise on hand at the time application is made;
 - (6) The location and description of the premises or place of business which is to be operated under such license;
 - (7) A statement whether applicant has made similar application for a similar other license on premises other than described in this application, and the disposition of such application;

- (8) A statement that applicant has never been convicted of a felony and is not disqualified to receive a license by reason of any matter or thing contained in this Chapter, laws of the state, or the ordinances of the village;
 - (9) Whether a previous license by any state or subdivision thereof, or by the federal government has been revoked, and the reasons therefor;
 - (10) A statement that the applicant will not violate any of the laws of the state or of the United States, or any ordinance of the village in the conduct of his place of business;
 - (11) A statement that the premises are in compliance with all fire, building, zoning, and other village ordinances and codes;
 - (12) A statement of who will be acting as the manager and who will be acting as the key holder; and
 - (13) Proof that the applicant has or will have dram shop insurance pursuant to § 112.18.
- (B) The Local Liquor Commissioner shall issue a written acceptance or rejection of such application within 45 days of its receipt.
- (C) Applicants will be notified prior to receipt of application or concurrent as to whether a numerical limitation exists on applicant's intended request for a liquor license. If numerical limitation exists, an application and fee will not be accepted and processed.
- (D) (1) Class "J" applications shall consist of sufficient information on a form approved and determined necessary by the Liquor Commission so that the Liquor Commissioner will have sufficient information to issue or deny a Class "J" license.
- (2) Applications for Class "J" liquor licenses shall be made to the Liquor Commissioner in writing, accompanied by a payment of \$50.00, signed by the applicant, through the applicant's duly authorized agent, verified by oath or affidavit, and shall contain the following information and statements:
- (a) The name and address of the authorized agent for the applicant, the address for the applicant entity, the organizational purpose of the applicant entity, and the special occasion or the purpose of the request for the Class "J" liquor license.
 - (b) The premises where the alcoholic beverages are to be served.
 - (c) The location of where the alcoholic beverages are to be served on the premises.
 - (d) The length of time requested for the liquor license.
 - (e) Proof that the applicant has or will have dram shop insurance pursuant to § 112.18(A)(17).
 - (f) Any other information the Liquor Commissioner deems reasonable or necessary to determine whether issuance of a liquor license should or should not be granted.

('70 Code, § 5.28.090) (Ord. 2545, passed 7-8-82; Am. Ord. 2827, passed 2-27-86; Am. Ord. 2907, passed 12-18-86; Am. Ord. 2996, passed 11-5-87)

§ 112.12 - Classification.

- (A) Licenses for the sale of alcoholic liquor shall be divided into the following classes:

Class "A/B-I"—Alcoholic beverages served as an adjunct to food service; no package sales allowed. Gross annual dollar amount of liquor sales shall not exceed \$100,000.00. (Restaurant) Video Gaming, as provided for under the Illinois Video Gaming Act, shall not be allowed on the licensed premises.

Class "A/B-II" —Alcoholic beverages served as an adjunct to food service; no package sales allowed. Gross annual dollar amount of liquor sales of greater than \$100,000.00, but shall not exceed \$400,000.00. (Restaurant) Video Gaming, as provided for under the Illinois Video Gaming Act, shall not be allowed on the licensed premises.

Class "A/B-II-VG" —Alcoholic beverages served as an adjunct to food service; no package sales allowed. Gross annual dollar amount of liquor sales of greater than \$100,000.00, but shall not exceed \$400,000.00. (Restaurant) The operation of Video Gaming Terminals on the licensed premises shall be allowed, provided the establishment has been issued a Video Gaming license by the Illinois Gaming Board in accordance with the provisions of the Illinois Video Gaming Act, and further provided the establishment shall comply with all the provisions of the Illinois Video Gaming Act and all rules, regulations and restrictions imposed by the Illinois Gaming Board.

Class "A/B-III" —Alcoholic beverages served as an adjunct to food service; no package sales allowed. Gross annual dollar amount of liquor sales of more than \$400,000.00. (Restaurant) Video Gaming, as provided for under the Illinois Video Gaming Act, shall not be allowed on the licensed premises.

Class "A/B-III-VG" —Alcoholic beverages served as an adjunct to food service; no package sales allowed. Gross annual dollar amount of liquor sales of more than \$400,000.00. (Restaurant) The operation of Video Gaming Terminals on the licensed premises shall be allowed, provided the establishment has been issued a Video Gaming license by the Illinois Gaming Board in accordance with the provisions of the Illinois Video Gaming Act, and further provided the establishment shall comply with all the provisions of the Illinois Video Gaming Act and all rules, regulations and restrictions imposed by the Illinois Gaming Board.

Class "A/B-IV" —Alcoholic beverages served as an adjunct to food service, with a gross annual dollar amount of liquor sales of more than \$400,000.00 (Restaurant). Package sales of specialty wine (wine produced under the name of a current or former professional sports figure) allowed from an on-premises gift shop associated with the restaurant. Package sales of specialty wine (wine produced under the name of a current or former professional sports figure) via phone/catalogue/internet order allowed, provided said sales are processed as a sale from the licensed premises. Video Gaming, as provided for under the Illinois Video Gaming Act, shall not be allowed on the licensed premises.

Class "A/B-IV-VG" —Alcoholic beverages served as an adjunct to food service, with a gross annual* dollar amount of liquor sales of more than \$400,000.00 (Restaurant). Package sales of specialty wine (wine produced under the name of a current or former professional sports figure) allowed from an on-premises gift shop associated with the restaurant. Package sales of specialty wine (wine produced under the name of a current or former professional sports figure) via phone/catalogue/internet order allowed, provided said sales are processed as a sale from the licensed premises. The operation of Video Gaming Terminals on the licensed premises shall be allowed, provided the establishment has been issued a Video Gaming license by the Illinois Gaming Board in accordance with the provisions of the Illinois Video Gaming Act, and further provided the establishment shall comply with all the provisions of the Illinois Video Gaming Act and all rules, regulations and restrictions imposed by the Illinois Gaming Board.

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Class "C" —Beer and wine only served as an adjunct to food service; no package sales allowed. (Restaurant, Small Restaurant or Self Service Restaurant) Video Gaming, as provided for under the Illinois Video Gaming Act, shall not be allowed on the licensed premises.

Class "D" —Alcoholic beverages served with the primary purpose of the establishment being the sale of alcoholic beverages; package goods allowed to be sold. (Tavern) Video Gaming, as provided for under the Illinois Video Gaming Act, shall not be allowed on the licensed premises.

Class "D-VG" —Alcoholic beverages served with the primary purpose of the establishment being the sale of alcoholic beverages; package goods allowed to be sold. (Tavern) The operation of Video Gaming Terminals on the licensed premises shall be allowed, provided the establishment has been issued a Video Gaming license by the Illinois Gaming Board in accordance with the provisions of the Illinois Video Gaming Act, and further provided the establishment shall comply with all the provisions of

the Illinois Video Gaming Act and all rules, regulations and restrictions imposed by the Illinois Gaming Board.

Class "E" —Alcoholic beverages served as an adjunct to a sports and fitness center, or a recreational center not covered by a Class "M" or Class "R" liquor license, for consumption on the premises only; no package sales allowed. Video Gaming, as provided for under the Illinois Video Gaming Act, shall not be allowed on the licensed premises.

Class "EE" —Beer and wine only served as an adjunct to a place of amusement not covered by a Class "E", Class "M" or Class "R" liquor license, for consumption on the premises only and only by paying patrons of the place of amusement (those individuals who have paid for access to the amusements on the licensed premises). No kitchen shall be allowed; however, food may be provided to the patrons, from restaurants that have entered into an agreement with the liquor licensee to deliver carry-out food to the licensed premises. No package sales shall be allowed. Video Gaming, as provided for under the Illinois Video Gaming Act, shall not be allowed on the licensed premises.

Class "F" —Package sales allowed; primary purpose of establishment is sale of alcoholic liquors, not for consumption on the premises. (Package Store) Video Gaming, as provided for under the Illinois Video Gaming Act, shall not be allowed on the licensed premises.

Class "FF" —Package sales of wine and champagne only, for delivery in response to internet orders, telephone orders and mail orders. The deliveries of the wine and champagne shall take place in a manner other than on the licensed premises. The licensed premises shall not be open for entry by the public; however, all sales, of the wine and champagne, shall be consummated in a manner that provides for the sales tax on such sales to come to the village. Video Gaming, as provided for under the Illinois Video Gaming Act, shall not be allowed on the licensed premises.

Class "G" —Package sales allowed as an adjunct to a grocery establishment wherein the area set aside for groceries is in excess of 10,000 square feet interior space. A grocery store may have as an additional purpose beside selling groceries the sale of medicines, health and beauty aids, which interior space for that purpose shall be in excess of 7,000 square feet. The preliminary purpose of the grocery being the sale of food and foodstuffs. The area set aside for liquor sales and storage shall be approximately 2,000 square feet. Video Gaming, as provided for under the Illinois Video Gaming Act, shall not be allowed on the licensed premises.

Class "GG" —Package sales allowed as an adjunct to the retail sale of general merchandise, including groceries, wherein the interior retail floor area designated for the sale of all merchandise exceeds 30,000 square feet, with no less than 10,000 square feet of said interior floor area being set aside for the sale of groceries. The interior retail floor area set aside for liquor sales shall be not more than 3,000 square feet. Video Gaming, as provided for under the Illinois Video Gaming Act, shall not be allowed on the licensed premises.

Class "GGG" —Package sales of alcoholic liquor allowed as an adjunct to a grocery store establishment, wherein the interior retail floor area designated for sales exceeds 50,000 square feet, inclusive of any on-site eating areas. The interior retail floor area set aside for package sales of alcoholic liquor shall be not more than ten percent of the total interior retail floor area of the licensed premises. In addition to the package sales of alcoholic liquor, the service of alcoholic liquor, for consumption on the licensed premises, shall be allowed, subject to the following requirements:

- (1) Alcoholic liquor sold in original packages, and intended for off-premises consumption, shall not be opened or consumed on the licensed premises or in any designated seating/serving area.
- (2) Tastings of alcoholic liquor shall be permitted on the licensed premises in accordance with subsection 112.32(B) of this Code.
- (3) The sale of alcoholic liquor intended for consumption on the licensed premises shall be limited to individual servings.

- (4) The sale of alcoholic liquor, for consumption on the licensed premises, shall take place only in a designated seating/serving area, including, but not limited to, those areas where food is prepared and regularly served on the licensed premises.
- (5) The consumption of alcoholic liquor on the licensed premises shall be permitted in the designated seating/serving areas, as well as the shopping areas throughout the licensed premises; however, the licensee shall mark, with conspicuous signage, the area past which the consumption of alcoholic liquor is no longer permitted.
- (6) The designated seating/serving area for customers consuming alcoholic liquor on the licensed premises, whether inside or in an outdoor seating area, shall be limited to no more than seven percent of the interior retail floor area of the licensed premises.
- (7) As it is intended that the service of alcoholic liquor on the licensed premises is merely an adjunct to the operation of a grocery store establishment, the licensed premises shall not be advertised or otherwise held out to be an alcoholic liquor drinking establishment.
- (8) The hours for the sale of alcoholic liquor on the licensed premises, whether for consumption on the licensed premises or package sales of alcoholic liquor, shall be in accordance with § 112.36 of this Code, but in no case shall the sale of alcoholic liquor on the licensed premises take place outside of the normal business hours of the grocery store portion of the licensed premises.

The licensee may offer a program, pursuant to which an order can be placed for items sold by the licensee, and then picked up and paid for in a designated area outside of the licensee's building. Said designated area shall be considered part of the licensed premises solely for the purposes of package sales of alcoholic liquor through said program. Video Gaming, as provided for under the Illinois Video Gaming Act, shall not be allowed on the licensed premises.

Class "H" —Package sales allowed as an adjunct to a drug store in excess of 7,000 square feet interior space, the primary purpose of the drug store being the sale of medicines, and health and beauty aids. The area set aside for liquor sales and storage shall not be in excess of 2,000 square feet. Video Gaming, as provided for under the Illinois Video Gaming Act, shall not be allowed on the licensed premises.

Class "I" —Alcoholic beverages served for consumption on the premises of a not-for-profit club, not-for-profit entity or governmental entity; no package sales allowed. Video Gaming, as provided for under the Illinois Video Gaming Act, shall not be allowed on the licensed premises.

