



Agenda Cover Memorandum

Meeting Date: January 25, 2016

Meeting Type: COW (Committee of the Whole) City Council Budget Workshop

Item Title: Approval of an Ordinance amending the liquor code to create a new salon liquor license and to reference a \$100 late fee for renewal applications

Action Requested:

<input checked="" type="checkbox"/>	Approval	<input type="checkbox"/>	For discussion
<input type="checkbox"/>	Feedback requested	<input type="checkbox"/>	For your information

Staff Contact: Attorney Julie A. Tappendorf **Phone:** 847-318-5207
Attorney Adam B. Simon

Email: jtappendorf@ancelglink.com
asimon@ancelglink.com

Background:

The City has enacted local liquor licensing regulations for the sale at retail and service of alcoholic beverages in the City. Recently, the City learned that one or more nail salons have been allowing customers to bring their own alcoholic beverages into the salons and/or have been serving complimentary alcoholic beverages to customers. The City's current liquor license regulations do not allow these practices (the existing BYOB license only applies to restaurants). After being notified of the liquor license restrictions, one of the nail salons expressed an interest in continuing to allow the consumption of beer and wine by customers at the salon and asked if the City would consider an amendment to its liquor license regulations.

The attached ordinance would create a new salon liquor license that would allow a nail salon, beauty shop, or day spa to allow the consumption of beer and wine by its customers either through BYOB or as a complement to the services provided in the salon. Additionally, the ordinance would also reinstate a penalty for late liquor license renewal applications. This penalty was eliminated during the rewrite.

The Liquor License Review Board met on November 16, 2015 and supported the new salon liquor license in addition to re-incorporating the late fee back into the Liquor Code.

Legal reviewed ordinances enacted by other communities, including Lincolnshire, Richton Park, Plainfield, and Shorewood, in creating a draft ordinance to allow the service of alcohol by salons.

The COW reviewed the ordinance at its November 23 and December 14 COW meetings. Salon owners were invited to attend the December 14 COW meeting where the proposed ordinance was discussed. No changes were recommended following that discussion. The COW is being asked to refer the proposed ordinance to the next City Council meeting for approval.

Please be advised that staff received information that additional merchants in the City have advertised BYOB to complement their sale of goods or services. For example, the Brickton Art Center, 306 Busse Highway, has advertised that customers may bring their own beverage to consume during art classes or workshops. As a result, the COW may consider revising the ordinance to make it generally applicable to merchants who make BYOB a complement to their sale of goods or services. This is the model adopted by the Village of Richton Park. This would avoid the need to revisit the issue for every separate category of business interested in adopting this practice.

Recommendation:

Approval of an Ordinance amending the liquor code to create a new salon liquor license and to reference a \$100 late fee for renewal applications

Attachments:

- Draft Ordinance Amending Liquor Code
- Draft Minutes – LLRB 11/16/15
- Answers to questions from last discussion
- Article from Daily Herald 12/4/15
- Info obtained from other municipalities

**2016 -
ORDINANCE NO.**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PARK RIDGE
AMENDING ARTICLE 12, CHAPTER 6 OF THE MUNICIPAL CODE OF PARK RIDGE
TO CREATE A NEW LIQUOR LICENSE CLASSIFICATION AND A LATE FEE FOR
RENEWALS**

WHEREAS, the City of Park Ridge is an Illinois home rule municipal corporation organized and operating pursuant to Article VII of the Illinois Constitution of 1970; and

WHEREAS, the City has adopted certain liquor license regulations designed to protect the health, safety and welfare, which regulations are codified at Article 12, Chapter 6 of the Park Ridge Municipal Code ("Liquor Code"); and

WHEREAS, the Illinois Liquor Control Act, 235 ILCS 5/1-1. et seq. ("Act"), describes the minimum regulation of liquor license establishments in the State of Illinois; and

WHEREAS, Section 4-1 of the Act, 235 ILCS 5/4-1, empowers the Mayor and City Council to establish such conditions, regulations and restrictions upon the issuance of local liquor licenses not inconsistent with law as the public good and convenience may require; and

WHEREAS, in addition, 65 ILCS 5/11-42.10.1 authorizes municipalities to license and regulate businesses operating as a public accommodation that permit the consumption of alcoholic liquor on the business premises; and

WHEREAS, the Mayor and City Council desire to update and revise the City's Liquor Code and add a new liquor license class to allow salons to serve alcoholic beverages, as described in this Ordinance, and to reinstate the late fee penalty for renewal applications.

