



AGENDA

REGULAR MEETING OF THE LAWS AND ORDINANCES COMMITTEE TO BE HELD ON MONDAY, NOVEMBER 9, 2020, AT 5:30 P.M. AT THE VILLAGE HALL, 835 MIDWAY DRIVE, IN THE VILLAGE OF WILLOWBROOK, DUPAGE COUNTY, ILLINOIS

Mayor

Frank A. Trilla

Village Clerk

Village Trustees

Sue Berglund

Umberto Davi

Michael Mistele

Gayle Neal

Paul Oggerino

Gregory Ruffolo

Village Administrator

Brian Pabst

Chief of Police

Robert Schaller

Director of Finance

Carrie Dittman

DUE TO THE COVID 19 PANDEMIC THE VILLAGE WILL BE UTILIZING A CONFERENCE CALL FOR THIS MEETING.

THE PUBLIC CAN UTILIZE THE FOLLOWING CALL IN NUMBER:

Dial in Phone Number: 312-626-6799

Meeting ID: 846 6711 8657

Passcode 258311

1. CALL TO ORDER
2. ROLL CALL
3. APPROVAL OF MINUTES – October 12, 2020 (Approve)
4. DISCUSS - Chapter 9 Hotels / Motels Code Enhancements
5. DISCUSS - BYOB Licensing
6. ON GOING REVIEWS
 - a) Food Truck Licensing Requirements – 1 Year Moratorium
 - b) Outdoor Sales for Service Stations and Grocery / Drug Stores – Public Hearing Continued to December 2, 2020
 - c) Chapter 13 Solicitors Regulations
 - d) Adult Use Cannabis Definitions and District
7. COMMITTEE REPORTS
8. VISITOR'S BUSINESS
(Public comment is limited to three minutes per person)
9. ADJOURNMENT



MINUTES OF THE REGULAR MEETING OF THE LAW AND ORDINANCES COMMITTEE OF THE VILLAGE OF WILLOWBROOK HELD ON MONDAY, OCTOBER 12, 2020 AT 5:30 PM AT THE WILLOWBROOK VILLAGE HALL, LOWER LEVEL CONFERENCE ROOM, 835 MIDWAY DRIVE, VILLAGE OF WILLOWBROOK, DUPAGE COUNTY, ILLINOIS.

DUE TO THE COVID 19 PANDEMIC THE VILLAGE WILL BE UTILIZING A CONFERENCE CALL FOR THIS MEETING.

1. CALL TO ORDER

Village Attorney Thomas Bastion called the meeting to order at the hour of 5:30 pm. It was noted that this meeting was held via conference call due to the Covid-19 pandemic.

2. ROLL CALL

Those present in person at roll call were: Chairperson Gayle Neal, Trustee Umberto Davi, and Assistant Village Administrator Michael Mertens.

Present via Conference Call, Due to the Covid-19 Pandemic, were Trustee Paul Oggerino, Village Attorney Thomas Bastian, and Building Official Roy Giuntoli.

3. APPROVAL OF MINUTES

Minutes – Regular Meeting September 14, 2020

MOTION: Motion Made by Trustee Davi to approve the minutes from the September 14, 2020 Law and Ordinances Committee Meeting, second Trustee Paul Oggerino.

Roll Call: Chairperson Neal and Trustee Davi voted in favor to Approve. Trustee Paul Oggerino abstained.

MOTION DECLARED & CARRIED

4. DISCUSSION – Chapter 9 Hotels / Motels Code Enhancements

Chairperson Neal summarized that this item was a continuation of the Village review of the proposed enhancements to Chapter 9 Hotels / Motels Code. She stated that staff had provided input on the proposed enhancements and the Committee had reviewed it. The proposed time frame was to finalize the propose amendments and present a final document to the Village Board on the October 26, 2020 for formal consideration.