Class "I-VG" —Alcoholic beverages served for consumption on the premises of a not-for-profit club, not-for-profit entity or governmental entity; no package sales allowed. The operation of Video Gaming Terminals on the licensed premises shall be allowed, provided the establishment has been issued a Video Gaming license by the Illinois Gaming Board in accordance with the provisions of the Illinois Video Gaming Act, and further provided the establishment shall comply with all the provisions of the Illinois Video Gaming Act and all rules, regulations and restrictions imposed by the Illinois Gaming Board.

Class "J" —Alcoholic beverages served at special and limited occasions by not-for-profit clubs, not-for-profit entities or governmental entities, under such terms and conditions as contained in § 112.18. Video Gaming, as provided for under the Illinois Video Gaming Act, shall not be allowed on the licensed premises.

Class "JJ" —The service of wine for immediate consumption by the attendees of a single-day wine tasting event sponsored by a for-profit entity, in relation to which a fee is charged by the for-profit sponsoring entity for access to the wine tasting event, where the for-profit sponsoring entity does not hold a Lombard liquor license that would allow for the service of wine by the for-profit sponsoring entity at the location at which the wine tasting event is being held. No package sales of wine shall be allowed at said wine tasting event, unless any such sale is consummated in a manner that provides for the sales tax on such sale to come to the village. Notwithstanding the foregoing, the for-profit sponsoring entity may take orders for wine at the wine tasting event, provided that those attendees placing said orders do not pay for

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the wine ordered, in any manner whatsoever, at the wine tasting event. Video Gaming, as provided for under the Illinois Video Gaming Act, shall not be allowed on the licensed premises.

Class "K" —Shall authorize the retail sales of alcoholic liquor on the specified premises for consumption on said premises only by patrons of the banquet hall facilities and does not allow the sale of alcoholic liquor to the general public. Video Gaming, as provided for under the Illinois Video Gaming Act, shall not be allowed on the licensed premises.

Class "L-I" —The sale of beer and wine only, by the glass, for consumption on the premises, in conjunction with the package sales of beer and wine only. Beer and wine tastings shall be allowed, with or without a charge therefore. Video Gaming, as provided for under the Illinois Video Gaming Act, shall not be allowed on the licensed premises.

Class "L-II" —The sale of beer and wine only, by the glass, for consumption on the premises, in conjunction with the package sales of beer only. Beer tastings shall be allowed, with or without a charge therefore. A minimum seating capacity of 50 seats is required. Food may be provided to the patrons, from restaurants that have entered into an agreement with the liquor licensee to deliver carry-out food to the licensed premises. Video Gaming, as provided for under the Illinois Video Gaming Act, shall not be allowed on the licensed premises.

Class "M" —As this liquor license category relates solely to the sale of beer and wine by a Class M Restaurant, as defined in § 112.02 of this Code, see said definition of Class M Restaurant for further requirements applicable to the Class "M" liquor license. Video Gaming, as provided for under the Illinois Video Gaming Act, shall not be allowed on the licensed premises.

Class "M-VG" —As this liquor license category relates solely to the sale of beer and wine by a Class M Restaurant, as defined in § 112.02 of this Code, see said definition of Class M Restaurant for further requirements applicable to the Class "M-VG" liquor license. The operation of Video Gaming Terminals on the licensed premises shall be allowed, provided the establishment has been issued a Video Gaming license by the Illinois Gaming Board in accordance with the provisions of the Illinois Video Gaming Act, and further provided the establishment shall comply with all the provisions of the Illinois Video Gaming Act and all rules, regulations and restrictions imposed by the Illinois Gaming Board.

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Class "N-I" —Alcoholic beverages served in relation to food service, with the food service constituting at least 40 percent of the gross income of the establishment. Package sales of wine and champagne only shall be allowed. Gross annual dollar amount of liquor sales of more than \$300,000.00. Video Gaming, as provided for under the Illinois Video Gaming Act, shall not be allowed on the licensed premises.

Class "N-I-VG" —Alcoholic beverages served in relation to food service, with the food service constituting at least 40 percent of the non-Video Gaming gross income of the establishment. Package sales of wine and champagne only shall be allowed. Gross annual dollar amount of liquor sales of more than \$300,000.00. The operation of Video Gaming Terminals on the licensed premises shall be allowed, provided the establishment has been issued a Video Gaming license by the Illinois Gaming Board in accordance with the provisions of the Illinois Video Gaming Act, and further provided the establishment shall comply with all the provisions of the Illinois Video Gaming Act and all rules, regulations and restrictions imposed by the Illinois Gaming Board.

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Class "N-II" —Alcoholic beverages served in relation to food service, with the food service constituting at least 40 percent of the gross income of the establishment. Package sales of wine and champagne only shall be allowed. Gross annual dollar amount of liquor sales shall not exceed \$300,000.00. Video Gaming, as provided for under the Illinois Video Gaming Act, shall not be allowed on the licensed premises.

Class "N-II-VG" —Alcoholic beverages served in relation to food service, with the food service constituting at least 40 percent of the non-Video Gaming gross income of the establishment. Package sales of wine and champagne only shall be allowed. Gross annual dollar amount of liquor sales shall not

exceed \$300,000.00. The operation of Video Gaming Terminals on the licensed premises shall be allowed, provided the establishment has been issued a Video Gaming license by the Illinois Gaming Board in accordance with the provisions of the Illinois Video Gaming Act and further provided the establishment shall comply with all the provisions of the Illinois Video Gaming Act and all rules, regulations and restrictions imposed by the Illinois Gaming Board.

Class "O"—Alcoholic beverages served for consumption on the premises of a hotel, exhibition hall or convention hall. Beer and wine only packaged sales to patrons of the hotel shall also be allowed, provided all beer and wine on display for sale shall be kept in a locked display case with only the cashier being able to unlock said display case. Video Gaming, as provided for under the Illinois Video Gaming Act, shall not be allowed on the licensed premises.

Class "P"—Alcoholic beverages served in the parking lot of a liquor licensee, that currently holds a village liquor license which allows for the service of alcoholic beverages for consumption on the licensed premises, subject to the following conditions:

- (1) The sale of alcoholic beverages shall only take place on the day of a Chicago Bears football game with a starting time between noon and 3:30 p.m.;
- (2) The sale and consumption of alcoholic beverages shall be limited to the three hour period immediately prior to the start of the Chicago Bears football game;
- (3) The area of the parking lot in which the alcoholic beverages are sold and consumed shall be:
 - (i) Located in the center of the parking lot, so that motor vehicles can still park within the parking lot along the perimeter;
 - (ii) No greater than 11,520 square feet in area; and
 - (iii) Separated in some way, through the use of a barrier (e.g., ropes, temporary fencing, etc.), from the remainder of the parking lot;
- (4) The patrons shall not be allowed to bring in any of their own alcoholic beverages;
- (5) At least two uniformed security guards shall be in the parking lot at all times while alcoholic beverages are being served;
- (6) The appropriate State of Illinois liquor license shall be obtained by the liquor licensee for each use of the parking lot for the service of alcoholic beverages; and
- (7) A temporary event license, as required by § 110.40—110.49 of the Village Code, shall be obtained by the liquor licensee relative to the use of the parking lot for the service of alcoholic beverages.

Video Gaming, as provided for under the Illinois Video Gaming Act, shall not be allowed on the licensed premises.

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Class "Q-I"—Package sales of wine only at a farmers market, from June 1st to September 15th, subject to the following conditions:

- (1) The sales can take place no more than once per week, for a period of no more than four hours; and
- (2) Providing samples/tastings of the wine shall be allowed.

Video Gaming, as provided for under the Illinois Video Gaming Act, shall not be allowed on the licensed premises.

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Class "Q-II"—Package sales of wine only at a Farmers Market, from June 1st to September 15th, by a liquor licensee that currently holds a Class "L" liquor license, subject to the following conditions:

- (1) The sales can take place no more than once per week, for a period of no more than four hours; and
- (2) Providing samples/tastings of the wine shall be allowed.

Video Gaming, as provided for under the Illinois Video Gaming Act, shall not be allowed on the licensed premises.

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Class "R" —Alcoholic beverages served for consumption on the premises of a bowling alley. Video Gaming, as provided for under the Illinois Video Gaming Act, shall not be allowed on the licensed premises.

Class "S" —The manufacturing of beer products on the licensed premises, for consumption on the licensed premises, along with the sale of said beer products manufactured on the licensed premises for consumption off the licensed premises. In addition to beer products manufactured on the licensed premises, beer, cider and wine, that are not manufactured on the licensed premises, may be sold for consumption on the licensed premises. Tasting of all alcoholic beverages sold on the licensed premises are allowed. Video Gaming, as provided for under the Illinois Video Gaming Act, shall not be allowed on the licensed premises.

Class "S-VG" —The manufacturing of beer products on the licensed premises, for consumption on the licensed premises, along with the sale of said beer products manufactured on the licensed premises for consumption off the licensed premises. In addition to beer products manufactured on the licensed premises, beer, cider and wine, that are not manufactured on the licensed premises, may be sold for consumption on the licensed premises. Tasting of all alcoholic beverages sold on the licensed premises is allowed. The operation of Video Gaming Terminals on the licensed premises shall be allowed, provided the establishment has been issued a Video Gaming license by the Illinois Gaming Board in accordance with the provisions of the Illinois Video Gaming Act, and further provided the establishment shall comply with all the provisions of the Illinois Video Gaming Act and all rules, regulations and restrictions imposed by the Illinois Gaming Board.

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Class "T-I" —Beer and wine only served at no charge for consumption by patrons of the hotel on the premises of a hotel without a restaurant (manager's reception). Beer and wine only packaged sales to patrons of the hotel shall also be allowed provided all beer and wine on display for sale shall be kept in a locked display case with only the cashier being able to unlock said display case. If the hotel currently has a Class "O" liquor license, said hotel need not also obtain a Class "T-I" liquor license. Video Gaming, as provided for under the Illinois Video Gaming Act, shall not be allowed on the licensed premises.

Class "T-II" —Beer and wine only served at no charge, but limited in number of drinks, for consumption by patrons of a hotel on the premises of a hotel without a restaurant (manager's reception). Beer and wine only packaged sales to patrons of the hotel shall also be allowed provided all beer and wine on display for sale shall be kept in a locked display case with only the cashier being able to unlock said display case. Beer and wine only may also be sold to patrons of the hotel for consumption on the premises of the hotel from a managed bar area. If the hotel currently has a Class "O" liquor license, said hotel need not also obtain a Class "T-II" liquor license. Video Gaming, as provided for under the Illinois Video Gaming Act, shall not be allowed on the licensed premises.

Class "T-III" —Alcoholic liquor served at no charge, but limited in number of drinks, for consumption by patrons of a hotel on the premises of a hotel without a restaurant (manager's reception). Alcoholic liquor packaged sales to patrons of the hotel shall also be allowed provided all alcoholic liquor on display for sale shall be kept in a locked display case with only the cashier being able to unlock said display case. Alcoholic liquor may also be sold to patrons of the hotel for consumption on the premises of the hotel from a managed bar area. If the hotel currently has a Class "O" liquor license, said hotel need not also obtain a Class "T-III" liquor license. Video Gaming, as provided for under the Illinois Video Gaming Act, shall not be allowed on the licensed premises.

Class "U"—Alcoholic beverages served as an adjunct to food service; no package sales allowed; a service bar, with no more than ten seats at the bar, shall be allowed. (Small restaurant) Video Gaming, as provided for under the Illinois Video Gaming Act, shall not be allowed on the licensed premises.

Class "V"—Beer, wine and champagne only, served as an adjunct to the providing of full service beauty salon services (which may include spa services) and/or full service barber salon services. No package sales shall be allowed. Beer, wine and champagne may only be served to a patron of the licensed premises, that is receiving a full service beauty salon services (which may include spa services) and/or full service barber salon services at the licensed premises. There shall be no consumption of alcoholic beverages, on the licensed premises, other than those supplied by the licensee. Patrons may bring food to the licensed premises, and the licensee may have food brought to the licensed premises from local restaurants, for consumption on the licensed premises, but no food shall be prepared on the licensed premises. Video Gaming, as provided for under the Illinois Video Gaming Act, shall not be allowed on the licensed premises.