BE IT ORDAINED by the City Council of the City of Park Ridge, Cook County, Illinois, pursuant to its home rule authority provided under Article VII of the Illinois Constitution of 1970 as follows:

SECTION 1: Paragraph 3, “Specialty licenses,” of Subsection A, “Licenses,” of Section 12-6-6, “Classifications and Fees” of Chapter 6, “Alcoholic Liquors,” of Article 12, “Businesses and Occupations,” of the Park Ridge Municipal Code is hereby amended as follows:

3. Specialty licenses:

Class S-1	Home Delivery	\$1,000.00
Class S-2	Bring Your Own Bottle (BYOB)	\$1,000.00
Class S-3	Off-Site Dispensing	\$ 750.00
Class S-4	License with Special Conditions	As set by City Council
<u>Class S-5</u>	<u>Salon (BYOB and complimentary service)</u>	<u>\$500.00</u>

SECTION 2: Subsection III, “Class S Licenses (Specialty),” of Section 12-6-7, “Descriptions and Restrictions” of Chapter 6, “Alcoholic Liquors,” of Article 12, “Businesses and Occupations,” of the Park Ridge Municipal Code is hereby amended to add a new paragraph E, as follows:

E. Salon License: Class S-5 shall authorize a salon (including beauty and barber shops, day spas, and nail salons) to allow the consumption of beer and wine by its patrons that (1) is brought to the premises of the business by the patron (BYOB) and/or (2) is served by the business as a complement to the patron’s purchase of goods or services offered by the business (complimentary service). A class S-5 license shall be subject to the following regulations:

1. The licensee may provide patrons of the business with individual servings of wine or beer in glasses at no charge, or may provide glasses and ice for patrons who bring their own beer or wine to the premises.

2. No wine or beer may be served to persons on the business premises except as a complement to the patron’s purchase or consumption of goods and services made available to the public by the licensee.

3. The complimentary service or consumption of beer or wine at the licensed premises is limited to not more than three alcoholic beverages by a patron during any single calendar day.

4. It shall be unlawful for the licensee, its agents, and employees to permit any patron to leave the licensed premises with an open container of wine or beer.

5. The licensee must maintain general liability insurance coverage as required by section 12-6-16.

6. In no case shall the sale or consumption of alcoholic liquor take place outside of the normal business hours of the business.

-SECTION 3: Section 12-6-10, "Renewal of License" of Chapter 6, "Alcoholic Liquors," of Article 12, "Businesses and Occupations," of the Park Ridge Municipal Code is hereby amended as follows:

12-6-10: RENEWAL OF LICENSE

Any Licensee may apply to renew a license. This renewal privilege shall not be construed as a vested right, but shall be completely subject to the Commissioner's right of review of the Licensee's background and history of operation in the State of Illinois. No license shall be renewed unless the State license number appears on the face of the application. **Any Licensee that submits its renewal application to the City after the deadline set forth in the renewal notice will be assessed a late fee penalty of \$100.00.**

SECTION 4: This Ordinance shall be in full force and effect from and after its passage, approval and publication according to law.

SECTION 5: The City Clerk is hereby authorized and directed to publish said Ordinance in pamphlet form according to law.

Adopted by the City Council of the City of Park Ridge, Illinois this ____ day of _____, 2015.

VOTE:

AYES: _____

NAYS: _____

ABSENT: _____

Approved by me this
____ day of _____, 2015.

Acting Mayor Marty Maloney

Attest:

City Clerk

Approve the issuance of the Liquor License for CVS for calendar year 2016 subject to receipt of missing requirements.

Moved by Comm. Huening. Seconded by Comm. Flyke.
Motion carried; voice vote.

Approve the issuance of Gumba Joe's Liquor License for calendar year 2016 subject to receipt of missing requirements.

Moved by Comm. Huening. Seconded by Comm. Svanascini.
Motion carried; voice vote.

Approve the issuance of Liquor License for Siam Thai for the calendar year 2016 subject to receipt of missing requirements.

Moved by Comm. Huening. Seconded by Comm. Flyke.
Motion carried; voice vote.