Assistant Village Administrator Mertens advised that our Village attorney has used definitions consistent with surrounding communities, staff will clarify the number of rooms best suited for the definition with the intent to keep the definition consistent with

definitions located in the Willowbrook zoning code.

Assistant Administrator Mertens reviewed the updated language that is to be included in the proposed amended ordinance related to the license requirements in Section 3-9-3. Attorney Thomas Bastian mentioned there are some minor Scribner's errors that will be corrected in the final version.

Building Official Giuntoli reviewed the inspections criteria in Section 3-9-6. The Building Department will conduct annual inspections of the properties to assure that meet minimum standards. The ordinance also will provide details of other rules and regulations that Hotel/Motel operators will need to follow.

Assistant Administrator Mertens reviewed Section 3-9-10 that refers to penalties, suspension, and revocation of licenses. This area of the ordinance will provide staff with a method of enforcement, detailing the process and the fees.

Staff will make the recommended adjustments and present an updated document for further consideration.

Village Attorney Thomas Bastian asked Building Official Giuntoli if the current fees reflect or indicate what inspections and re-inspections would cost. Building Official Giuntoli stated that he understood that the initial fee would be part of the licensing process, and that re-inspections would be assessed by Building Department staff per ordinance.

Trustee Davi inquired as to the definition for transients. Village Attorney Bastian and Chairperson Neal both explained the reasoning behind the use of the word.

Assistant Village Administrator Mertens asked for a motion to the revised documentation and present for further consideration. Trustee Davi made the motion. Chairperson Neal seconded the motion. Roll Call: Chairperson Neal, Trustee Davi and Trustee Oggerino all voted in favor to Approve.

MOTION DECLARED & CARRIED

Trustee Paul Oggerino asked Building Official Giuntoli about property maintenance process. Building Official Giuntoli stated that the Building Department does not currently perform property maintenance inspections on a regular schedule. The department currently works in a reactionary capacity, whether it be the public or staff that identifies a property maintenance concern. Noting that the annual inspections discussed earlier would encompass the entire property. Chairperson Neal also stated that Section 3-9-9 Nuisance Declared can be used in a similar manner as to how the property maintenance code has been

used in the past.

5. **DISCUSSION – Business License Late Fees – Chapter 1A License Fees**

Assistant Village Administrator Mertens stated that the Village currently does not impose a Business License late fee. Staff completed research of surrounding comparable communities regarding business license late fees and summarized the findings. The consensus of the committee was to concur with a 10% late fee for 30 days and a 30% late fee for 60 dates with citations to be issued for licenses later than 90 days.

An ordinance has been drafted by the attorney, and with consensus, would be presented to the Village Board on October 26 for formal consideration.

The Finance Committee is considering a recommendation from the mayor to temporarily reduce liquor licenses and gaming fees.

Chairperson Neal stated that since the village does not have a late fee program and one should be considered.

Trustee Umberto Davi asked what a normal business fee was for the community. Assistant Village Administrator Mertens advised that although it ranges between businesses types, a typical fee is around \$100.00.

Trustee Davi made a motion to concur with the staff late fee recommendation. Chairperson Neal seconded the motion. Roll Call: Chairperson Neal, Trustee Davi and Trustee Oggerino all voted in favor to Approve.

MOTION DECLARED & CARRIED

6. **DISCUSSION – BYOB Licenses**

Assistant Village Administrator Mertens reviewed BYOB license request that was mentioned at the last committee meeting. This item relates to a proposed text amendment to modify applicable definitions for cigarette and retail stores to include smoking lounges in the B4 business district as a permitted use. He noted that the Plan Commission recommended to allow for those definitional changes, furthermore, noting said change will be presented to the Village Board later this evening.

Assistant Village Administrator Mertens advised that staff did a survey of other comparable communities' BYOB requirements. BYOB fees were discussed, and they ranged from \$75.00 to \$2,000 depending on the community. Assistant Village Administrator Mertens stated that

other communities have this program so that they can regulate the use, specifically with a key factor being proper training with the Bassett program. A license can be revoked, and the program is typically used in restaurants. Assistant Village Administrator Mertens requested committee feedback. Examples of various BYOB licenses were provided to the committee.