Class "VV"—Beer, wine and champagne only, served as an adjunct to an art gallery and studio. No package sales shall be allowed. Beer, wine and champagne may only be served to a patron of the licensed premises, that is attending an artist reception, artistic experience event or other private event at the licensed premises. There shall be no consumption of alcoholic beverages, on the licensed premises, other than those supplied by the licensee. Patrons may bring food to the licensed premises, and the licensee may have food brought to the licensed premises from local restaurants, for consumption on the licensed premises, but no food shall be prepared on the licensed premises. Video Gaming, as provided for under the Illinois Video Gaming Act, shall not be allowed on the licensed premises.

Class "X"—Alcoholic beverages served as an adjunct to a movie theater, subject to the following restrictions:

- (1) Preparation of alcoholic beverages shall be limited to a designated lobby bar area. Notwithstanding the foregoing, where an entire movie theater auditorium is rented for a private event, not open to the public, the preparation and service of alcoholic beverages, relative to said private event, may be done at a single portable service bar located with the movie theater auditorium, provided that the preparation and service of the alcoholic beverages at said portable service bar shall only be done by an employee of the licensee.
- (2) Service of alcoholic beverages may be made only to persons wearing a wristband approved by the village's police department ("alcohol wristband" or "alcohol wristbands"). The person dispensing alcohol wristbands shall have completed a certified alcohol awareness training course as set forth in § 112.40 of this Chapter. The alcohol wristband shall be valid only for the date on which it is obtained from the movie theater. At the end of one year after the issuance of the initial liquor license or at the end of one year from the issuance of a disposition as referenced in the last sentence of this subsection, at the option of the licensee, and provided that there have been no violations of subsection 112.30(A) of the Village Code by the liquor licensee during said one-year period, the use of alcohol wristbands may be discontinued. Prior to such discontinuance, written notice of such intent shall be provided to the Local Liquor Control Commissioner. If the liquor licensee has been found to be in violation of subsection 112.30(A) of the Village Code, whether as a result of a voluntary admission by the liquor licensee, or after notice and the required hearing, the Local Liquor Control Commissioner may impose an alcohol wristband requirement as part or all of any disposition.
- (3) Alcoholic beverages may be delivered and consumed in the movie theater auditorium or the lobby bar area.
- (4) The containers in which alcoholic beverages are served must be of a different color, size and design than those in which non-alcoholic beverages are served.
- (5) Beer may be sold only in individual containers holding 32 ounces or less. All other alcoholic beverages may be sold only in individual containers holding 16 ounces or less. Alcoholic spirits (alcoholic beverages other than beer or wine) will be restricted to three ounces or less total volume in any individual container. Wine may be sold by the bottle, for consumption in the

movie theater auditorium or the lobby bar area, provided that a minimum of two patrons are consuming the wine.

- (6) No more than one alcoholic beverage may be delivered to a customer at any one time.
- (7) There may be no service of alcoholic beverages unless the movie theater is actually open for the showing of movies or for the holding of private rentals and events. Alcoholic beverages may never be served more than one hour prior to the advertised showing time of the first movie to be shown on any day, except for private rentals and events.
- (8) The lobby bar and the lounge area associated with the bar may comprise no more than 20 percent of the floor area outside of the movie theater auditoriums.
- (9) An employee of the licensee, who has completed the certified alcohol awareness training course, referenced in § 112.40 of this Chapter, shall be designated to monitor compliance with alcohol laws and be on duty on the premises whenever there is service of alcoholic beverages.
- (10) The Class "X" liquor licensee shall be responsible if any alcoholic beverage is consumed by any minor at any location within or on the movie theater premises, whether the alcohol was purchased at the movie theater or not.

Food service may be provided as an adjunct to the movie theater and the service of alcoholic beverages. No package sales, other than bottles of wine as described in item (5) above, shall be allowed. Video Gaming, as provided for under the Illinois Video Gaming Act, shall not be allowed on the licensed premises.

Class "XX" —Alcoholic beverages, served as an adjunct to a live entertainment establishment, subject to the following restrictions and requirements:

- (1) The establishment must have a full service kitchen for the preparation of meals for the patrons of the establishment, with said full service kitchen to remain open, and food service to be offered at the establishment, each day that the establishment is open for business, from the opening time until at least 10:00 p.m.
- (2) As the establishment is primarily a live entertainment venue, the liquor license fee, as set forth in § 112.14(A) of this Code, shall cover the licensing relative to the live entertainment at the establishment, and no separate live entertainment license shall be required under § 112.39 of this Code.
- (3) No individual under the age of 21 years shall be allowed in the licensed premises at any time period that live entertainment is taking place, including during any break periods for said live entertainment, or during any time period that the full service kitchen is closed, and food service is not being offered.
- (4) No package sales of alcoholic beverages shall be allowed.

Video Gaming, as provided for under the Illinois Video Gaming Act, shall not be allowed on the licensed premises.

Class "XX-VG" —Alcoholic beverages, served as an adjunct to a live entertainment establishment subject to the following restrictions and requirements:

- (1) The establishment must have a full service kitchen for the preparation of meals for the patrons of the establishment, with said full service kitchen to remain open, and food service to be offered at the establishment, each day that the establishment is open for business, from the opening time until at least 10:00 p.m.
- (2) As the establishment is primarily a live entertainment venue, the liquor license fee, as set forth in § 112.14(A) of this Code, shall cover the licensing relative to the live entertainment at

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the establishment, and no separate live entertainment license shall be required under 5 112.39 of this Code.

(3) No individual under the age of 21 years shall be allowed in the licensed premises at any time period that live entertainment is taking place, including during any break periods for said live entertainment, or during any time period that the full service kitchen is closed, and food service is not being offered.

(4) No package sales of alcoholic beverages shall be allowed.

The operation of Video Gaming Terminals on the licensed premises shall be allowed, provided the establishment has been issued a Video Gaming license by the Illinois Gaming Board in accordance with the provisions of the Illinois Video Gaming Act, and further provided the establishment shall comply with all the provisions of the Illinois Video Gaming Act and all rules, regulations and restrictions imposed by the Illinois Gaming Board.

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Class "Y" —Package sales of Italian beer and Italian wine as an adjunct to a delicatessen selling primarily Italian food items with less than 3000 square feet of interior space, but with not less than 450 square feet of said space devoted to a deli area for the sale of fresh and/or prepared on the premises food items, and with not less than 1200 square feet of said space devoted to a kitchen area, not accessible by the public, for use in the preparation of prepared foods sold in the deli area. The area set aside for liquor sales and storage shall not exceed five percent of the non-kitchen floor area of the delicatessen. Video Gaming, as provided for under the Illinois Video Gaming Act, shall not be allowed on the licensed premises.

Class "Z" —Alcoholic beverages served as an adjunct to food service at a location that also brews beer on the licensed premises. The sale of beer brewed on the licensed premises for carry-out shall be allowed; with all other package sales prohibited. (Restaurant/Brew Pub) Video Gaming, as provided for under the Illinois Video Gaming Act, shall not be allowed on the licensed premises.

Class "Z-VG" —Alcoholic beverages served as an adjunct to food service at a location that also brews beer on the licensed premises. The sale of beer brewed on the licensed premises for carry-out shall be allowed; with all other package sales prohibited. (Restaurant/Brew Pub) The operation of Video Gaming Terminals on the licensed premises shall be allowed, provided the establishment has been issued a Video Gaming license by the Illinois Gaming Board in accordance with the provisions of the Illinois Video Gaming Act, and further provided the establishment shall comply with all the provisions of the Illinois Video Gaming Act and all rules, regulations and restrictions imposed by the Illinois Gaming Board.

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Class "ZZ" —Package sales of beer and wine only, as an adjunct to a convenience store with gasoline sales which, at the time of said convenience store's annexation to the village, had a valid DuPage County liquor license, subject to the following conditions:

- (1) The beer and wine sales area shall be segregated from the sales area for general merchandise;
- (2) Not more than 20 percent of the floor area of the convenience store may be set aside for the sale of beer and wine. For purposes of determining the allowable beer and wine sales area, the licensee shall submit a floor plan of the convenience store at the time of application for the license. Areas of the convenience store, to which access by customers is prohibited, shall not be counted in the floor area calculation; and
- (3) Sales of beer and wine shall be made at a cash register dedicated solely to the sale of beer and wine, with no other merchandise being sold using said cash register.

Video Gaming, as provided for under the Illinois Video Gaming Act, shall not be allowed on the licensed premises.

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(Ord. 5426, passed 2/2/04; Ord. 5544, passed 9/2/04; Ord. 5984, passed 2/1/07; Ord. 6263, passed 11/6/08; Ord. 6622, passed 5/20/11; Ord. 6741, passed 9/6/12; Ord. 6742, passed 9/6/12; Ord. 6787, passed 1/3/13; Ord. 6805, passed 3/21/13; Ord. 6811, passed 4/4/13; Ord. 6823, passed 5/2/13; Ord. 6907 passed 12/19/13; Ord. No. 6921, § 1, passed 2-6-14; Ord. No. 6935, § 1, passed 4-17-14; Ord. No. 7006, § 1, passed 10-16-14; Ord. No. 7025, § 1, passed 12-4-14; Ord. No. 7063, § 1, passed 4-16-15; Ord. No. 7075, § 1, passed 5-7-15; Ord. No. 7207, § 2, passed 4-7-16; Ord. No. 7218, § 1, passed 5-19-16; Ord. No. 7253, § 1, passed 7-21-16; Ord. No. 7254, § 1, passed 7-21-16; Ord. No. 7301, § 1, passed 11-17-16, eff. 12-1-16; Ord. No. 7353, § 1, passed 4-6-17; Ord. No. 7361, § 1, passed 4-20-17; Ord. No. 7390, § 1, passed 6-15-17; Ord. No. 7401, § 1, passed 7-20-17; Ord. No. 7411, § 1, passed 8-17-17; [Ord. No. 7425, § 1, passed 10-5-17](#); [Ord. No. 7458, § 1, passed 12-7-17](#); Ord. No. 7517, § 1, passed 5-17-18)

§ 112.13 - Availability.

(A) The number of authorized licenses shall be limited to the following:

Class	"A/B-I"	-	7
Class	"A/B-II"	-	8
<u>Class</u>	<u>"A/B-II-VG"</u>	-	<u>0</u>
Class	"A/B-III"	-	13
<u>Class</u>	<u>"A/B-III-VG"</u>	-	<u>0</u>
Class	"A/B-IV"	-	1
<u>Class</u>	<u>"A/B-IV-VG"</u>	-	<u>0</u>
Class	"C"	-	9
Class	"D"	-	3
<u>Class</u>	<u>"D-VG"</u>	-	<u>0</u>
Class	"E"	-	1
Class	"EE"	-	1
Class	"F"	-	5
Class	"FF"	-	1
Class	"G"	-	1
Class	"GG"	-	1
Class	"GGG"	-	1
Class	"H"	-	4
Class	"I"	-	3
<u>Class</u>	<u>"I-VG"</u>	-	<u>0</u>
Class	"J"	-	Open
Class	"JJ"	-	0
Class	"K"	-	3
Class	"L-I"	-	0

Class	"L-II"	-	0
Class	"M"	-	1
<u>Class</u>	<u>"M-VG"</u>	-	<u>0</u>
Class	"N-I"	-	1
<u>Class</u>	<u>"N-I-VG"</u>	-	<u>0</u>
Class	"N-II"	-	1
<u>Class</u>	<u>"N-II-VG"</u>	-	<u>0</u>
Class	"O"	-	3
Class	"P"	-	0
Class	"Q-I"	-	1
Class	"Q-II"	-	0
Class	"R"	-	0
Class	"S"	-	1
<u>Class</u>	<u>"S-VG"</u>	-	<u>0</u>
Class	"T-I"	-	0
Class	"T-II"	-	0
Class	"T-III"	-	1
Class	"U"	-	2
Class	"V"	-	1
Class	"VV"	-	1
Class	"X"	-	1
Class	"XX"	-	1
<u>Class</u>	<u>"XX-VG"</u>	-	<u>0</u>
Class	"Y"	-	1
Class	"Z"	-	1
<u>Class</u>	<u>"Z-VG"</u>	-	<u>0</u>
Class	"ZZ"	-	1

Any pre-existing liquor license issued under Class "E" to allow full service of all alcoholic beverages shall continue and be maintained so long as the establishment is in existence. The full service Class "E" liquor license may not be transferred to any other location and any other owner, but a new Class "E" may be transferred pursuant to the provisions of this Chapter.

