

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 24, 2022 (B of T) Date: May 26, 2022

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

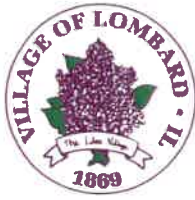
BACKGROUND/POLICY IMPLICATIONS:

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 18th and August 20th, excluding July 2nd and will feature various live musical concerts in the right-of-way on South Park Avenue. 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.

Review (as necessary):

Village Attorney X _____	Date _____
Finance Director X _____	Date _____
Village Manager X <u>W. Niehaus</u>	Date <u>5/24/22</u>

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: Nicole Aranas, Assistant Village Manager *NA*
DATE: May 24, 2022
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 18th and August 20th, excluding July 2nd. The Village Cruise Nights & Summer Concert regular weekly series will be followed by a separate finale live music concert, featuring 7th Heaven on August 27, 2022, 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 Butcher Shoppe and Deli.

While the weekly Cruise Nights and Summer Concerts have previously been alcohol-free, patrons of the existing businesses were permitted to consume alcohol within their respective outdoor dining areas but were 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.

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.

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 18 AND 25, 2022,
JULY 9, 16, 23 AND 30, 2022 AND AUGUST 6, 13 AND 20, 2022 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 25, 2022, 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 18, 2022 and taking place each Saturday thereafter, through and including Saturday August 20, 2022, but excluding Saturday, July 2, 2022, 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 18 and 25, and July 9, 2022, from 6:00 p.m. to 10:00 p.m.
July 16, 23 and 30, 2022, from 6:00 p.m. to 10:00 p.m.
August 6, 13 and 20, 2022, from 6:00 p.m. to 10:00 p.m.

A separate Class "J" liquor license shall be required for each temporary event permit 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 20, 2022, 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 _____ day of _____

First reading waived by action of the Board of Trustees this 26th day of May, 2022.

Passed on second reading this 26th day of May, 2022, pursuant to a roll call vote as follows:

AYES: _____

NAYS: _____

ABSTAIN: _____

ABSENT: _____

APPROVED by me this 26th day of May, 2022.

Keith T. Giagnorio, Village President

ATTEST:

Elizabeth Brezinski, Village Clerk