Chairperson Neal stated that she has seen the number of BYOB licenses limited so not to diminish the value of a liquor license. Most of the BYOB licenses have been limited to beer and wine only. She provided examples of Hinsdale BYOB's experiences, furthermore, stating that at this time there are no issued BYOB licenses. Hinsdale's fees are at \$1,000.00.

Trustee Umberto Davi had no comment at this time.

Village Attorney Bastian stated the fees seem fair as to a proprietor will likely charge fees to its customers for this, he also stated that there are state laws that apply.

Assistant Village Administrator Mertens asked the committee for direction. They unanimously stated that work on this can proceed and prepare a draft for the next committee meeting in November.

7. DISCUSSION – ON GOING REVIEWS

Village Administrator Mertens stated that these are items for future discussion, staff continues to work on these, and were placed here as place holders, and that would likely resurface at future meeting, no further substantial details were provided at this meeting.

- a) Chapter 13 Solicitors Regulations
- b) Adult Use Cannabis Definitions and District
- c) Food Truck Licensing Requirements
- d) Outdoor Sales for Service Stations and Grocery / Drug Stores

8. COMMITTEE REPORTS

- Chairperson Neal: No Report
- Trustee Davi: No Report
- Trustee Oggerino: No Report
- Assistant Village Administrator Mertens: No Report
- Building Official Giuntoli: No Report
- Village Attorney Bastian: No Report

9. VISITOR'S BUSINESS

NONE

Assistant Village Administrator Mertens stated that there were no formal submittals from visitors to address. Building Official Giuntoli stated that there were no other persons logged onto the ZOOM meeting.

Village Attorney Bastian asked if staff received written comment and the staff response was no.

10. ADJOURNMENT

Trustee Davi made a motion to adjourn, seconded by Trustee Oggerino. Roll Call: Chairperson Neal, Trustee Davi and Trustee Oggerino all voted in favor to Approve.

MOTION DECLARED & CARRIED

Meeting adjourned at 6:15 PM

PRESENTED, READ and APPROVED

_____, 2020

Chairperson

Minutes prepared by
Roy A. Giuntoli, Building Official

LAW AND ORDINANCES COMMITTEE MEETING
AGENDA ITEM SUMMARY SHEET

AGENDA ITEM DESCRIPTION

Discuss Chapter 9 Hotels / Motels Code Enhancements

COMMITTEE REVIEW

- ☐ Finance/Administration
- ☐ Municipal Services
- ☐ Public Safety
- ☒ Law & Ordinances

Meeting Date: November 9, 2020

- | | |
|---|---|
| <input type="checkbox"/> Discussion Only | <input checked="" type="checkbox"/> Approval of Staff Recommendation (for consideration by Village Board at a later date) |
| <input type="checkbox"/> Seeking Feedback | <input type="checkbox"/> Approval of Staff Recommendation (for <u>immediate</u> consideration by Village Board) |
| <input type="checkbox"/> Regular Report | <input type="checkbox"/> Report/documents requested by Committee |

BACKGROUND:

At the March 9, 2020 Law and Ordinances Committee meeting, Trustee Neal provided an overview of the current Village of Willowbrook Building Code as it relates to Hotel/Motels. Trustee Neal advised the Committee that most of the code dates to 1970 with various minor updates occurring in 1978, 1984, 1985 and 2005. Trustee Neal recommended that the Village consider reviewing the code to make sure the code utilizes the best practices applied within the industry, including but not limited to yearly inspections for property maintenance, health, and sanitation related issues.