(B) The number of licenses authorized herein for the above classes shall remain at the number set forth in this section unless amended by the corporate authorities when it is determined to be in the best interests of the village to increase or decrease the number of licenses; provided, however, that any

increase in said classes which are revoked, shall reduce the number of authorized licenses of the particular class by the total number of revoked licenses in the particular class.

Any available license which is applied for by a licensee and granted shall be used within 30 days of the date the license has been granted. In the event any license is not used, for a period of 30 days or revoked, the local Liquor Control Commissioner shall notify, in writing, the Village Clerk and the Board of Trustees of the revocation or non-use and shall cause to have the license number in the category reduced.

(70 Code, § 5.28.050) (Ord. 2545, passed 7-8-82; Am. Ord. 2939, passed 3-26-87; Am. Ord. 2996, passed 11-5-87; Am. Ord. 3026, passed 1-7-88; Am. Ord. 3053, passed 4-21-88; Am. Ord. 3097-A, passed 8-4-88; Am. Ord. 3119, passed 1-5-89; Am. Ord. 3132, passed 3-2-89; Am. Ord. 3134, passed 3-16-89; Am. Ord. 3149, passed 3-2-89; Am. Ord. 3156, passed 5-18-89; Am. Ord. 3161, passed 6-1-89; Am. Ord. 3187, passed 9-7-89; Am. Ord. 3192, passed 9-7-89; Ord. 5544, passed 9/2/04; Ord. 6742, passed 9/6/12; Ord. 6823, passed 5/2/13; Ord. 6860, passed 9/5/13; Ord. 6887, passed 11/7/13; Ord. 6888, passed 11/7/13; Ord. 6907, passed 12/19/13; Ord. No. 6926, § 1, 3-6-14; Ord. No. 6927, § 1, passed 3-6-14; Ord. No. 6921, §§ 2, 3, passed 2-6-14; Ord. No. 6923, § 1, passed 2-20-14; Ord. No. 6937, §§ 1, 2, passed 4-17-14; Ord. No. 6941, §§ 1, 2, passed 5-1-14; Ord. No. 6961, §§ 1, 2, passed 6-19-14; Ord. No. 6962, §§ 1, 2, passed 6-19-14; Ord. No. 6963, § 1, passed 6-19-14; Ord. No. 6970, §§ 1, 2, 7-17-14; Ord. No. 6985, §§ 1, 2, passed 8-21-14; Ord. No. 6996, § 1, 10-2-14; Ord. No. 7006, § 2, 10-16-14; Ord. No. 7007, §§ 1, 2, passed 10-16-14; Ord. No. 7008, §§ 1, 2, 10-16-14; Ord. No. 7010, §§ 1, 2, passed 10-16-14; Ord. No. 7016, §§ 1, 2, passed 11-16-14; Ord. No. 7025, § 2, passed 12-4-14; Ord. No. 7027, §§ 1, 2, passed 12-4-14; Ord. No. 7052, § 1, passed 3-5-15; Ord. No. 7055, §§ 1, 2, passed 3-19-15; Ord. No. 7063, § 2, passed 4-16-15; Ord. No. 7080, § 1, passed 5-21-15; Ord. No. 7093, § 1, passed 6-18-15; Ord. No. 7095, § 1, passed 6-18-15; Ord. No. 7100, § 1, passed 7-16-15; ; Ord. No. 7101, § 1, passed 7-16-15; Ord. No. 7121, § 1, passed 9-17-15; Ord. No. 7127, § 1, passed 10-1-15; Ord. No. 7128, § 1, passed 10-1-15; Ord. No. 7129, § 1, passed 10-1-15; Ord. No. 7146, §§ 1—3, 11-19-15; Ord. No. 7147, §§ 1, 2, passed 11-19-15; Ord. No. 7157, §§ 1, 2, passed 12-17-15; Ord. No. 7166, § 1, passed 1-7-16; Ord. No. 7182, §§ 1, 2, passed 2-4-16; Ord. No. 7191, §§ 1, 2, passed 2-18-16; Ord. No. 7197, § 1, passed 3-3-16; Ord. No. 7206, § 1, passed 4-7-16; Ord. No. 7218, § 2, passed 5-19-16; Ord. No. 7220, § 1, passed 5-19-16; Ord. No. 7223, §§ 1—3, passed 5-19-16; Ord. No. 7224, §§ 1, 2, passed 5-19-16; Ord. No. 7252, §§ 1, 2, passed 7-21-16; Ord. No. 7253, § 2, passed 7-21-16; Ord. No. 7261, § 1, passed 8-18-16; Ord. No. 7273, § 1, passed 9-15-16; Ord. No. 7223, §§ 1—3, passed 5-20-16; Ord. No. 7288, §§ 1, 2, passed 10-20-16; Ord. No. 7301, §§ 2, 3, passed 11-17-16, eff. 12-1-16; Ord. No. 7302, §§ 1, 2, passed 11-17-16; Ord. No. 7303, §§ 1, 2, passed 11-17-16; Ord. No. 7308, § 1, 12-1-16; Ord. No. 7352, § 1, passed 4-6-17; Ord. No. 7364, § 1, passed 4-20-17; Ord. No. 7365, §§ 1, 2, passed 4-20-17; Ord. No. 7371, § 1, passed 5-4-17; Ord. No. 7372, §§ 1, 2, passed 5-4-17; Ord. No. 7375, §§ 1, 2, passed 5-18-17; Ord. No. 7377, § 1, passed 5-18-17; Ord. No. 7378, § 1, passed 5-18-17; Ord. No. 7380, §§ 1—3, passed 5-18-17; Ord. No. 7389, §§ 1—3, passed 6-15-17; Ord. No. 7390, § 2, passed 6-15-17; Ord. No. 7400, § 1, passed 7-20-17; Ord. No. 7402, § 1, passed 7-20-17; Ord. No. 7409, § 1, passed 8-17-17; Ord. No. 7419, § 1, passed 9-21-17; Ord. No. 7424, § 1, passed 10-5-17; Ord. No. 7426, § 1, passed 10-5-17; Ord. No. 7427, § 1, passed 10-5-17; Ord. No. 7440, § 1, passed 11-2-17; Ord. No. 7450, §§ 1, 2, passed 11-16-17; Ord. No. 7457, §§ 1, 2, passed 12-7-17; Ord. No. 7479, §§ 1, 2, passed 3-1-18; Ord. No. 7480, § 1, passed 3-1-18; Ord. No. 7495, § 1, passed 4-5-18; Ord. No. 7518, § 1, passed 5-17-18; Ord. No. 7522, § 1, passed 5-17-18; Ord. No.

7536, § 1, passed 6-21-18; Ord. No. 7551, § 1, passed 7-19-18; Ord. No. 7564, § 1, passed 8-16-18)

§ 112.14 - Fees.

(A) The license fee for each license issued shall be as follows for the period of the license

(Semi-Annual Payment)			
Class	"A/B-I"	-	\$500.00
Class	"A/B-II"	-	\$1,500.00
<u>Class</u>	<u>"A/B-II-VG"</u>	-	<u>\$1,500.00</u>
Class	"A/B-III"	-	\$2,500.00
<u>Class</u>	<u>"A/B-III-VG"</u>	-	<u>\$2,500.00</u>
Class	"A/B-IV"	-	\$3,000.00
<u>Class</u>	<u>"A/B-IV-VG"</u>	-	<u>\$3,000.00</u>
Class	"C"	-	\$500.00
Class	"D"	-	\$1,000.00
<u>Class</u>	<u>"D-VG"</u>	-	<u>\$1,000.00</u>
Class	"E"	-	\$1,000.00
Class	"EE"	-	\$500.00
Class	"F"	-	\$1,000.00
Class	"FF"	-	\$500.00
Class	"G"	-	\$750.00
Class	"GG"	-	\$1,000.00
Class	"GGG"	-	\$2,500.00
Class	"H"	-	\$750.00
Class	"I"	-	\$400.00
<u>Class</u>	<u>"I-VG"</u>	-	<u>\$400.00</u>
Class	"J"	-	\$50.00 per event not to exceed six consecutive days
(All licenses shall be for six months, except Classes "P", "Q-I", and "Q-II," as noted below, and Class "J" which shall be for a period not to exceed 25 days at a fee of \$50.00 per event not to exceed six consecutive days.)			
Class	"JJ"	-	\$250.00
Class	"K"	-	\$1,500.00
Class	"L-I"	-	\$750.00
Class	"L-II"	-	\$1,000.00
Class	"M"	-	\$800.00
<u>Class</u>	<u>"M-VG"</u>	-	<u>\$800.00</u>
Class	"N-I"	-	\$1,500.00

Class	<u>"N-I-VG"</u>	-	<u>1,500.00</u>
Class	"N-II"	-	\$1,000.00
Class	<u>"N-II-VG"</u>	-	<u>\$1,000.00</u>
Class	"O"	-	\$2,000.00
Class	"P"	-	\$250.00 per Chicago Bears football season
Class	"Q-I"	-	\$250.00 per Farmers Market season (June 1st to Sept. 15th)
Class	"Q-II"	-	\$250.00 per Farmers Market season (June 1st to Sept. 15th)
Class	"R"	-	\$2,000.00
Class	"S"	-	\$750.00
Class	<u>"S-VG"</u>	-	<u>\$750.00</u>
Class	"T-I"	-	\$500.00
Class	"T-II"	-	\$1,000.00
Class	"T-III"	-	\$1,500.00
Class	"U"	-	\$500.00
Class	"V"	-	\$500.00
Class	"VV"	-	\$500.00
Class	"X"	-	\$1,500.00
Class	"XX"	-	\$4,000.00
Class	<u>"XX-VG"</u>	-	<u>\$4,000.00</u>
Class	"Y"	-	\$500.00
Class	"Z"	-	\$2,500.00
Class	<u>"Z-VG"</u>	-	<u>\$2,500.00</u>
Class	"ZZ"	-	\$750.00
Application Fee (Except for "Class J", Class "P" and Class "Q-II", which shall have no Application Fee, and Class "Q-I", which shall have a \$100.00 Application Fee)			\$500.00

In relation to the renewal of an existing liquor license, the fees set forth in this subsection (A) are only applicable to a renewal application that is timely filed in accordance with the requirements of § 112.17(A) of this Code. Where a renewal application is not timely filed in accordance with the requirements of § 112.17(A) of this Code, the applicable fee shall be increased to 110 percent of the amount set forth above, so as to compensate the village for the costs associated with processing said renewal on an expedited basis.

(B) All licenses shall be for six months, except Class "J" and Class "P" which shall be for a period not to exceed 25 days.

- (C) The application for a license will also be accompanied by a one-time non-refundable application fee of \$500.00 to cover investigation and review costs. The application fee will not be applied to the license fee. No application fee is required for a renewal of a license.
- (D) All liquor license fees paid are non-refundable.
- (E) Where, after the first year as a licensee it becomes apparent, based on actual gross dollars in liquor sales, that a Class A/B-II-VG, Class A/B-III-VG, Class A/B-I, A/B-II or A/B-III Liquor License holder obtained the wrong Class of Liquor License, said licensee shall be entitled to a refund of part of its liquor license fee or shall pay an additional fee, and a revision in classification shall be made if said licensee qualifies for renewal of the liquor license.

('70 Code, § 5.28.060) (Ord. 2545, passed 7-8-82; Am. Ord. 2841, passed 4-10-86; Am. Ord. 2996, passed 11-5-87; Am. Ord. 3097-A, passed 8-4-88; Am. Ord. 3108, passed 10-20-88; Am. Ord. 3158, passed 5-18-89; Ord. 5542, passed 9/2/04; Ord. 5544, passed 9/2/04; Ord. 6741, passed 9/6/12; Ord. 6742, passed 9/6/12; Ord. 6823, passed 5/2/13; Ord. 6907, passed 12/19/13; Ord. No. 6921, § 4, passed 2-6-14; Ord. No. 7006, § 3, passed 10-16-14; Ord. No. 7025, § 3, passed 12-4-14; Ord. No. 7063, § 3, passed 4-16-15; Ord. No. 7218, § 2, passed 5-19-16; Ord. No. 7253, § 3, passed 7-21-16; Ord. No. 7301, § 4, passed 11-17-16, eff. 12-1-16; Ord. No. 7390, § 3, passed 6-15-17; Ord. No. 7411, § 2, passed 8-17-17)

§ 112.15 - Disposition of fees.

