

VILLAGE OF LOMBARD
REQUEST FOR BOARD OF TRUSTEES ACTION

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

TO: PRESIDENT AND BOARD OF TRUSTEES

FROM: Scott R. Niehaus, Village Manager

DATE: May 10, 2023 (B of T) Date: May 18, 2023

TITLE: Ordinance Regarding Sale and Consumption of Alcoholic Beverages in the Public Right-of-Way in Connection with Cruise Nights & Summer Concerts Weekly Series. Amending Title XI, Chapter 112, Section 112.18(B) – Alcoholic Beverages Of the Lombard Village Code

BACKGROUND/POLICY IMPLICATIONS:

Attached please find information pertaining to approval of Class J liquor licenses for three businesses in connection with the Cruise Nights & Summer Concerts Weekly Series. The event will take place on Saturdays between June 17 and August 19, excluding July 1 and will feature various live musical concerts in the right-of-way on South Park A venue. The proposed liquor license would authorize issuance of special event liquor licenses to existing liquor license holders immediately adjacent to the event space that would allow for outdoor consumption of alcohol in the proposed concert viewing area. While approval of this ordinance would permit the issuance of Class J liquor licenses by staff, the actual issuance of the licenses will remain dependent on the application, payment, permitting, and compliance of the individual licensee following approval of this ordinance.

Please place this item on the May 18, 2023, Village Board of Trustees agenda for consideration.

Staff request a waiver of first reading.

FISCAL IMPACT/FUNDING SOURCE:

Review (as necessary):

Village Attorney _____ Date _____

Finance Director _____ Date _____

Village Manager _____ Date _____



MEMORANDUM

TO: Scott Niehaus, Village Manager

FROM: Nicole Aranas, Deputy Village Manager

DATE: May 8, 2023

SUBJECT: Ordinance Regarding Sale and Consumption of Alcoholic Beverages in the Public Right-of-Way in Connection with Cruise Nights & Summer Concerts Weekly Series

Attached please find information pertaining to approval of Class "J" liquor licenses for three downtown businesses in connection with the Cruise Nights & Summer Concerts Weekly Series to take place on Saturdays between June 17 and August 19, excluding July 1. The Village Cruise Nights & Summer Concert regular weekly series will be followed by a separate finale live music concert, featuring 7th Heaven on August 26, 2023, which will require separate permitting due to the expanded viewing area. The private businesses that would be eligible to participate in the weekly concert series events, based upon their immediate proximity to the weekly event concert viewing area on South Park Avenue, are Babcock's Grove House, Punky's Pub and Shannon's Deli.

Prior to 2022, the weekly Cruise Nights and Summer Concerts were alcohol-free, although patrons of the existing businesses were permitted to consume alcohol within their respective outdoor dining areas but confined to certain limited portions of the sidewalk or right-of-way. The proposed ordinance would authorize the three existing businesses holding local liquor licenses, which are immediately adjacent to the concert viewing area, to mutually expand their premises to and serve alcohol for consumption within the South Park Avenue concert viewing area, similar to what was approved in 2022.

The concert viewing area is described as South Park Avenue from Michael McGuire to St. Charles Road. Existing liquor license holders would be permitted to receive a Class "J" license for the sale of alcoholic beverages within the limits of their establishment or within ten (10) feet of their entrance for consumption throughout the event space as designated within the Village special event permit. Licensees shall ensure that alcoholic beverages will not be permitted to leave the expanded concert viewing area premises on South Park and into the remainder of the weekly Cruise Nights car show.

Certain conditions are proposed for placement upon the sale of alcohol under the proposed Class "J" liquor license. These restrictions include:

- Sales of alcohol for outdoor consumption must be restricted to plastic cups with a 16 oz. maximum capacity (no glass drinkware or bottles);
- No more than 2 beverages may be purchased by any one person at the same time;
- The sale of alcoholic beverages in pitchers is prohibited;

- Sale may only occur within the licensed premises of the building or outdoors within ten feet of the main entrance of the licensed premises;
- Each individual liquor licensee shall be responsible for the age verification of the patrons they are serving;
- Licensees shall ensure that alcoholic beverages do not leave the designated concert viewing area within South Avenue; and,
- Sales may take place between 6:00 p.m., shall end at 9:30 p.m. and all outdoor consumption within the event space shall conclude by 10:00 p.m.

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

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

ACTION REQUESTED

Please place this item on the May 18, 2023, Village Board agenda for approval of an amendment to Section 112.18(B) of the Lombard Village Code to provide for the 2023 Cruise Nights & Summer Concerts 2023. A waiver of first reading is also requested.