On June 8, 2020, staff presented an initial redline document highlighting the possible updates to Chapter 9, Hotel / Motel section, of the Building Code. Staff received input and direction on the proposed language on sections 3-9-1 through section 3-9-6. On July 13, 2020, the Committee reviewed sections 3-9-7 through 3-9-10 and provided staff input.

Staff has updated the proposed code enhancements on the attached document based on the feedback received on June 8th and July 13, 2020. We have asked our code enforcement officer, Karyn Byrne, to join us for the meeting to walk through the enforcement process and to help ensure we closeout any loose ends on the proposed yearly inspection process.

On August 10, 2020, staff presented a redline version of the suggested code enhancements from the previous meetings. The Committee reviewed the item and provided further feedback to staff and the Village Attorney. On October 12, 2020 staff presented an updated version of the proposed ordinance amendment.

STAFF RECOMMENDATION:

Staff is seeking feedback on two open issues. 1) Clarification of the definition of Motel and Motel, specifically if we want to have a minimum of the number of rooms and if so is 50 the desired number.

2) Register of guests. There is a suggestion to add in a section into the code to require a guest registration and that it be available for inspection by law enforcement. A suggestion of said language from a neighboring community is as follows:

"Each establishment shall keep a register of all transient guests. This register shall contain the name, legal residence, make of car, car license, number and names of persons occupying the rooms, the number or numbers of the room or rooms assigned to the guest or guests and the date of arrival and departure. The register shall be available for inspection by law enforcement officers for a period of not less than three years."

Upon consensus of the Committee, the final document will be presented to the Village Board on November 23, 2020 for formal consideration.

11/09/20

Chapter 9

HOTELS/MOTELS

3-9-1: DEFINITIONS:

For the purposes of this chapter, the words and terms given below are defined as follows:

HOTEL: Any building or structure which provides a common entrance, lobby, halls and stairways in which lodging the public, especially transients, where sleeping or lodging accommodations, with or without meals, are furnished for compensation and which contains a minimum of fifty (50) rooms.

MOTEL: Any building or structure consisting of a minimum of fifty (50) rooms, used for lodging the public, especially transients, where sleeping or lodging accommodations, with or without meals, are furnished for compensation, which provides the guests and lodgers thereof ready access to their automobiles or other motor vehicles.

3-9-2: BUILDING CODE APPLICABLE:

No building hereafter constructed shall be occupied or used as a hotel or lodging house and no building or portion thereof not now so used shall be converted into or used for a hotel or motel unless, in addition to all other requirements of this Code, the building conforms to the requirements of the Building Code and all adopted codes of the Village.

3-9-3: LICENSE REQUIRED:

- (A) It shall be unlawful for any person, firm, corporation, partnership or any other entity to conduct, manage, keep or operate a hotel or motel without having first obtained a license therefore.
- (B) No license, pursuant to this Chapter, shall be issued without a valid certificate of occupancy having been issued for the structure by the Building Official of the Village.
- (C) No license shall be issued to any applicant if any manager, owner or person owning more than five percent (5%) of the shares of stock in the hotel or motel has, within seven (7) years next preceding submission of an application for a hotel or motel license, has been convicted of any crime involving moral turpitude, or any offense involving gambling, prostitution, a violation of the Illinois Controlled Substances Act or any other felony offense as provided by the Illinois Criminal Code of 2012 (720 ILCS 5/1-1, *et seq.*)

[NOTE: The license year is already provided in Title 3, Chapter 1, Section 3-1-7 of the Village Code.]

3-9-4: LICENSE APPLICATION:

[NOTE: Prorated license fees. Should be added by amendment to Title 3, Chapter 1A entitled "License Fees" of the Village Code.]