- (A) All application fees of \$500.00 shall be forwarded to the Village Treasurer at the time of application. No refund or credit will be made of the application fee.
- (B) All renewals of license fees shall be paid to the Village Treasurer at the time of filing the renewal application.
- (C) All new license fees shall be paid prior to issuance of a liquor license.

('70 Code, § 5.28.080) (Ord. 2545, passed 7-8-82)

§ 112.16 - Term.

Each license (with the exception of Classes "J", "P", "Q-I" and "Q-II") shall be issued for six months only, and shall terminate on the next following May 31 or November 30 after its issuance, whichever shall occur first. The fee to be paid shall be required in proportion to the full calendar months which have expired in the licensing period to the issuance of the license.

('70 Code, § 5.28.070) (Ord. 2545, passed 7-8-82; Am. Ord. 2907, passed 12-18-86).

§ 112.17 - Renewal applications; deadline.

- (A) A liquor licensee shall file an application for renewal of a liquor license accompanied by appropriate license fee by the first day of May or the first day of November. The application shall state: name of the licensee, name of the establishment, address of establishment, license class, renewal period, changes that have occurred to statements made in the original application and previous renewals, name and address of the current resident manager, and an affidavit stating the application is true and correct.
- (B) The liquor licenses of timely applicants shall be available to be picked up by the licensee not less than five business days prior to the expiration of the current license.
- (C) In the event the timely applicant was advised the renewed license was available, and fails to pick up or properly display the license, the sale of alcoholic beverages or package liquors may not continue until the license is displayed in accordance with law.

- (D) At least 30 days prior to any liquor license renewal date, ~~Class A/B-II-VG, Class A/B-III-VG~~ Class A/B-I, A/B-II and A/B-III Liquor License holders shall file with the Local Liquor Control Commissioner a statement under oath, accompanied by written documentation, as to the gross dollar amount of liquor sales for the previous 12 months, for the licensee's location within the village. Failure to do so will result in the licensee being charged the fee applicable to a Class A/B-III Liquor License.

('70 Code, § 5.28.110) ('70 Code, § 5.28.120) (Ord. 2545, passed 7-8-82) (Ord. 3598, passed on 9/3/92)

§ 112.18 - Restrictions on licenses.

(A) No liquor license other than class "J" shall be issued or renewed to:

- (1) A person who is not of good character and reputation in the community in which he resides;
- (2) A person who is not a citizen of the United States;
- (3) A person who has been convicted of a felony under the laws of the state;
- (4) A person who has been convicted of being the keeper of or is keeping a house of ill fame;
- (5) A person who has been convicted of pandering or other crime or misdemeanor opposed to decency and morality;
- (6) A person whose license issued under this Chapter has been previously revoked;
- (7) A person who at the time of application for renewal of any license issued hereunder, would not be eligible for such license upon a first application;
- (8) A co-partnership, unless all of the members of such co-partnership shall be qualified to obtain a license;
- (9) A corporation, if any officer, manager, or director thereof, or any stockholder or stockholders owning in the aggregate more than five percent of the stock of such corporation, would not be eligible to receive a license hereunder, for any reason other than citizenship, and residence within the political subdivision;
- (10) A person, partnership, or corporation who fails to have a key holder who resides within a sufficiently close area as required by the local Liquor Commissioner pursuant to § 112.02;
- (11) A person who has been convicted of a violation of any federal or state law concerning the manufacture, possession, or sale of alcoholic liquor, subsequent to the passage of this Chapter, or shall have forfeited his bond to appear in court to answer charges for any such violation;
- (12) A person who does not own the premises for which a license is sought, or does not have a lease thereon for the full period for which the license is to be issued;
- (13) Any law enforcing public official, including members of the local liquor control commission, the Village President or any Village Trustee; and no such official shall have a direct interest in the manufacture, sale or distribution of alcoholic liquor, except that a license may be granted to such official in relation to premises that are not located within the territory subject to the jurisdiction of that official if the issuance of such license is approved by the State Liquor Control Commission, and except that a license may be granted, so long as the village has a population of 55,000 or less, to any Village Trustee in relation to premises that are located within the village if: (i) the sale of alcoholic liquor pursuant to the license is incidental to the selling of food, (ii) the issuance of the license is approved by the State Liquor Control Commission, (iii) the issuance of the license is in accordance with all applicable local ordinances in effect within the village, and (iv) the Village Trustee granted a license does not vote on alcoholic liquor issues pending before the Village Board. Notwithstanding any provision of this subsection (13) to the contrary, a Village Trustee may have a direct interest in the manufacture, sale or distribution of alcoholic liquor as long as he or she is not a law enforcing public official. To prevent any conflict of interest, the Village Trustee with the direct interest in the manufacture, sale or distribution of

alcoholic liquor shall not participate in any meetings, hearings or decisions on matters impacting the manufacture, sale or distribution of alcoholic liquor.

- (14) Any person, association, or corporation not eligible for a state retail liquor dealer's license;
 - (15) An applicant whose application and criminal history pursuant to § 112.11 have not been verified in writing from the appropriate state or federal law enforcement agencies;
 - (16) A person, firm, or corporation whose business is open to the public during the closing hours as set forth in § 112.36;
 - (17) Any person or corporation that does not present proof of dram shop insurance in the amount of \$100,000.00/\$300,000.00 for personal injuries and \$10,000.00 for property damage;
 - (18) A person who does not allow appropriate village employees to inspect the premises to insure that the premises are in compliance with the fire, building, and zoning and other appropriate codes and ordinances.
 - (19) A person whose premises are not up to any fire, building, or zoning or other appropriate codes and ordinances.
 - (20) All outstanding utility bills of the Village of Lombard shall be paid in full before the issuance of a new or renewed liquor license.
- (B) No Class "J" liquor license shall be issued to:
- (1) Any entity that does not qualify as a not-for-profit club, not-for-profit entity or governmental entity.
 - (2) Any entity that does not agree to any restrictions as determined reasonable or necessary by the Local Liquor Commissioner for the issuance of said liquor license. Said restrictions shall include, but not be limited to, a restriction as to the area where the sale and consumption of alcoholic beverages may occur, and restrictions to insure that consumption of alcoholic beverages by minors does not occur.
 - (3) Any entity that requests a Class "J" liquor license shall present proof of dram shop insurance in an amount of \$100,000.00/\$300,000.00 per personal injury and \$10,000.00 for property damage.
 - (4) Any entity that does not comply with the appropriate Village Ordinances, or allow inspections by the Fire Department and the Building Division and Planning Services Division of the Community Development Department in regard to the event.
- (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).

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(D) The following restrictions apply to all liquor licenses which allow for and authorize the operation of Video Gaming Terminals upon the licensed premises:

- (1) The operation of Video Gaming Terminals shall not be permitted during the hours alcoholic liquor sales are prohibited, as provided in Section 112.36 of this Code.
- (2) As required by the Illinois Video Gaming Act, Video Gaming is prohibited in any establishment located within 100 feet of any school (as defined in the Illinois Video Gaming Act) or place of worship.
- (3) As required by the Illinois Video Gaming Act, Video Gaming shall be located in an area that is restricted to persons 21 years of age or older.
- (4) As required by the Illinois Video Gaming Act, the total number of Video Gaming Terminals located in the establishment shall not exceed five (5).
- (5) The establishment shall comply with all of the Village's sign regulations and it shall be unlawful to advertise for Video Gaming via a sign visible from any street, alley or public right-of-way within

the Village. This includes temporary or permanent signage that may include a business name, name, identification, description, display, illustration or attention-getting device which is affixed to or painted or represented directly or indirectly upon a building or other outdoor surface or lot, and which directs attention to a person, business, product, service, place, organization or entertainment.

(6) The establishment shall be required to install, operate and maintain a video camera surveillance system capable of recording clear and unobstructed photographic representations of the segregated area of the establishment where the Video Gaming Terminals are located, and shall retain the video recordings produced therefrom for a minimum of thirty (30) days. Said video recordings shall be subject to inspections by the Village's Police Department upon request therefor.

(7) The establishment shall be equipped with a direct connect burglar alarm system to the Village's Police Department, or to such other location as directed by the Village's Police Department, to address instances of unpermitted entry into the establishment.

(8) The percentage of income received from Video Gaming shall not exceed forty-nine percent (49%) of the establishment's gross revenue. The liquor licensee shall be prepared to establish that the liquor licensee has met the forty-nine percent (49%) standard upon the request of the Village and this determination shall be based upon, but not be limited to, audited financial statements, corporate financial reports, tax return information, State liquor license reports, or any other form of documentation/information deemed acceptable by the Village. At the Village's discretion, each liquor licensee shall be subject to an annual audit to verify compliance with this subsection.

(9) As required by the Illinois Video Gaming Act, all Video Gaming Terminals shall be located in a segregated area which shall be accessible only to persons over 21 years of age. Applicants shall submit a site plan clearly indicating the proposed location of all Video Gaming Terminals and the type of barrier to be utilized to segregate the area; provided however, that such barrier shall not obstruct the view of the Video Gaming area, which shall be visible to an employee of the liquor licensee, who is over 21 years of age, at all times.

(10) The liquor license applicant/business establishment must be in good standing with the Village at the time of the application for a liquor license which allows for the operation of Video Gaming Terminals on the licensed premises. To be in "in good standing":

(a) the liquor license applicant shall owe no sums of money to the Village at the time of submitting an application for a liquor license which allows for the operation of Video Gaming Terminals on the licensed premises;

(b) a business establishment, with a liquor license that allows for consumption of alcoholic beverages on the licensed premises, must have existed on, and been in continuous bona fide operation on, the licensed premises for no less than twelve (12) months at the time of the application for the liquor license which allows the operation of Video Gaming Terminals on the licensed premises;

(c) the liquor license applicant shall have had no violations causing a suspension of its liquor or business license in the twelve (12) months prior to submitting an application for a liquor license which allows for the operation of Video Gaming on the licensed premises; and

(d) the liquor license applicant shall be in compliance with all dram shop and Video Gaming laws, rules and regulations of the Village and the State of Illinois.

(E) Video Gaming Cafés are expressly prohibited in the Village, and no liquor license shall be created, maintained or authorized for a Video Gaming Café.

(*70 Code, § 5.28.100) (*70 Code, § 5.28.105) (Ord. 2545, passed 7-8-82; Am. Ord. 2827, passed 2-13-86; Am. Ord. 2907, passed 12-18-86; Am. Ord. 2996, passed 11-5-87; Am. Ord. 3119,

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passed 1-5-89; Ord. 6838, passed 6/6/13 and repealed 6/30/13; Ord. 6862, passed 9-5-13 and repealed 11/4/13; Ord. No. 6914, §§ 1, 2, passed 1-16-14; Ord. No. 6944, §§ 1, 2, passed 5-15-14; Ord. No. 6992, §§ 1, 2, passed 9-4-14 and repealed 11-9-14; Ord. No. 7073, §§ 1, 2, passed 5-7-15; Ord. No. 7074, §§ 1, 2, passed 5-7-15; Ord. No. 7084, § 1, passed 6-5-15; Ord. No. 7117, § 1, passed 9-3-15; Ord. No. 7208, §§ 1, 2, passed 4-21-16; Ord. No. 7221, §§ 1, 2, passed 5-19-16; Ord. No. 7239, § 1, passed 6-16-16; Ord. No. 7270, §§ 1, 2, passed 8-1-16; Ord. No. 7271, §§ 1, 2, passed 9-15-16; Ord. No. 7272, §§ 1, 2, passed 9-15-16; Ord. No. 7376, §§ 1, 2, passed 5-18-17; Ord. No. 7379, §§ 1, 2, passed 5-18-17; Ord. No. 7410, §§ 1, 2, passed 8-17-17; Ord. No. 7420, §§ 1, 2, passed 9-21-17; [Ord. No. 7462 §§ 1, 2, passed 1-4-18](#); Ord. No. 7508, §§ 1, 2, passed 4-19-18; Ord. No. 7509, §§ 1, 2, passed 4-19-18; Ord. No. 7523, §§ 1, 2, passed 5-17-18; Ord. No. 7538, §§ 1, 2, passed 6-21-18; Ord. No. 7558, §§ 1, 2, passed 7-19-18; Ord. No. 7562, § 1, passed 8-16-18)

§ 112.19 - Record of licenses.