Deputy Clerk Peterson indicated that a Resolution will be prepared for presentation at the December 7, 2015 City Council meeting approving the issuance of the 2016 Liquor Licenses. The four establishments with missing information will be included in the Resolution. If the missing items have not been received, the motion will be revised accordingly. Deputy Clerk Peterson reiterated that a License is not handed over to any establishment if they have missing any requirements.

B. Board Comments regarding the creation of an S-5 Salon (BYOB and complementary service)

Liquor Commissioner/Acting Mayor Maloney indicated that the City was advised about the service of alcohol at a dew nail salons in the community. The establishments were notified and asked to refrain from further service of alcohol. They were also informed that if they would like the Liquor Code changed to allow such service, they should contact the City. The City was contacted and the attorneys prepared a draft Ordinance with modifications. The draft Ordinance would be presented to the COW for discussion on November 23. The commissioner was looking for feedback from the Liquor Board to share with the Council.

Comm. Flyke had no problem with the modifications proposed. Comm. Huening spoke of the inverse affect that this could have on this service establishment. He had no objection with the change; it will be more of a policing and supervision issue and would welcome any safeguards offered by the City Council. Comm. Svanascini was new to this concept. Attorney Tappendorf indicated that the business must provide dram shop insurance. In response to a question from Acting Mayor Maloney, the State does not require a Liquor License for these types of businesses. The City would provide the enforcement based on a complaint.

The fee for the Specialty License was discussed among the Board and agreed that \$500 was a fair amount.

C. Board Comments regarding the late fee charge for receiving late license renewal applications

The Board was unanimously supportive of reincorporating a late fee in the Liquor Ordinance and believed it is an effective tool to motivate applicants to hand in its establishment's renewal application by the due date.

VII. Administration Report

No report.

VIII. Pending Items

IX. New Business

X. Adjournment

The Board adjourned its meeting at 6:52 p.m.

From: Tappendorf, Julie [<mailto:jtappendorf@ancelglink.com>]
Sent: Monday, November 30, 2015 12:33 PM
To: Peterson, Cheryl
Subject: PR Meeting Follow Up

Hi Cheryl:

Adam said there was some follow up on the salon liquor license ordinance (see below). I will research #3 regarding the ILCC enforcement. I'm not sure what the specific issue is with #4 – we've restricted the number of drinks per day to 3 in the ordinance – do you know if they want to further restrict the number of drinks? Also, do you have an answer to #1? And who will take care of #2?

Salon Liquor License –

- (1) How many businesses will be affected? **Approx 80 per Business Licensing, Tim Schwarz**
- (2) Invite the businesses to explain if this is important to them; **Lilly's Nails was invited, as was current existing hair and nail salons/spas/barbers**
- (3) Will these licensees be subject to enforcement by the Illinois Liquor Control Commission? **Attorney Tappendorf heard back from one of the attorneys at the Illinois Liquor Control Commission. She said that the state liquor commission does have the authority to enforce violations of local liquor regulations regardless of state licensing.**
- (4) Review number/type of drinks permitted and over how long a period. **Currently 3 allowed**

Julie A. Tappendorf, Partner

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OFFICE OF THE CITY CLERK

Dear Salon/Spa Business Owner,

Recently, the City was approached by a nail salon requesting the allowance of patrons to bring in their own wine or beer for consumption on premises while having services provided. We were also informed about an establishment that provides complimentary champagne to its patrons. While BYOB or the complementary service of beer or wine is not currently allowed by City Ordinance, the City has decided to review this matter and is following the appropriate steps as recommended by our City Attorney.

The City is considering a modification to the Liquor Code with the addition of a Salon Liquor License. A Class S-5 liquor license would authorize a salon (including beauty and barber shops, day spas, and nail salons) to allow the consumption of beer and wine by its patrons that (1) is brought to the premises of the business by the patron (BYOB) and/or (2) is served by the business as a complement to the patron's purchase of goods or services offered by the business (complimentary service). The matter was originally discussed at the November 16 Committee of the Whole (COW) meeting as a Procedures and Regulations discussion topic. It will be discussed a second time at the December 14 COW meeting that begins at 7:00 p.m. in the Council Chambers at City Hall. A draft copy of the proposed Ordinance is attached for your review. You can also watch the November 16 video of the COW meeting online.

Please plan to attend the meeting on December 14 since your opinion would be most helpful. If you are unable to attend but would like to submit your comments, please send them to me at City Hall or email me at cpeterso@parkridge.us so that your comments can be shared with the City Council prior to the meeting. Your comments must be received by December 10 to be included with the backup material provided for this agenda item.

