

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

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

TO: PRESIDENT AND BOARD OF TRUSTEES

FROM: Scott Niehaus, Village Manager

DATE: May 3, 2016 (B of T) Date: May 5, 2016

TITLE: Amending the Alcoholic Liquor Code
Employees of Liquor License Holders

SUBMITTED BY: Keith T. Giagnorio
Local Liquor Control Commissioner
Village President

BACKGROUND/POLICY IMPLICATIONS:

Attached is an ordinance amending Title 11, Chapter 112, Section 112.33(B) in regard to alcoholic beverages and the employees of liquor license holders.

Staff has requested a waiver of first reading.

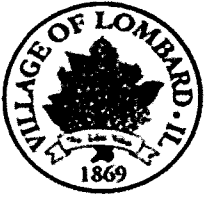
Please place this item on the May 5, 2016 Board of Trustees agenda.

Fiscal Impact/Funding Source:

Review (as necessary):

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

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



MEMORANDUM

TO: Scott Niehaus, Village Manager
FROM: Keith T. Giagnorio
Local Liquor Commissioner
Village President
DATE: May 2, 2016
**SUBJECT: Ordinance Amending Title 11, Chapter 112, Section 112.33(B)
Age Restrictions of Employees**

Last week, Village staff received a request to amend Village Code Title 11, Chapter 112, Section 112.33(B) to allow additional liquor license classes to employ individuals between the ages of 18-20 years in the waiter, waitress and cashier capacity in connection with the sale and service of food and alcohol on premise.

As currently written, the Village Code places age restrictions on the employment of any person below the age of 21 years who participates in the retail sale, dispensing or serving of alcoholic liquor. The current language of the Code provides specific exemptions for waiters and waitresses between the ages of 18 to 20 within three liquor classifications ("A/B-III", "X" and "Z") where both food and alcohol are served simultaneously for consumption on premises.

Upon further review of the request, staff found that it would be beneficial to extend the waiter and waitress exemption to additional liquor classifications with a primary restaurant function as it is typical for waitresses/waiters to be responsible for charging patrons (similar to a cashier function) for alcoholic products and then delivering the alcohol to the table. Additionally, there are currently four "A/B" liquor classifications ("A/B-I" through "A/B-IV") for restaurants and the only "A/B" liquor classification with a current waiter and waitress exemption under Village Code is "A/B-III." The only distinction between the various "A/B" classifications is the amount of gross dollars sales of alcohol sold during a calendar year. Therefore, to establish equitable rules between the restaurant classes, staff is recommending expansion of the waiter and waitress exemption to the other "A/B" liquor classifications and several other restaurant liquor classifications. The expansion of the exception has been shared with the Police Department and police personnel concur with the recommendation.

Village Counsel has drafted an ordinance amending Village Code which would allow businesses with a primary restaurant function to hire employees between the ages of 18-20 years in the positions of waiter, waitress and cashier as recommended. Please note that this amendment still prohibits anyone under the age of 21 from functioning as a bartender or dispensing alcohol.

In light of the timing of this request concurrent with the hiring and imminent opening of other A/B restaurant establishments, staff is requesting a waiver of first reading on this ordinance. If you have any questions or concerns, please feel free to contact me.

/jd

ORDINANCE NO. _____
AN ORDINANCE
AMENDING TITLE 11, CHAPTER 112, SECTION 112.33(B)
OF THE LOMBARD VILLAGE CODE
IN REGARD TO ALCOHOLIC BEVERAGES
AND THE EMPLOYEES OF LIQUOR LICENSE HOLDERS

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

SECTION 1: That Title 11, Chapter 112, Section 112.33(B) of the Lombard Village Code is amended by revising the last sentence thereof to read in its entirety as follows:

“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-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-I,” “A/B-II,” “A/B-III,” “A/B-IV,” “C,” “M,” “N-I,” “N-II,” “U,” “X” or “Z” liquor license.”

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 _____, 2016.

First reading waived by action of the Board of Trustees this 5th day of May, 2016.

Passed on second reading this 5th day of May, 2016, pursuant to a roll call vote
as follows.

AYES: _____

NAYS: _____

ABSENT: _____

APPROVED by me this 5th day of May, 2016.

Keith Giagnorio, Village President

ATTEST:

Sharon Kuderna, Village Clerk

Published by me in pamphlet form this 6th day of May, 2016.

Sharon Kuderna, Village Clerk