The local Liquor Commissioner shall keep or cause to be kept a complete record of all such licenses issued by him, and shall furnish the Chief of Police with a copy thereof; upon the issuance of any new license, or the revocation of any old license, the local Liquor Commissioner shall give written notice of such action to the corporate authorities and Chief of Police.

('70 Code, § 5.28.130) (Ord. 2545, passed 7-8-82)

§ 112.20 - Transfer.

- (A) A license shall be purely a personal privilege, good for a period not to exceed six months after issuance unless sooner revoked as in this Chapter provided, and shall not constitute property, nor shall it be subject to attachment, garnishment, or execution, nor shall it be alienable or transferable, voluntarily or involuntarily, or subject to being encumbered or hypothecated. Such license shall not descend by the laws of testate or intestate devolution, but it shall cease upon death of the licensee, provided that executors or administrators of the estate of any deceased licensee, and the trustee of any insolvent or bankrupt licensee when such estate consists in part of alcoholic liquor may continue the business of the sale or manufacture of alcoholic liquor under order of the appropriate court and may exercise the privileges of the deceased or insolvent or bankrupt licensee after the death of such decedent, or such insolvency or bankruptcy until the expiration of such license, but not longer than six months after the death, bankruptcy, or insolvency of such licensee. No refund shall be made of that portion of the license fees paid for any period in which the licensee shall be prevented from operating under such license in accordance with provisions of this division.
- (B) Any licensee may apply for reissuance of his license at the expiration thereof, provided he is then qualified to receive a license and the premises for which such reissue license is sought are suitable for such purposes; and provided further that the reissue privilege herein provided for shall not be construed as a vested right which shall in any case prevent the Liquor Commissioner from decreasing the number of licenses to be issued within its jurisdiction.
- (C) In the event of a change of the application information required in § 112.11, such change shall be reported upon reissuance and the local Liquor Commissioner may then reject such application for reissuance in writing within 45 days of the application for reissuance.
- (D) When the licensee is a partnership, limited liability company or a corporation whose stock is not publicly traded on a recognized stock exchange, the license shall terminate whenever 50 percent or more of the ownership interest therein changes from that shown on the original license application. In such event, the partnership, limited liability company or corporation, through its partners, managers or officers, must make application for the issuance of a new license as provided herein; provided, however, that the provisions of this subsection shall not apply where the transfer of an ownership interest is made to an owner shown on the original license application who owned 50 percent or

more of the ownership interest of such partnership, limited liability company or corporation at the time the original license application was filed with the village.

- (E) When the licensee is a partnership, limited liability company or corporation, whose stock is not publicly traded on a recognized stock exchange, no change in ownership from that shown on the original application involving the addition of a new partner(s) of such partnership, a new member(s) of such limited liability company who will own in the aggregate a five percent or more ownership interest in said limited liability company, or a new shareholder(s) of such corporation who will own in the aggregate more than five of the stock of such corporation, shall be effective until such proposed change in ownership has first been reported in writing to the Local Liquor Commissioner and said Local Liquor Commissioner finds that the proposed new partner(s) member(s) or shareholder(s) is/are not ineligible under the provisions of § 112.11 of this Chapter and so advises the licensee in writing. Any change in ownership without complying with the terms hereof shall constitute grounds for a fine and/or the suspension or revocation of the liquor license issued to such partnership, limited liability company or corporation.
- (F) When the licensee is a partnership, limited liability company or corporation whose stock is not publicly traded on a recognized stock exchange, no change in ownership from that shown on the original application involving the withdrawal of any partner(s), member(s) or shareholder(s) shall be made without reporting such change in ownership in writing to the Local Liquor Commissioner within ten days of any such change in ownership. Said report to the Local Liquor Commissioner shall also indicate how the ownership interest of the withdrawing partner(s), members) or shareholder(s) will be reallocated. Any such change in ownership made without complying with the terms hereof shall constitute grounds for a fine and/or the suspension or revocation of the liquor license issued to such partnership, limited liability company or corporation.

('70 Code, § 5.28.140) (Ord. 2545, passed 7-8-82; Ord. 6152, passed 3/6/08)

§ 112.21 - Change of location.

A retail liquor dealer's license shall permit the sale of alcoholic liquor only in the premises described in the application and license. Such location may be changed only upon the written permit to make such change issued by the President. No change of location shall be permitted unless the proposed new location is a proper one for the retail sale of alcoholic liquor under the law of the state and the ordinance of the village.

('70 Code, § 5.28.150) (Ord. 2545, passed 7-8-82)

§ 112.22 - Change of name.

(A) A liquor licensee that changes the name of the establishment but does not change the location or ownership shall within 30 days of the change notify the local Liquor Commissioner and pay a fee of \$15.00.

(B) The local Liquor Commissioner shall issue a license in the new name, cause the new license to be available, and shall take possession of the license made out in the old name upon the turning over of the new license.

('70 Code, § 5.28.160) (Ord. 2545, passed 7-8-82)

§ 112.23 - False statements.

It shall be a violation of this Chapter for any licensee or any officer, associate, member, representative, agent, or employee of any licensee to make a false statement of fact to a police officer investigating an alleged violation of the Dram Shop Act ILCS, Ch. 235, or of this Chapter.

('70 Code, § 5.28.230) (Ord. 2545, passed 7-8-82)

§ 112.24 - Additional conditions of license.

- (A) It shall be unlawful for any licensee, or any officer, associate, member, representative, agent or employee of any licensee to sell, give, deliver or serve alcoholic liquor to any intoxicated individual.
- (B) Except as allowed pursuant to 235 ILCS 5/6-33, It shall be a violation of this Chapter for any licensee, or any officer, associate, member, representative, agent or employee of any licensee to allow or permit any individual to exit the licensed premises with alcoholic liquor in his or her possession, other than package goods. For purposes of this subsection, a parking area shall not constitute part of the licensed premises, except on those days on which a liquor licensee is serving alcoholic beverages pursuant to a Class "P" liquor license.
- (C) All licensees under this Chapter 112 shall maintain a valid state liquor license at all times while selling alcoholic liquor at retail. In the event the State liquor license issued to a licensee lapses, is revoked or is not renewed, any license issued to said licensee under this Chapter shall be deemed to be forfeited by the licensee and, therefore, null and void.
- (D) All licensees under this Chapter 112 shall post a sign, in plain view in the licensed premises, relative to alcoholic beverages and birth defects, and substance abuse assistance, as required by and in compliance with 235 ILCS 5/6-24a(b). Said sign may be obtained from the Village or the Illinois Liquor Control Commission.

('70 Code, § 5.28.260) (Ord. 3325, passed 11/1/90) (Ord. 2545, passed 7-8-82; Am. Ord. 2996, passed 11-5-87, Ord. 3229, passed 3/15/90; Ord. 6067, passed 8/9/07; Ord. 6231, passed 9/4/08; Ord. 6811, passed 4/4/13; Ord. No. 7574, § 1, passed 9-6-18)

§ 112.25 - Advisory liquor control commission.

- (A) The Local Liquor Commissioner may appoint an Advisory Liquor Control Commission, consisting of three residents of the village. Said Commission members shall serve until they resign, are replaced by the Local Liquor Commissioner, or until said Commission is disbanded by the Local Liquor Commissioner.
- (B) If such a Commission is appointed, when an application has been made to the Local Liquor Commissioner, he/she shall refer such application to the Advisory Liquor Commission for review. Said Commission shall then investigate the applicant so as to determine the qualification of the applicant under the terms, conditions and requirements of this Chapter. In addition said Commission shall investigate the proposed licensed premises so as to ascertain whether said premises fully complies with the requirements of all codes and ordinances of the village, including, but not limited to, the requirements of this Chapter. Said Commission shall submit its report and recommendation to the Local Liquor Commissioner upon completion of the aforementioned investigation. Said report and recommendation shall be advisory only, and shall not prevent that Local Liquor Commissioner from taking whatever action he/she deems appropriate and necessary in relation to the application in question.

§ 112.26 - Revocation/suspension/fines.

- (A) *Suspension or revocation of license:* The Local Liquor Commissioner shall have the power to suspend for not more than 30 days or revoke any liquor license issued under the provisions of this Chapter for cause, or if he determines that the licensee shall have violated any of the provisions of this Lombard Municipal Code, any of the statutes of the State or any other valid ordinance or resolution enacted by the President and Board of Trustees of the village. However, no such license shall be revoked or suspended except after the holding of a public hearing by the Local Liquor Commissioner pursuant to the provisions of (Dram Shops) 235 ILCS 5/7-5.
- (B) *Fine imposed:* In addition to the penalty referenced in subsection (A) above, the Local Liquor Control Commissioner, if he/she finds it to be in the public good, may, after a public hearing, fine the licensee in an amount not to exceed \$1,000.00 for a first violation within a 12 month period, \$1,500.00 for a second violation in a 12 month period and \$2,500.00 for a third or subsequent violation within a 12 month period. Each day on which a violation continues shall constitute a

separate violation. Pursuant to 235 ILCS 5/7-5, not more than \$15,000.00 in fines may be imposed against any licensee during the period of said licensee's license.

(C) *Penalty options:* Based upon the evidence at such hearing, the President may enter an order:

- (1) Revoking the licensee's license; or
- (2) Suspending the licensee's license; or
- (3) Suspending the licensee's license and fining the licensee as provided above; or
- (4) Fining the licensee as provided above.

(Ord. 4996, passed 8/16/01)

§ 112.27 - Cessation of business.

In the event a licensee ceases to do business at the licensed premises, other than temporarily for a period of not to exceed 45 successive days, for purposes of remodeling, or for purposes other than remodeling but with the prior written approval of the Local Liquor Control Commissioner, the number of authorized licenses in the particular class shall automatically be reduced by one at the time the licensee ceases to do business. If any licensee desires to close the business or place of business for more than 45 successive days, said licensee shall so notify the Local Liquor Commissioner in writing, including the reasons therefor and requesting an extension, and the Liquor Control Commissioner may grant such an extension on a showing of good cause. The Local Liquor Commissioner shall notify in writing the Village Clerk and Board of Trustees of any cessation of business by a license, in excess of 45 days, within ten days of such occurrence.

(Ord. 6231, passed 9/4/08)

§ 112.28 - Appeals from orders of the local liquor commissioner.

- (A) All appeals from orders of the Local Liquor Control Commissioner shall be limited to a review of the official record of proceedings of such Local Liquor Control Commissioner only as provided for in 235 ILCS 5/7-9.
- (B) Within five days after the notice of an appeal has been filed to the State Liquor Control Commission, a certified official record of the proceedings for the Local Liquor Control Commissioner shall be filed with the State of Illinois Liquor Control Commission, provided that the appellant licensee pays for the cost of the transcript as provided by 235 ILCS 5/7-9.

§ 112.29 - Penalty for violations.

Other than in a case where the Local Liquor Control Commissioner has held a hearing pursuant to § 112.26 of this Chapter, any person, firm or corporation violating any provisions of this Chapter shall be fined not less than \$25.00 nor more than \$750.00 for each offense; and a separate offense shall be deemed committed on each day during or on which such a violation occurs or continues.

(Ord. 3229, passed 3/15/90)

ARTICLE III. - SALES

§ 112.30 - Underage sale or delivery.

- (A) No person or licensee, or any officer, associate, member, representative, agent, or employee of such licensee, shall sell, give, deliver, or serve alcoholic liquor in any form to any person under the age of 21 years.
- (B) All licensees under this Chapter 112 shall display at all times in a prominent place, in the licensed premises, in plain view, a printed sign, which may be obtained from the Village, and which shall read substantially as follows:

WARNING TO MINORS

(Persons Under 21 Years of Age)

You are subject to a fine of up to \$750.00 under the ordinances of the Village of Lombard if you purchase alcoholic liquor or misrepresent your age for the purpose of purchasing or obtaining alcoholic liquor.

('70 Code, § 5.28.200; Ord. 2545, passed 7-8-82; Ord. No. 7573, § 1, passed 9-6-18)

§ 112.31 - Underage purchase, possession, or consumption.