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

Regards,

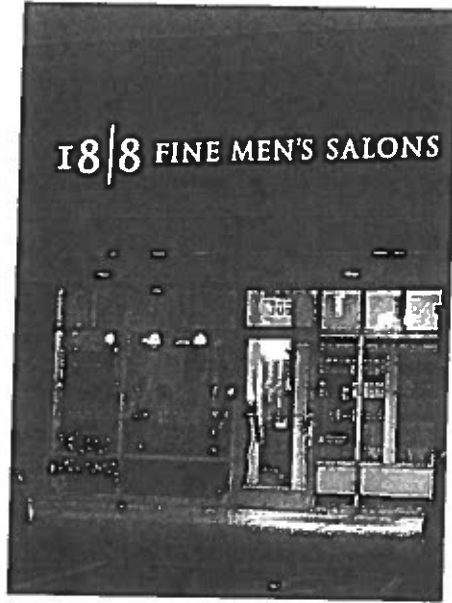
Cheryl L. Peterson
Deputy City Clerk

Our Mission:

THE CITY OF PARK RIDGE IS COMMITTED TO PROVIDING EXCELLENCE IN CITY SERVICES IN ORDER TO UPHOLD A HIGH QUALITY OF LIFE,
SO OUR COMMUNITY REMAINS A WONDERFUL PLACE TO LIVE AND WORK

Business updated: 12/4/2015 9:43 AM

Can a Naperville haircut come with a beer?



The franchise owner of 18|8 Fine Men's Salons location opening Saturday in Naperville, wants to be able to offer his customers a free beer with their haircut. But he'll have to wait until June for the liquor commission to take up the issue after commissioners tabled his request.

Marie Wilson | Staff Photographer

Jon Forney, owner of Naperville, is asking his customers.

Marie Wilson | Staff P.



Marie Wilson

Naperville liquor commissioners want to take their time and do their homework before deciding if a free beer can come with a haircut in town.

The franchise owner of a new men's salon opening Saturday pitched his concept to commissioners Thursday, seeking a new type of liquor license that would allow him to give out a bottle of beer to customers during their haircut.

Jon Forney, who is launching an 18|8 Fine Men's Salons (<http://eighteneight.com/>) location at Freedom Drive and Diehl Road, said a free beer is a perk salons in the growing chain try to offer.

Can a Naperville haircut come with a beer?

"We're an upscale men's salon that's bridging the gap between the strip mall barbershop and the high-end women's salon," Forney said. "Our corporate environment likes to provide a complementary beer as one of the other beverages besides water, coffee, soda and tea."

Beer giveaways aren't key to his business success, Forney said. But most salons in the chain, which includes locations in Barrington and Glenview and one planned to open in January in Lombard, are able to offer beer as a beverage option. So instead of giving customers a free bottle and hoping nothing goes wrong, Forney said he wanted to inform the city of his operations and assume liability.

Liquor commissioners thanked him for bringing the issue to their attention, especially as Commissioner Diana Williams said many salons already give customers a free alcoholic drink -- without any license to do so.

"Sometimes when you're having a service that might be a few hours long, it is nice to have a glass of wine while your hair color processes," Williams said. "I do see it as business hospitality."

But therein lies the problem with potentially creating a license to regulate this type of liquor service, commissioners said.

Commissioner Marc Blackman said there could be many "unintended consequences" with licensing alcohol service at salons. For one thing, it could drastically increase the number of liquor licenses the city issues, which now stands near 200, because of the high number of salons in its borders.

Commissioners also questioned how many beverages each customer should be allowed to receive, what sizes of drinks should be allowed, how salon liquor service rules would be enforced and how many salons should be licensed.

"How many different places are we sanctioning to have beer, wine, whatever," Commissioner Joe Vozar said.

If a license isn't created, commissioners said they wondered what to do about salons that already give out drinks and whether to end the practice or turn a blind eye.

Liquor commissioners will review the issue again in June. By then, a six-month review of the city's entire liquor code will be complete. Mayor and Liquor Commissioner Steve Chirico said the review aims to clean up the text of the complicated liquor code, remove any contradictions and make it easier to read, understand, enforce and follow.