Each applicant for a license to operate or maintain a hotel or motel shall file an application with the Village Clerk stating therein the name and address of: (a) the franchisor (if any); (b) owner and any shareholder, member or partner of the owner owning more than five percent (5%) of the owner; (c) any manager or assistant manager of the owner having charge of the management or control of the premises, name and address of the manager, assistant manager; location of the hotel or motel, the number of rooms to be available; the maximum number of persons and vehicles to be accommodated; and whether or not kitchen facilities are afforded and, if so, the number and location of each such unit. Unless the application shall have been previously presented and approved, the application shall be accompanied by plans of the hotel or motel drawn by a licensed architect, showing the proposed or existing locations of all buildings, rooms, fire spaces, stairs, windows, toilets, type of heating, sewer connections, driveways and other improvements.

The application shall be filed with the Village Clerk or his/her designee who shall refer the application to the building official for investigation to be made to determine whether the building or premises in which such hotel or motel is to be operated complies to the requirements of this Code and all Village adopted codes regarding construction, sanitation and public health and safety. If the Village Clerk or his/her designee approves the application, license shall be issued upon payment of the prescribed fee.

3-9-5: LICENSE FEES:

The annual license fee and any applicable prorated annual license fees for a hotel or motel shall be as set forth in Section 3-1A-1 of this Title.

3-9-6: INSPECTIONS:

Every hotel and motel located within the Village shall be subject to an annual inspection by the building official or his/her designee to determine whether the hotel or motel complies with the minimum standards for property maintenance, buildings, sanitation, fire prevention and public health and safety as set forth in the Village Code and all adopted codes. Hotels and motels that do not meet the minimum standards as set forth in the Village Code and all adopted codes are subject to re-inspection(s) and additional re-inspection fees.

3-9-7: ADDITIONAL PREMISES REQUIREMENTS:

- (A) Basement: No hotel or motel shall use or permit the use of a basement or any part thereof for lodging or rooming purposes.
- (B) Ventilation: No room in any hotel or motel shall be occupied as a sleeping room by any human being unless there are at least four hundred (400) cubic feet of air space, exclusive of wardrobe and closet space for each person occupying such room.
- (C) Bathrooms and Toilets: In every hotel and motel, bath and toilet facilities shall be provided in each room or unit.
- (D) Light Housekeeping: No person operating any hotel or motel shall permit the cooking or preparation of food or meals or the storage of foodstuffs, with the exception of the use of minibars, small microwaves and mini refrigerators for incidentals, in any room used for sleeping purposes; light housekeeping, so called, shall not be permitted in any such sleeping rooms.

3-9-8: ACCESSORY BUILDINGS:

No accessory building shall be used for hotel or motel purposes.

3-9-9: NUISANCE DECLARED:

The maintenance or use of any building or structure or portion thereof in violation of any provision of this chapter or of the Village Building Code or adopted codes is hereby declared a public nuisance and may be abated as such.

3-9-10: PENALTIES; SUSPENSION; REVOCATION OF LICENSE.

(A) Suspension of Business Operations:

1. When the conduct or operation of any hotel or motel, whether licensed or unlicensed, shall constitute a nuisance in fact or a clear and present danger to the public health, safety, or general welfare, the Village Administrator shall be authorized to summarily order the cessation of business and the closing of the premises for a period not to exceed ten (10) days.
2. Within eight (8) days after a license is suspended, the Village Administrator shall call a hearing as provided in Subsection D of this Section for the purpose of determining whether or not the license or permit should be revoked or further suspended.

(B) Revocation of License:

1. Hotel and motel licenses issued by the Village may be suspended for up to thirty (30) days or revoked by the Village Administrator after notice

and hearing as provided in subsection D of this section for any of the following causes:

- a. Any fraud, misrepresentation, or false statement contained in the application for the license;
- b. Failure by the applicant to comply with any provision of this Code or any Statutes of the State relating to the business, occupation, or activity of the license;
- c. Conviction of the applicant of any felony or of a misdemeanor where such conviction indicates their inability to operate a safe, honest, and legitimate business separation within the Village;
- d. Failure of the licensee or permittee to pay, after notice, any judgment, fine, penalty, tax or other indebtedness or charge due and owing to the Village.
- e. Any deceptive trade practices as defined by State or Federal law or regulation and shall comply with all applicable laws and regulations regarding consumer protection and deceptive trade practices;
- f. Failure to comply with all Village Zoning, Building, Fire and Health Codes, and ordinances, as well as all other application Village codes, ordinances, rules, and regulations and failure to maintain the premises in good repair, free of litter and debris and in a safe condition for employees, customers and other persons present therein or thereon; or
- g. Refusal to permit an inspection or any interference with a duly authorized Village officer or employee while in the reasonable performance of his duties in making such inspections.