- (A) No person under 21 years of age shall purchase, possess or consume any alcoholic liquor within the village. It shall be unlawful for any parent or legal guardian of any person under the age of 21 years to allow such person to purchase, possess, receive or consume any alcoholic liquor in violation of this Chapter upon either public or private property within the village. However, the possession and dispensing of alcoholic liquor in the performance of a religious service or ceremony, or the consumption by a person under 21 years of age under the direct supervision and approval of the parent or parents of such minor in the privacy of the home is not prohibited by this section.
- (B) It shall be unlawful for any owner or occupant of property located in the Village of Lombard to allow any person under 21 years of age to possess or consume alcoholic liquor on said property in violation of this Chapter.
- (C) This Chapter does not apply to possession by a minor making a delivery of an alcoholic beverage in pursuance of the order of his parent or in pursuance of his or her employment.
- (D) No person under 21 years of age shall misrepresent his or her age for the purpose of purchasing or obtaining alcoholic liquor.

(Ord. 3428, passed 7/18/91)

§ 112.32 - Restrictions on sales and promotions.

- (A) All licensees selling alcoholic beverages to be served and drunk on the licensed premises are prohibited from engaging any of the following enumerated practices:
 - (1) No licensee or employer, agent of a licensee, shall:
 - (a) Sell more than one drink of alcoholic liquor for the price of one drink of alcoholic liquor.
 - (b) Sell, offer, or deliver to any person an unlimited number of drinks during any set period of time for a fixed price, except at private functions not open to the public or as provided by subsection (3) below.
 - (c) Increase the volume of alcoholic beverages contained in a drink without increasing proportionately the price charged for such drink during the same calendar week.
 - (d) Encourage or permit on the licensed premises any game or contest which involves drinking or the awarding of drinks as prizes.
 - (2) Except as otherwise provided in this section, no licensee shall advertise or promote in any way whether within or without the licensed premises any of the practices prohibited under this section.
 - (3) The prohibitions contained in this section shall not be construed to prohibit a licensee from:
 - (a) Offering free food or entertainment at any time;
 - (b) Including drinks of alcoholic liquor as part of a meal package;
 - (c) Including drinks of alcoholic liquor as part of a hotel package;
 - (d) Negotiating drinks of alcoholic liquor as part of a hotel package;
 - (e) Providing room service to persons renting rooms at a hotel;

- (f) Selling pitchers (or the equivalent, including, but not limited to, buckets of bottled beer), carafes or bottles of alcoholic liquor which are customarily sold in such manner, or sell bottles of spirits;
 - (g) Advertising events permitted under this subsection (3).
 - (h) Sell or offer for sale a party package, only if the licensee, who is authorized to sell alcoholic liquor for consumption on the licensed premises:
 - (i) Offers food in the dedicated event space;
 - (ii) Limits the party package to no more than three (3) hours;
 - (iii) Distributes wristbands, lanyards, shirts or any other such wearable items to identify party package attendees so the attendees may be granted access to the dedicated event space; and
 - (iv) Excludes individuals not participating in the party package from the dedicated event space.
 - (i) Discounting any drink of alcoholic liquor during a specified time period, only if:
 - (i) The price of the drink of alcoholic liquor is not changed during the time that it is discounted;
 - (ii) The period of time during which any drink of alcoholic liquor is discounted does not exceed four hours per day and 15 hours per week; however, this period of time is not required to be consecutive and may be divided by the licensee in any manner;
 - (iii) The drink of alcoholic liquor is not discounted between the hours of 10:00 p.m. and the licensed premises' closing hour; and
 - (iv) Notice of the discount of the drink of alcoholic liquor during a specified time is posted on the licensed premises or on the licensee's publicly available website at least seven days prior to the specified time.
- (B) Product sampling. A licensee may conduct product sampling for consumption at a licensed location. Up to three samples, consisting of no more than (1) one-quarter ($\frac{1}{4}$) ounce of distilled spirits, (2) one ounce of wine, or (3) two ounces of beer may be served to a consumer in one day. Notwithstanding the foregoing, a licensee, with a license to serve alcoholic liquor for consumption on the licensed premises, may offer for sale and serve more than one drink per person for sampling purposes; however, the provisions of subsection (A)(1) above shall apply to said licensee's product sampling.
- (C) All licensees, with a license to serve alcoholic liquor for consumption on the licensed premises, shall maintain a schedule of the prices charged for all drinks of alcoholic liquor to be served and consumed on the licensed premises or in any room or part thereof. Whenever a hotel or multi-use establishment, which holds a valid license to serve alcoholic liquor for consumption on the licensed premises, operates on its premises more than one establishment at which drinks of alcoholic liquor are sold for consumption on the licensed premises, the hotel or multi-use establishment shall maintain at each such establishment a separate schedule of the prices charged for such drinks at that establishment.
- (D) As used in this section, the following terms shall have the meanings as set forth below:
- (1) *Dedicated event space* means a room or rooms or other clearly delineated space within the premises of a licensee, authorized to serve alcoholic liquor on the licensed premises, that is reserved for the exclusive use of party package invitees during the entirety of a party package. Furniture, stanchions and ropes, or other room dividers may be used to clearly delineate a dedicated event space.
 - (2) *Meal package* means a food and beverage package, which may or may not include entertainment, where the service of alcoholic liquor is an accompaniment to the food, including, but not limited to, a meal, tour, tasting or any combination thereof for a fixed price by a licensee

authorized to serve alcoholic liquor on the licensed premises, or any other licensee operating within a sports facility, restaurant, winery, brewery or distillery.

- (3) *Party package* means a private party, function or event for a specific social or business occasion, either arranged by invitation or reservation for a defined number of individuals, that is not open to the general public and where attendees are served both food and alcohol for a fixed price in a dedicated event space.

(’70 Code, § 5.28.215) (Ord. 2943, passed 4-9-87; Ord. No. 7122, § 1, passed 9-17-15)

§ 112.33 - Employees.

- (A) It is unlawful to employ in any premises used for the retail sale of alcoholic liquor any person who is a carrier of, or who is afflicted with any contagious, infectious, or venereal disease; and it is unlawful for any person who is afflicted with or a carrier of any such disease to work in or about any premises or to engage in any way in the handling, preparation, or distribution of such liquor.
- (B) It is unlawful to employ any person below the age of 21 years, who actually participates in the retail sale or dispensing of alcoholic liquor. Said person shall not be limited to, but examples are: cashiers, waiters, waitresses, bartenders, and the like. This section is not to be construed as limiting the use of minors for such miscellaneous duties as dishwasher, busboy, stock clerk, and the like so long as the work does not allow said employee to actually participate in the retail sale or dispensing of alcoholic beverages. Notwithstanding the foregoing, it shall not be unlawful for anyone between the age of 18 years and the age of 21 years to serve alcoholic liquor in the capacity of a waiter or waitress employed by an establishment holding a Class "A/B-II-VG," "A/B-III-VG," "A/B-IV-VG," "M-VG," "N-I-VG," "N-II-VG," "Z-VG," "A/B-I," "A/B-II," "A/B-III," "A/B-IV," "C," "M," "N-I," "N-II," "U," "X" or "Z" liquor license, or for anyone between the age of 18 years and the age of 21 years to be employed as a cashier by an establishment holding a Class "A/B-II-VG," "A/B-III-VG," "A/B-IV-VG," "M-VG," "N-I-VG," "N-II-VG," "Z-VG," "A/B-I," "A/B-II," "A/B-III," "A/B-IV," "C," "M," "N-I," "N-II," "U," "X" or "Z" liquor license.

(’70 Code, § 5.28.180) (Ord. 2545, passed 7-8-82; Am. Ord. 2846, passed 5-8-86, Ord. 4126, passed 2/1/96; Ord. 5897, passed 8-17-06; Ord. No. 6935, § 3, 4-17-14, eff. 12-1-14; Ord. No. 7022, § 1, passed 11-20-14; Ord. No. 7212, § 1, passed 5-5-16)

§ 112.34 - Sanitary conditions.

All premises used for the retail sale of alcoholic liquor, or for the storage of such liquor for such sale, shall be kept in a clean and sanitary condition, and shall be kept in full compliance with code sections regulating the condition of premises used for the storage or sale of food for human consumption.

(’70 Code, § 5.28.170) (Ord. 2545, passed 7-8-82)

§ 112.35 - Reserved.

Editor's note— Ord. No. 6453, repealed § 112.35, which pertained to Location of Package Liquor Goods and derived from (’70 Code, § 5.28.250) (Ord. 2545, passed 7-8-82; Am. Ord. 2841, passed 4-24-86; Ord. 5544, passed 9/2/04; Ord. 6427, passed 1/7/10).

§ 112.36 - Closing hours.

- (A) Except as provided in subsections (B) and (C) below, it shall be unlawful to sell, offer for sale or to give away, in or upon any licensed premises, any alcoholic liquor between the hours of 1:00 a.m. and 6:00 a.m. on Monday, Tuesday, Wednesday, Thursday, and Friday; between the hours of 2:00 a.m. and 6:00 a.m. on Saturday; and between the hours of 2:00 a.m. and 9:00 a.m. on Sunday. Notwithstanding the foregoing, it shall be unlawful to sell, offer for sale or to give away, in or upon the

licensed premises, any alcoholic liquor during the extra hour (1:00 a.m. to 2:00 a.m.) created as a result of changing from daylight savings time to central standard time, on the first Sunday in November of each year, as provided for in section 10.11(A) of this Code.

- (B) In the case of a Class "M" or Class "M-VG" liquor licensee, it shall be unlawful to remain open to the general public, or sell, offer for sale or to give away, in or upon the licensed premises, any alcoholic liquor between the hours of 12:00 a.m. (midnight) and 6:00 a.m. on Monday, Tuesday, Wednesday, Thursday and Friday; between the hours of 1:00 a.m. and 6:00 a.m. on Saturday; and between the hours of 1:00 a.m. and 9:00 a.m. on Sunday.
- (C) On New Year's Day, the hours limitations set forth in subsections (A) and (B) above shall be extended by one hour as follows:

Regular Time	New Year's Day
12:00 a.m. (midnight)	1:00 a.m.
1:00 a.m.	2:00 a.m.
2:00 a.m.	3:00 a.m.

- (D) It shall be unlawful to keep open for business or to admit the public to any licensed premises in or on which alcoholic liquor is sold at retail during the hours within which the sale of such alcoholic liquor is prohibited, with all patrons being required to vacate the licensed premises where alcoholic liquor is sold at retail within 15 minutes after the time when the sale of such alcoholic liquor is prohibited; provided, however, that in the case of all liquor licenses except those holding a Class "D-VG", "I-VG", "M-VG", "D", "F", "I", "L" or "M" liquor license, the establishments of said liquor licensees may be kept open during such hours, but no alcoholic liquor may be sold to, offered for sale to or given to the patrons on the licensed premises during such hours.
- (E) Notwithstanding the requirements of subsection (A) above, when Christmas Eve, Christmas Day and/or New Year's Eve falls on a Sunday, package sales of alcoholic liquor shall be allowed between 7:00 a.m. and 9:00 a.m. on said date, by any liquor licensee authorized for package sales; however, the consumption of alcoholic liquor on the licensed premises shall not be allowed during said 7:00 a.m. to 9:00 a.m. time period.

('70 Code, § 5.28.220) (Ord. 2545, passed 7-8-82; Am. Ord. 2996, passed 11-5-87; Ord. 5510, passed 6/17/04; Ord. 3453, passed 3/18/10; Ord. 6810, passed 4/4/13; Ord. No. 7174, § 1, passed 1-21-16; Ord. No. 7429, § 1, passed 10-19-17)

§ 112.37 - Improper services.

It shall be a violation of this Chapter for any licensee, officer, employee, agent, or representative of any licensee to knowingly offer any discount, promotion, gift, service, or product to any village employee or village elected official. This section shall not include any promotion, discount gift, service, or product provided without discrimination to the general public.

('70 Code, § 5.28.240) (Ord. 2545, passed 7-8-82)

§ 112.38 - Solicitation.

- (A) 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.
- (B) It shall be unlawful for any person under the age of 21 years to solicit a person to buy alcoholic liquor for him.

('70 Code, § 5.28.190) (Ord. 2545, passed 7-8-82; Ord. No. 7515, § 1, passed 5-3-18)

§ 112.39 - Live entertainment on licensed premises.