[Jump to Article Comments](#)

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12/07/2015

Peterson, Cheryl

To: Hume, Rebecca A.
Subject: RE: Liquor related question

From: Hume, Rebecca A. [<mailto:rhume@vah.com>]
Sent: Thursday, December 10, 2015 9:03 AM
To: Peterson, Cheryl
Subject: RE: Liquor related question

Arlington Heights allows it without regulation. The Village considers these kinds of situations "private parties."

From: Peterson, Cheryl [<mailto:cpeterso@parkridge.us>]
Sent: Thursday, December 10, 2015 8:58 AM
Subject: Liquor related question

Good morning-

Just wondering if your municipality allows BYOB or complimentary service of beer, wine or champagne at salons or spas.

If so, could you please send me your Ordinance this morning if possible. Thank you!

Cheryl

Cheryl L. Peterson, CMC
Deputy City Clerk
City of Park Ridge 505 Butler Place Park Ridge, IL 60068
Tel. 847/318-5464 Fax 847/318-5300 cpeterso@parkridge.us

Peterson, Cheryl

From: Laura Fast <lfast@desplaines.org>
Sent: Thursday, December 10, 2015 9:49 AM
To: Peterson, Cheryl
Cc: Gloria Ludwig
Subject: Liquor related question

Good morning Cheryl,

The City does not regulate BYOB. As long as the salon/spa does not "sell" liquor, a license is not required.

Laura Fast
Deputy City Clerk
City of Des Plaines
1420 Miner Street, Des Plaines, IL 60016
P. 847.391.5310 W. desplaines.org



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Deerfield

CLASS J, which shall authorize the retail sale and delivery of alcoholic liquor by the drink to customers of beauty shops, spas, salons and personal cosmetic establishments, exclusively as an adjunct to a principal beauty shop, spa, salon or personal cosmetic business, strictly incidental to the customer's receipt of personal beauty and cosmetic services, and for consumption on the personal cosmetic establishment premises only. The retail sale of alcoholic liquor by the drink pursuant to a class J license is expressly subject to the following further conditions:

(a) The retail sale of alcoholic liquor to a customer of the personal cosmetic establishment is limited to one drink per hour, and no customer shall be served more than two (2) alcoholic beverages during the permitted hours of retail sale of alcoholic liquor during any single calendar day.

(b) No live entertainment of any nature is permitted on the licensed premises.

(c) No window sign or any other signage visible from the outside of the business is permitted on the licensed premises or on surrounding property that indicates that alcoholic liquor is available for retail sale or delivery on the premises.

(d) No person holding a class J license issued pursuant to this chapter shall sell, offer, deliver, or permit to be sold, offered for sale, given away or delivered, any alcoholic liquor except between the hours of eleven o'clock (11:00) A.M. and nine o'clock (9:00) P.M. Monday through Saturday. (Ord. 0-08-23, 6-16-2008)

Deerfield

Deerfield

- C. The licensee shall, at all times, have attached to the front of each mini bar or unit the relevant sections of the State Liquor Control Act of 1934 (§ 5/6-16 and 5/6-20 of Chapter 235 of the Illinois Compiled Statutes) which sets forth the legal age at which persons may purchase, consume or possess alcoholic liquors. (Ord. 89-1107-74)

CLASS N (Brew Pub - full liquor - dancing by patrons only)

Issued to authorize the licensee to manufacture beer only on the premises specified in the license, to make sales of the beer manufactured on the premises to importing distributors, distributors, and to non-licensees for use and consumption, to store the beer upon the premises, and to sell and offer for sale at retail.

Issued to authorize the sale of alcoholic liquor in conjunction with the sale of food only. Dancing by patrons only shall also be allowed.

Brew Pub Requirements

The total square footage of the patron bar(s)/service bar(s), measured corner to corner, must be no greater than fifteen percent (15%) of the total square footage of the dining area(s).

The total seating at the patron bar(s) must be less than fifteen percent (15%) of the total seating in the dining area(s).

The total seating in the lounge area(s) must be less than fifty percent (50%) of the seating in the dining area(s). The total square footage of the lounge area(s) (not including the total square footage of the patron bar(s)/ service bar[s]) must be less than thirty three percent (33%) of the total square footage of the patron bar(s)/ service bar(s) lounge area(s) and dining area(s) combined. (Amd Ord. 96-1423-07, eff. 2/12/96)

CLASS O (Salon/Day Spas)

Issued to authorize the retail sale of alcoholic liquor, for consumption on the specified premises, as a secondary and accessory use to a principal salon/day spa business, as such business is defined in Title 6 of the Village Code.