(C) Prosecution and Other Penalties: Such revocation, if ordered, shall not preclude prosecution and imposition of any other penalties provided for the violation of other applicable provisions of this chapter or other ordinances of the Village. No person whose license has been revoked shall be eligible for a new license during the period for which the original license was originally issued.

(D) Hearing Procedures:

1. Notice:

- a. Notice of a hearing shall set forth, specifically, the grounds of the complaint and the time and place of the hearing.

- b. Such notice shall be served by certified mail (return receipt requested) to the licensee at his last known residence or business address, at least five (5) days prior to the date set for the hearing or personally served on the licensee at least three (3) days prior to the date set for the hearing.
- c. If the licensee shall request a continuance in the date of the hearing, any suspension in effect shall be continued until the continued hearing date.
- d. All pleadings, motions, notices, and orders shall be filed with the Village Clerk.

2. Procedural Rules:

- a. Prior to the beginning of any hearing, the Village Administrator may adopt additional procedural rules as may be necessary for that hearing.
- b. At that hearing, the licensee shall be permitted counsel and shall have the right to respond, present evidence, and cross examine witnesses.
- c. All proceedings shall be stenographically or electronically recorded.
- d. Irrelevant, immaterial, or unduly repetitious evidence shall be excluded. The rules of evidence as applied in civil cases in the circuit courts of the state shall not apply. Evidence not admissible under those rules of evidence may be admitted, however, if it is of a type commonly relied upon by reasonably prudent men in the conduct of their affairs. Objections to evidentiary offers may be made and shall be noted in the record.
- e. No discovery procedure shall be used prior to a hearing except by leave of the Village Administrator who shall supervise all of any part of any discovery procedures.
- f. The standard for proof of hearings shall be by the preponderance of the evidence.
- g. The Village Administrator shall preside and render the decision within a reasonable time after the conclusion of the hearing, but not later than fourteen (14) days after the conclusion of the hearing. The decision shall be in writing and shall summarize the evidence and state the reasons for the decision.

3. Hearing Costs:

- a. Any hotel or motel licensee whose license is suspended or revoked, or a hotel or motel business that operates without a license, shall pay to the Village the costs of the hearing before the Village Administrator. The Village Administrator shall determine the costs incurred by the Village for said hearing, including, but not limited to, court reporter fees, the costs of transcripts or records, attorney fees, the cost of preparing the mailing notices and orders, and all other miscellaneous expenses incurred by the Village or such lesser sum as the Village Administrator may allow.
- b. The licensee shall pay said costs to the village within thirty (30) days of notification of the costs by the Village Administrator. Failure to pay said costs within thirty (30) days of notification is a violation of this section and may be cause of license suspension or revocation, or the levy of a fine.

(E) Any licensee aggrieved by the decision of the Village Administrator may, within fourteen (14) days of service of the Village Administrator's decision, appeal such adverse decision to the Village Board of Trustees. The Village Board of Trustees shall, by a majority vote of the trustees sustain or reverse the decision of the Village Administrator. The decision of the Village Board of Trustees shall be final.

(F) Any person violating any provision of this Chapter shall be fined in an amount not less than One Hundred Dollars (\$100.00) nor more than Seven Hundred Fifty Dollars (\$750.00) for each such offense. A separate offense shall be deemed committed on each day during or on which a violation occurs or continues.

