

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

 X Resolution or Ordinance (Blue) X *Waiver of First Requested*
 Recommendations of Boards, Commissions & Committees (Green)
 Other Business (Pink)

TO: PRESIDENT AND BOARD OF TRUSTEES

FROM: Scott R. Niehaus, Village Manager

DATE: July 11, 2018 (B of T) Date: July 19, 2018

TITLE: Service of Alcoholic Beverages in an Outdoor Seating/Service Area on Private Property

SUBMITTED BY: Keith Giagnorio
Local Liquor Commissioner
Village President

BACKGROUND/POLICY IMPLICATIONS:

Please find attached an Ordinance amending Title XI, Chapter 112, Section 112.24(B) of the Lombard Village Code clarifying when the consumption of alcohol is allowed in an outdoor seating/service area located on private property.

Please place this item on the July 19, 2018 Board of Trustees agenda for consideration .

Staff is requesting a waiver of first reading.

Fiscal Impact/Funding Source:

Review (as necessary):

Village Attorney X _____ Date _____
Finance Director X _____ Date _____
Village Manager X _____ Date _____

NOTE: All materials must be submitted to and approved by the Village Manager's Office by 12:00 noon, Wednesday, prior to the Agenda Distribution.



MEMORANDUM

TO: Scott Niehaus, Village Manager

FROM: Keith Giagnorio
Local Liquor Control Commissioner
Village President

DATE: July 19, 2018

SUBJECT: **Amending Title 11, Chapter 112, Section 112.24(B)**
Service of Alcoholic Beverages in an Outdoor Seating/Service Area

Village Code Title 11, Chapter 112, Sections 112.24(A) through (C) outline additional conditions placed on liquor licensees. Examples of these conditions include not serving alcohol to any intoxicated person, that an individual may not leave the “licensed premises” with alcoholic liquor in his/her possession, that a parking area is not consider part of the licensed premises, and that all licensees maintain a valid State liquor license.

In that regard, Section 112.24(B) of Village Code is being amended to add language relative to outdoor seating and service areas located on private property. The proposed ordinance clarifies that the consumption of alcoholic beverages on the “licensed premises” would extend to any outdoor seating and service area which has either been approved by the granting of a conditional use or constitutes an “Outdoor Café” (as defined in the Zoning Ordinance) and is located in the B5 or B5A Zoning District.

Staff met with Village Counsel who drafted the attached ordinance. The proposed amendments are consistent with how the Code has been previously interpreted and applied to existing uses with outdoor seating areas.

Staff is requesting a waiver of first reading.

/jd

ORDINANCE NO. _____

**AN ORDINANCE
AMENDING TITLE XI, CHAPTER 112, SECTION 112.24(B)
OF THE LOMBARD VILLAGE CODE IN REGARD TO
ALCOHOLIC BEVERAGES AND OUTDOOR SEATING AREAS**

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 112.24(B) of the Lombard Village Code is amended by adding the following language to the end thereof:

“For purposes of this subsection, an outdoor seating and service area on private property that: (1) is approved pursuant to the granting of a conditional use therefor; or (2) is an “Outdoor Café,” as defined in Section 155.802 of this Code, and is located in either the B5 Central Business District or B5A Downtown Perimeter District; shall be considered part of the licensed premises for a business that has been issued a liquor license for the consumption of alcoholic beverages on the licensed premises.”

SECTION 2: That this Ordinance shall be in full force and effect from and after its passage, approval and publication in pamphlet form, as provided by law.

Passed on first reading this _____ day of _____, 2018.

First reading waived by action of the Board of Trustees this ___ day of _____, 2018.

Passed on second reading this _____ day of _____, 2018, pursuant to a roll call vote as follows:

AYES: _____

NAYS: _____

ABSENT: _____

APPROVED by me this _____ day of _____, 2018.

Keith Giagnorio, Village President

ATTEST:

Sharon Kuderna, Village Clerk

Published by me in pamphlet form this _____ day of _____, 2018.

Sharon Kuderna, Village Clerk