



MEMORANDUM

TO: Scott Niehaus, Village Manager

FROM: Keith T. Giagnorio
Local Liquor Control Commissioner
Village President

DATE: October 20, 2023

SUBJECT: **Amending Title XI, Chapter 112 – Alcoholic Beverages Establishing a New Class “MM” Subcategory Liquor License Classification**

Attached please find an ordinance establishing a new Class “MM” license as an additional subcategory for the Class “M” Category. Staff along with Village Counsel recommends the creation of the new Class. The new Class “MM” Subcategory includes the following:

- Gross revenue from food and beverage sales exceeds \$1,000,000.00 on an annual basis with at least \$350,000.00 in gross sales of alcoholic liquor.
- Operation of eight or more coin-operated amusement devices
- Packaged liquor sales are prohibited.
- Video gaming shall not be allowed.

The semi-annual fee shall be \$2,000.00.

A new Subsection created to read in its entirety:

“(F) At least 30 days prior to any liquor license renewal date, Class MM Liquor License holders shall file with the Local Liquor Control Commissioner a statement under oath, accompanied by written documentation, as to the dollar amount of all food and beverage sales for the previous 12 months and the dollar amount of liquor sales for the previous 12 month period, to allow a determination to be made as to whether gross food and beverage sales exceeded \$1,000,000.00 and gross liquor sales exceeded \$350,000.00.”

The attached ordinance reflects the recommended amendments discussed by staff and counsel.

Staff requests a waiver of 1st reading.

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

ORDINANCE NO. _____

**AN ORDINANCE AMENDING TITLE XI, CHAPTER 112 OF THE
LOMBARD VILLAGE CODE IN REGARD TO ALCOHOLIC BEVERAGES TO
ESTABLISH A NEW CLASS “MM” LIQUOR LICENSE CLASSIFICATION**

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 112.12(A) of the Lombard Village Code is amended to establish a new Liquor License classification called “Class MM”, to be inserted after the “Class M-VG” liquor license classification, which shall read in its entirety as follows:

“Class “MM” – Alcoholic beverages served in relation to a “Restaurant – Sit-Down” (as defined in Section 155.802 of this Code), which is an adjunct to an establishment whose principal business is the operation of eight or more coin-operated amusement devices and whose gross revenue from food and beverage sales exceeds \$1,000,000.00 on an annual basis with at least \$350,000.00 in gross sales of alcoholic liquor. Packaged liquor sales are prohibited. Video gaming as provided for under the Illinois Gaming Act, shall not be allowed on the licensed premises.”

SECTION 2: That Title XI, Chapter 112, Section 112.13(A) of the Lombard Village Code is amended by adding language relative to the new Class “MM” liquor license classification, to be inserted after the reference to the “Class M-VG” classification, which shall read in its entirety as follows:

“Class “MM” – 0”

SECTION 3: That Title XI, Chapter 112, Section 112.14(A) of the Lombard Village Code is amended by adding language thereto, relative to the new Class “MM” liquor license category,

to be inserted after the reference to the "Class M-VG" classification, which shall read in its entirety as follows:

"Class "MM" – \$2,000.00

SECTION 4: That Title XI, Chapter 112, Section 112.17 of the Lombard Village Code is amended by creating a new Subsection (F) to read in its entirety as follows:

"(F) At least 30 days prior to any liquor license renewal date, Class MM Liquor License holders shall file with the Local Liquor Control Commissioner a statement under oath, accompanied by written documentation, as to the dollar amount of all food and beverage sales for the previous 12 months and the dollar amount of liquor sales for the previous 12 month period, to allow a determination to be made as to whether gross food and beverage sales exceeded \$1,000,000.00 and gross liquor sales exceeded \$350,000.00."

SECTION 5: That Title XI, Chapter 112, Section 112.40(A) of the Lombard Village Code is amended by revising the reference therein to "A/B-II-VG, A/B-III-VG, A/B-IV-VG, D-VG, I-VG, N-I-VG, N-II-VG, N-III-VG, S-VG, XX-VG, Z-VG, A/B-I, A/B-II, A/B-III, A/B-IV, C, D, E, EE, GGG, I, K, L-I, L-II, M, N-I, N-II, N-III, O, R, S, SS, T-I, T-II, T-III, U, V, VV, X, XX and Z liquor license holders", to read, "A/B-II-VG, A/B-III-VG, A/B-IV-VG, D-VG, I-VG, N-I-VG, N-II-VG, N-III-VG, S-VG, XX-VG, Z-VG, A/B-I, A/B-II, A/B-III, A/B-IV, C, D, E, EE, GGG, I, K, L-I, L-II, M, MM, N-I, N-II, N-III, N-IV, O, R, S, SS, T-I, T-II, T-III, U, V, VV, X, XX and Z liquor license holders."

SECTION 6: 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 _____, 2023.

First reading waived by action of the Board of Trustees this 2nd day of November 2023.

Passed on second reading this 2nd day of November 2023, pursuant to a roll call vote as follows:

- Ayes: Trustee LaVaque, Dudek, Puccio, Honig, Militello and Bachner
- Nays: None
- Absent: None

APPROVED by me this 2nd day of November 2023.

Keith Giagnorio, Village President

ATTEST:

Elizabeth Brezinski, Village Clerk

Published by me in pamphlet form this 3rd day of November 2023.

Elizabeth Brezinski, Village Clerk