- (A) Any person licensed under this Chapter shall have the privilege for a period of six months which coincides with the license periods set forth in § 112.16, upon the payment of an additional fee of \$250.00, of providing upon the licensed premises live entertainment, provided, however, that the person licensed shall file with the Local Liquor Control Commissioner a listing of the live entertainment acts which are anticipated to perform during said six month license period on the licensed premises. Said list shall include the names of the acts, a brief description of the acts and the dates upon which each act will be performing on the licensed premises. In the event that all live entertainment acts are not known at the beginning of said six month license period, the listing of the live entertainment acts shall be updated by the person licensed, during said six month license period, as new acts become known, by the filing of supplemental listings with the Local Liquor Control Commissioner.
- (B) The privilege granted by this section shall terminate on either May 31 or November 30 next following its granting, and renewals thereof shall be paid for on or before June 1 or December 1 of each ensuing six month license period. The fee to be paid shall be reduced in proportion to the full calendar months which have expired in the six month license period, and shall be paid at the time the license is granted.
- (C) The privilege granted by this section shall also terminate upon the termination, for any cause, of the village retail liquor dealer's license associated with the premises upon which the live entertainment acts are taking place.
- (D) For purposes of this section, live entertainment shall include, but not be limited to, contests, shows and performances in which patrons of the liquor establishment participate.
- (E) Prohibited entertainment. It shall be unlawful to permit the following conduct on licensed premises:
- (1) Performance of acts, or simulated acts of sexual intercourse, masturbation, sodomy, bestiality, oral copulation, flagellation, or other sexual acts.
 - (2) The actual or simulated touching caressing or fondling of the breasts, buttocks, pubic hair, anus or genitals.
 - (3) The actual or simulated display of the breasts, buttocks, pubic hair, anus, vulva, or genitals.
 - (4) Permitting any person to remain upon licensed premises who exposes to public view any portion of his or her breasts, buttocks, pubic hair, genitals, vulva or anus.

(Ord. 3313, passed 10/4/90)

§ 112.40 - Responsibility serving alcoholic liquor—Educational training-condition of license.

- (A) Effective with the June 1, 1996 through November 30, 1996 liquor license period, and for all six-month liquor license periods thereafter, all Class A/B-I, A/B-II, A/B-II-VG, A/B-III, A/B-III-VG, A/B-IV, A/B-IV-VG, C, D, D-VG, E, EE, GGG, I, I-VG, K, L-I, L-II, M, M-VG, N-I, N-I-VG, N-II, N-II-VG, O, R, S, S-VG, T-I, T-II, T-III, U, V, VV, W, X, XX, XX-VG, and-Z and Z-VG liquor license holders shall be required to have all employees who may, as a part of their job, serve, sell or distribute alcoholic liquor to a customer on the licensed premises, take and successfully complete the BASSET Program for alcoholic liquor servers, and thereafter maintain a current effective certification from said program.
- (B) *Proof of educational training compliance.* Upon making application for the June 1, 1996 through November 30, 1996 liquor license, and for all subsequent liquor licenses, the liquor license holder shall supply the village with copies of the course completion certificate(s) for all employees who have successfully completed the BASSET course. A copy of the BASSET course completion certificate(s) shall also be made available at all times at the licensed premises for inspection by the Lombard Police Department.
- (C) *Compliance by new license holders.* All new liquor license holders who obtain a liquor license subsequent to June 1, 1996, shall be given four months, from the date of issuance of the liquor

license, to come into compliance with subsections (A) and (B) above relative to the BASSET Program requirement.

- (D) *Compliance after loss of a certified employee.* Any liquor license holder, who, due to the loss of an employee who has successfully completed the BASSET course is put in a position of non-compliance with subsection (A) above, shall have four months to come into compliance.
- (E) *Penalties for non-compliance.* Any person, firm or corporation violating the provisions of this § 112.40 shall be subject to the penalties set forth in §§ 112.26 and/or 112.99 of this Code.

(Ord. 3635, passed 12/17/92, Ord. 4029, passed 5/18/95, Ord. 4126, passed 2/1/96, Ord. 4152, passed 4/25/96; Ord. 5544, passed 9/2/04, Ord. 5615, passed 4/7/05; Ord. 6072, passed 8/9/07; Ord. 6742, passed 9/6/12; Ord. 6907, passed 12/19/13; Ord. No. 7006, § 4, passed 10-16-14; Ord. No. 7025, § 4, passed 12-4-14; Ord. No. 7063, § 4, passed 4-16-15; Ord. No. 7301, § 5, passed 11-17-16, eff. 12-1-16; Ord. No. 7390, § 4, passed 6-15-17)

§ 112.99 - Penalty.

Any person, firm, or corporation violating any provisions of this Chapter shall be fined not less than \$25.00 nor more than \$750.00 for each offense; and a separate offense shall be deemed committed on each day during or on which such a violation occurs or continues.

('70 Code, § 5.28.270) (Ord. 2545, passed 7-8-82, Ord. 4104, passed 12/7/95)



MEMORANDUM

TO: Keith Giagnorio, Village President
Village Board of Trustees

FROM: Scott Niehaus, Village Manager

DATE: February 28, 2019

SUBJECT: **ORDINANCE PROVIDING FOR AN ADVISORY PUBLIC QUESTION CONCERNING VIDEO GAMING**

Pursuant to direction from the Village Board of Trustees from the January 24th Village Board workshop on video gaming, a draft ordinance providing for an advisory referendum on Video Gaming was prepared for your review and consideration. Attached please find the Ordinance draft, which includes sample ballot language.

NON-BINDING REFERENDUM

As drafted, the proposed ordinance provides for a Village initiated *non-binding advisory* question on video gaming to be placed on the ballot of the general primary election to be held on March 17, 2020. An advisory referendum question provides voters with the opportunity to make their views known on issues of local importance without associated binding legislation. As a matter of information, the Illinois Election Code does provide for citizen initiated advisory referenda on questions of public policy by petition of at least 8% of the number of votes cast for governor in the preceding gubernatorial election (10 ILCS 5/28). In contrast, the Illinois Video Gaming Act provides for binding referenda on the prohibition of video gaming only upon initiation by petition of at least 25% of registered voters (230 ILCS 40/70).

BALLOT LANGUAGE

The language of the non-binding advisory referendum question in the proposed ordinance mirrors the language provided for under the Illinois Gaming Act for a binding referendum. Such language, as provided for in the statute and included in the proposed draft Ordinance for the non-binding advisory question is:

Shall video gaming be prohibited in the Village of Lombard? Yes/No

The State statute does not control or mandate language that must be used in a local non-binding advisory referendum. Accordingly, alternate language of the advisory referendum question may be:

Shall video gaming be permitted in the Village of Lombard? Yes/No

DATE RESTRICTIONS

The proposed ordinance provides for referendum at the general primary election of March 17, 2020. The Village of Board of Trustees may not pass an ordinance providing for the advisory

referendum question more than one year before the general primary election date or March 17, 2019. Accordingly, the Village Board would be precluded from taking action to provide for the video gaming advisory public question until at least March 18, 2019.

Pursuant to the direction of the Village Board, copies of this memo and draft ordinance will be shared publicly and posted to the Village website and social media in advance of the March 7 scheduled Village workshop.

Should you have any questions or concerns regarding the draft ordinance or this issue, please do not hesitate to contact me.

cc: Nicole P. Aranas, Assistant Village Manager
Tom Bayer, Village Attorney

ORDINANCE NO. _____

**AN ORDINANCE PROVIDING FOR AND REQUIRING
THE SUBMISSION OF AN ADVISORY PUBLIC QUESTION
CONCERNING WHETHER TO PROHIBIT VIDEO GAMING IN
THE VILLAGE OF LOMBARD, DU PAGE COUNTY, ILLINOIS, TO APPEAR
ON THE BALLOT OF THE ELECTORS OF THE VILLAGE OF LOMBARD
AT THE GENERAL PRIMARY ELECTION TO BE HELD ON MARCH 17, 2020**

WHEREAS, the Village of Lombard is a municipal corporation duly organized and existing under the laws of the State of Illinois, and is a non-home rule unit of local government; and

WHEREAS, 65 ILCS 5/3.1-40-60 provides that municipalities may authorize advisory public questions for placement on the ballot at the next regularly scheduled election in the municipality; and

WHEREAS, the President and Board of Trustees of the Village of Lombard have determined that it is in the best interests of the Village of Lombard that there shall be submitted to the qualified electors of the Village of Lombard an advisory public question concerning whether to prohibit video gaming in the Village of Lombard;

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

Section 1. That the proposition hereinafter set forth be submitted to the voters of the Village of Lombard (the "Village") at the General Primary Election to be held on Tuesday, the 17th day of March, 2020, between the hours of 6:00 o'clock A.M. and 7:00 o'clock P.M. on said day (the "Election").

Section 2. That the Election shall be held in the voting precincts and at the polling places established by the DuPage County Clerk's Election Division (the "Election Division") for voters of the Village at the Election.

Section 3. That the Election Division shall give notice of the Election (the "Notice") by: (i) publishing the Notice once, not more than sixty (60) nor less than ten (10) days prior to the date of the Election, in a local, community newspaper having general circulation in the Village; and (ii) posting a copy of the Notice at least ten (10) days before the date of the Election at its principal office, as required by Section 12-5 of the Election Code of the State of Illinois, as amended (10 ILCS 5/1 *et seq.* – the "Election Code").

Section 4. That the Village Clerk shall post a copy of the Notice at least ten (10) days before the date of the Election at the principal office of the Village.

Section 5. That the Notice published by the Election Division, in a community newspaper having general circulation in the Village of Lombard, shall be in substantially the following form:

“NOTICE IS HEREBY GIVEN that, at the General Primary Election to be held on Tuesday, the 17th day of March, 2020, the following proposition shall be submitted to the voters of the Village of Lombard, DuPage County, Illinois:

Shall video gaming be prohibited in the Village of Lombard?

The polls at said election will be open at 6:00 o'clock A.M. and will continue to be open until 7:00 o'clock P.M. of that day.

Dated this _____ day of _____, 2020.

Facsimile Signature
DuPage County Clerk's Election Division,
County of DuPage, Illinois”

Section 6. That the ballot to be used at the Election shall be in substantially the same form as is below, and shall meet the requirements of Articles 24A, 24B or 24C of the Election Code if an electronic, mechanical or electric voting system is used at the Election:

(Face of Ballot)

OFFICIAL BALLOT

**ADVISORY PROPOSITION
AS TO WHETHER VIDEO GAMING
SHOULD BE PROHIBITED IN THE VILLAGE OF LOMBARD**

(INSTRUCTIONS TO VOTERS: Mark a cross (X) in the space
opposite the word indicating the way you desire to vote.

Shall video gaming be prohibited in the Village of Lombard?	YES	
	NO	

(Back of Ballot)

OFFICIAL BALLOT

Official ballot for voting on the advisory proposition as to whether
video gaming should be prohibited in the Village of Lombard, at
the general primary election held on March 17, 2020.

Precinct Number: _____

Polling Place: _____

Facsimile Signature

DuPage County Clerk's Election Division,
County of DuPage, Illinois

Section 7. That the Election shall be conducted by the election judges appointed by the Election Division to act in the voting precincts at which said proposition shall be submitted to the voters of the Village.

Section 8. That after the adoption hereof and not less than sixty-eight (68) days prior to the date of the Election, or January 9, 2020, the Village Clerk shall certify a copy hereof to the Election Division in order that the advisory proposition set forth herein may be submitted to the voters of the Village.

Section 9. The Election shall be held and conducted and the returns thereof canvassed, all in the manner and time as provided by the Election Code.

Section 10. That all ordinances, orders and Ordinances or parts thereof in conflict herewith be and the same are hereby repealed.

Section 11. That this Ordinance shall be posted in one or more public areas of the Village of Lombard.

Section 12. This Ordinance shall be in full force and effect after its adoption and approval as provided by law.

Passed on first reading this 21st day of March, 2019.

First reading waived by action of the Board of Trustees this ____ day of _____, 2019.

Passed on second reading this 4th day of April, 2019, pursuant to a roll call vote as follows:

AYES: _____

NAYS: _____

ABSENT: _____

APPROVED by me this 4th day of April, 2019.

Keith Giagnorio, Village President

ATTEST:

Sharon Kuderna, Village Clerk