ORDINANCE NO. ____

**AN ORDINANCE AMENDING TITLE 11, CHAPTER 112, SECTION 112.18(B)
OF THE LOMBARD VILLAGE CODE IN REGARD TO ALCOHOLIC BEVERAGES,
PROVIDING FOR THE SALE AND CONSUMPTION OF ALCOHOL IN CONNECTION
WITH TEMPORARY EVENTS WITHIN THE PARK AVENUE (FROM ST. CHARLES ROAD
TO MICHAEL MCGUIRE DRIVE) PUBLIC RIGHT-OF-WAY ON JUNE 17 AND 24, 2023,
JULY 8, 15, 22 AND 29, 2023 AND AUGUST 5, 12 AND 19, 2023 RELATIVE TO
CRUISE NIGHTS AND THE SUMMER CONCERTS WEEKLY SERIES**

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

SECTION 1: That Title 11, Chapter 112, Section 112.18(B) of the Lombard Village Code
is amended by adding new subsection (5) thereto, effective upon the adoption of this Ordinance
through 11:59 p.m. on Saturday, August 19, 2023, which shall read in its entirety as follows:

"(5) In light of the fact that Shannon's on Park, Inc. d/b/a & Deli located at 11-15 South Park Avenue, Bill and Punky's Step Up Inn, Ltd. d/b/a Punky's Pub, located at 16 South Park Avenue and Topaz RG, LLC d/b/a Babcock's Grove House, located at 101 West St. Charles Road (hereinafter individually a "Liquor Licensee" and collectively the "Liquor Licensees"), will be co-sponsoring and participating in temporary weekend events known as the Cruise Nights and Summer Concerts Weekly Series beginning on June 17, 2023 and taking place each Saturday thereafter, through and including Saturday August 19, 2023, but excluding Saturday, July 1, 2023, said Liquor Licensees shall each be eligible for Class "J" liquor licenses, despite the fact that said Liquor Licensees are for-profit business entities, for the sole purpose of selling alcoholic beverages for consumption in a designated and secured area within the Park Avenue (from St. Charles Road to Michael McGuire Drive) right-of-way to be approved by the Village pursuant to the issuance of three (3) temporary event permits under Chapter 110 of the Village Code covering each of the following dates and times:

June 17 and 24, and July 8, 2023, from 6:00 p.m. to 10:00 p.m.

July 15, 22 and 29, 2023, from 6:00 p.m. to 10:00 p.m.

August 5, 12 and 19, 2023, from 6:00 p.m. to 10:00 p.m.

A single Class "J" liquor license may be issued by the Local Liquor Control Commissioner covering all temporary event permits issued by the Village under Chapter 110 of the Village Code for the temporary events referenced in this subsection (5). The liquor licenses to be issued under this subsection (5) may be issued by the Local Liquor Commissioner upon proper application to the Village, and satisfaction of all applicable requirements and conditions by each of the Liquor Licensees. No liquor license shall be issued under this subsection (5), to a Liquor Licensee, until such time as said Liquor Licensee obtains the necessary temporary event permits under Chapter 110 of the Village Code and complies with all requirements and conditions thereof, including, without limitation, the

insurance, bond and indemnification requirements of Chapter 110 of the Lombard Village Code in regard to temporary events.

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

- (a) The sale of alcoholic beverages shall occur within the building on the premises for which the Liquor Licensee has a valid non-Class "J" liquor license (the "Licensed Premises") or outdoors, but within ten (10) feet of the main entrance of the Licensed Premises, or, in the case of Topaz RG, LLC d/b/a Babcock's Grove House, within ten (10) feet of the 4 South Park entrance to the building in which Babcock's Grove House is located, in light of the stairs located at the main entrance of the Licensed Premises for Babcock's Grove House;
- (b) The sales and dispensing of alcoholic beverages in pitchers is prohibited;
- (c) No more than two (2) alcoholic beverages may be purchased by any person at the same time;
- (d) All individuals purchasing or consuming alcoholic beverages shall be required to provide documentation showing that they are at least twenty-one (21) years of age and each Liquor Licensee shall be responsible for the verification of age for their patrons;
- (e) All individuals purchasing or consuming alcoholic beverages outside of the Licensed Premises shall be provided and required to visibly wear wristbands identifying them as being over the age of twenty-one (21) years of age. Every Liquor Licensee shall be required to verify the age of individuals being served alcoholic beverages even if they are wearing a wristband;
- (f) Alcoholic beverages, that are sold for consumption outside of the Licensed Premises, must be served in plastic cups with a capacity of no more than sixteen (16) ounces;
- (g) Liquor Licensees shall ensure that alcoholic beverages do not leave the designated and secured area within the Park Avenue right-of-way to be approved by the Village pursuant to the issuance of three (3) temporary event permits under Chapter 110 of the Village Code; and
- (h) Sales of alcoholic beverages for consumption outside of a Licensed Premises may begin at 6:00 p.m. and shall end at 9:30 p.m. Consumption of alcoholic beverages outside of a Licensed Premises shall conclude by no later than 10:00 p.m."

SECTION 2: That, effective at 11:59 p.m. on Saturday, August 19, 2023, Title 11, Chapter 112, Section 112.18(B)(5) of the Lombard Village Code, as set forth in Section 1 above, is hereby repealed, without need for any further action by the President and Board of Trustees.

SECTION 3: 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 18th day of May 2023.

First reading waived by action of the Board of Trustees this 18th day of May 2023.

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

AYES: Trustee LaVaque, Puccio, Dudek, Honig, Militello, and Bachner

NAYS: None

APPROVED by me this 18th day of May 2023.

Keith T. Giagnorio, Village President

ATTEST:

Elizabeth Brezinski, Village Clerk