LAW AND ORDINANCES COMMITTEE MEETING

AGENDA ITEM SUMMARY SHEET

DISCUSS - AN ORDINANCE AMENDING SECTION 3-12-5 ENTITLED "CLASSIFICATIONS," OF CHAPTER 12 ENTITLED "LIQUOR," OF TITLE 3 ENTITLED "BUSINESS REGULATIONS" OF THE VILLAGE CODE OF ORDINANCES OF THE VILLAGE OF WILLOWBROOK, DUPAGE COUNTY, ILLINOIS

COMMITTEE REVIEW

☐ Finance/Administration

☐ Municipal Services

☐ Public Safety

☒ Law & Ordinances Meeting Date: 11/09/20

☐ Discussion Only

☐ Approval of Staff Recommendation (for consideration by Village Board at a later date)

☒ Seeking Feedback

☐ Approval of Staff Recommendation (for immediate consideration by Village Board)

☐ Regular Report

☐ Report/documents requested by Committee

ITEM HISTORY (PREVIOUS VILLAGE BOARD REVIEWS, ACTIONS RELATED TO THIS ITEM, OTHER PERTINENT HISTORY)

At the September 14, 2020 Law & Ordinance Committee, staff advised the Committee that the Village has received a petition requesting a text amendment to our Village Zoning Code to allow for a smoking lounge at 7900 Joliet Road Willowbrook, IL 60527. A public hearing for the requested text amendment was held on September 23, 2020. The Plan Commission has recommended to allow a retail tobacco store with smoking lounge as a permitted use in the B 4 business district. On October 12, 2020, the Village Board approved an ordinance allowing for a retail tobacco store with smoking lounge as a permitted use in the B 4 business district.

In conjunction with this text amendment application the petitioner is requesting consideration for BYOB Liquor License for the proposed smoking lounge. Currently our Village Code does not allow for BYOB licenses. On October 12, 2020, staff updated the Law and Ordinances Committee about the request and provided a survey of BYOB's from comparable communities. The consensus of the committee was to direct the Village Attorney to draft an ordinance to allow for BYOB for further consideration by the Committee. A summary of the draft ordinance is as follows:

- 1) Creates a new liquor license classification, a Class Q – BYOB – Cigar Lounge. A Class Q license shall authorize the one-premise consumption of a patron's own bottle (BYOB) of unopened beer, wine and/or liquor brought on the premises of a business operating as a place of public accommodation and solely as a compliment to the sale or purchase of tobacco products.
- 2) The business operating as a public accommodation must be located in a freestanding building, not connected to other businesses or buildings, and said freestanding building must be a minimum of "TBD" square feet.
- 3) The licensee must offer for rent or sale a personal and secured storage locker for members or patrons for the storage of unconsumed products.
- 4) Consumption of alcohol shall not occur in the retail area of the tobacco store.
- 5) The licensee may provide glassware and ice to patrons and may uncork or open the alcohol, pour it and control its consumption for a corkage fee.
- 6) No person shall carry, transport, or possess alcoholic liquor in an unsealed and open condition, except as may be permitted for wine bottles from restaurants, pursuant to Section 5/6-33 of the Illinois Liquor Control Act.
- 7) All employees who perform corkage duties shall be BASSETT trained and shall serve the alcohol as if it was purchased in the establishment complying with all state and local laws.
- 8) The licensee shall provide a certificate of insurance reflecting coverage for general liability purposes as well as liquor liability insurance naming the Village of Willowbrook as an additional insured on the licensee's policies of insurance.
- 9) The annual fee for a Class Q (BYOB) license shall be One Thousand Dollars and 00/100 (\$1,000.00). The maximum number of Class Q (BYOB) licenses shall be one (1)."

STAFF RECOMMENDATION:

Seek feedback from the Committee on the draft BYOB ordinance.

ORDINANCE NO. 20-O-__

**AN ORDINANCE AMENDING SECTION 3-12-5 ENTITLED "CLASSIFICATIONS,"
OF CHAPTER 12 ENTITLED "LIQUOR," OF TITLE 3 ENTITLED "BUSINESS
REGULATIONS" OF THE VILLAGE CODE OF ORDINANCES OF
THE VILLAGE OF WILLOWBROOK, DUPAGE COUNTY, ILLINOIS**

WHEREAS, the corporate authorities of the Village of Willowbrook, are expressly authorized, pursuant to Section 4-1 of the Illinois Liquor Control Act (235 ILCS 5/4-1), to regulate the number, classification and license fees authorizing the retail sale of alcoholic liquor in the Village; and

WHEREAS, the corporate authorities of the Village of Willowbrook, have determined that it is proper and in the best interest of the Village to add a new liquor license classification to be known as a Class Q (BYOB) liquor license classification for the consumption of alcoholic liquor in the Village of Willowbrook.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Board of Trustees of the Village of Willowbrook, DuPage County, Illinois, as follows:

SECTION ONE: Section 3-12-5 entitled: "Classifications," of Chapter 12 entitled "Liquor," of Title 3 entitled "Business Regulations" of the Village Code of Ordinances of the Village of Willowbrook, DuPage County, Illinois, as amended, is hereby further amended by adding the following thereto in proper alphabetical order:

Q	BYOB - Cigar Lounge.
---	----------------------

"[Q] Class Q: A Class Q license shall authorize the one-premise consumption of a patron's own bottle (BYOB) of unopened beer, wine and/or liquor brought on the

premises of a business operating as a place of public accommodation and solely as a compliment to the sale or purchase of tobacco products subject to the following conditions:

1. Only after a Class Q license is approved by the Liquor Commissioner;
2. The business operating as a public accommodation must be located in a freestanding building, not connected to other businesses or buildings, and said freestanding building must be a minimum of _____ square feet;
3. The licensee must offer for rent or sale a personal and secured storage locker for members or patrons for the storage of unconsumed products;
4. The hours of BYOB service shall be limited to the hours that the business establishment is open for business to the public, but in no event earlier than _____ or later than _____ on each day;
5. Consumption of alcohol shall not occur in the retail area of the tobacco store;
6. No person under the age of twenty-one (21) years shall be allowed on the premises;
7. The licensee may provide glassware and ice to patrons and may uncork or open the alcohol, pour it and control its consumption for a corkage fee;
8. All employees who perform corkage duties shall be BASSETT trained and shall serve the alcohol as if it was purchased in the establishment complying with all state and local laws;
9. No person shall carry, transport or possess alcoholic liquor in an unsealed and open condition, except as may be permitted for wine bottles from restaurants, pursuant to Section 5/6-33 of the Illinois Liquor Control Act (235 ILCS 5/6-33);
10. The licensee shall provide a certificate of insurance reflecting coverage for general liability purposes as well as liquor liability insurance naming the Village of Willowbrook as an additional insured on the licensee's policies of insurance.

The annual fee for a Class Q (BYOB) license shall be One Thousand Dollars and 00/100 (\$1,000.00). The maximum number of Class Q (BYOB) licenses shall be one (1)."

SECTION TWO: The remaining provisions of Section 3-12-5 shall remain in full force and effect and unamended by this ordinance.

SECTION THREE: Any ordinance or portion of any ordinance in conflict with the provisions of this Ordinance is hereby repealed solely to the extent of said conflict.

SECTION FOUR: This Ordinance shall be in full force and effect from and after its passage and approval and publication in the manner provided by law.

PASSED and **APPROVED** this _____ day of _____, 2021 by a roll call vote as follows:

AYES: _____

NAYS: _____

ABSTENTIONS: _____

ABSENT: _____

APPROVED:

Frank A. Trilla, Mayor

ATTEST:

Deborah A. Hahn, Village Clerk