Customers and patrons shall: (a) not be served alcoholic beverages except for the period of time during which the customer receives salon/day spa services from the license holder; and (b) not be served more than three (3) alcoholic beverages during such period of time.

**VILLAGE OF RICHTON PARK
COOK COUNTY, ILLINOIS**

ORDINANCE NO. 1551

AN ORDINANCE AMENDING CHAPTER 806 ("ALCOHOLIC LIQUOR SALES") OF THE RICHTON PARK CODE OF ORDINANCES TO LICENSE BUSINESSES OPERATING AS A PUBLIC ACCOMMODATION TO PERMIT THE CONSUMPTION OF ALCOHOLIC LIQUOR ON THE BUSINESS PREMISES

WHEREAS, some retail businesses operating as a public accommodation providing refreshment, entertainment or recreation of any type desire to permit the consumption of alcoholic liquor on their business premises by providing complimentary alcoholic beverages to their customers, or by permitting customers to bring their own alcoholic beverages ("BYOB") onto the premises for personal consumption; and,

WHEREAS, the Village is authorized by Section 11-42-10.1 of the Illinois Municipal Code (65 ILCS 5/11-42-10.1) to license and regulate businesses operating as a public accommodation that desire to offer complimentary service of alcoholic beverages to their customers and patrons, or to permit their customers and patrons to bring their own alcoholic beverages onto the business premises for personal consumption, and which complimentary serving of alcoholic beverages and BYOB consumption of alcoholic beverages do not otherwise require a retail liquor dealers license under the Illinois Liquor Control Act; and,

WHEREAS, the corporate authorities of the Village of Richton Park have determined that the complimentary service of alcoholic beverages by a public accommodation business to the customers and patrons of that business, or the consumption of BYOB alcoholic beverages by customers and patrons of a business operating as a public accommodation, may enhance the

retail experience of those customers and patrons and improve the retail business climate of the Village and should be allowed pursuant to a license issued by the local liquor commissioner of the Village pursuant to the provisions of this ordinance;

NOW, THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF RICHTON PARK, COOK COUNTY, ILLINOIS, as follows:

SECTION 1: That Section 806.01 (“Definitions”) of Chapter 806 (“Alcoholic Liquor Sales”) of the Code of Ordinances of the Village of Richton Park be and the same is hereby amended to add the following definitions of “Public Accommodation” and “Retail Tobacco Store”:

(e) “Public Accommodation” means a refreshment, entertainment or recreation facility of any kind, whether licensed or not, whose goods, services, facilities, privileges, or advantages are extended, offered, sold or otherwise made available to the public.

(f) “Retail Tobacco Store” shall, for purposes of this ordinance, have the same meaning as defined in Section 10 of the Smoke Free Illinois Act (410 ILCS 82/10) and in Section 35 of the Smoke Free Illinois Act (410 ILCS 81/35).

SECTION 2: That Section 806.03 (“License Required”) of Chapter 806 (“Alcoholic Liquor Sales”) of the Code of Ordinances of the Richton Park Code be and the same is hereby amended to read as follows:

806.03 LICENSE REQUIRED.

(a) Except as otherwise provided in this chapter, no person shall sell or offer for sale at retail, in the Village, any alcoholic liquor without having a retail liquor dealer's license, or in violation of the terms of such license.

(b) Except as otherwise provided in this chapter, no public accommodation shall make available or permit the consumption of alcoholic liquor on the business premises of the public accommodation without a public accommodation license, or in violation of the terms of such license.

SECTION 3: That Chapter 806 (“Alcoholic Liquor Sales”) of the Richton Park Code of

Ordinances be and the same is hereby amended to add the following as Section 806.33 thereof:

806.33 PUBLIC ACCOMMODATION LICENSES.

(a) **BYOB Tobacco Store License.** A BYOB Tobacco Store license shall authorize the consumption of beer, wine and liquor which has been brought onto the premises of a retail tobacco store operating as a public accommodation by a patron or patrons as a complement to the sale, purchase and consumption of tobacco products in said retail tobacco store. The consumption of alcoholic beverages pursuant to a Public Accommodation BYOB Tobacco Store license is subject to compliance with the following regulations:

1. The license holder may only provide glasses, ice and an ice holder for patrons of the business, at no charge to the patron.

2. The license holder, its agents and/or its employees may provide complimentary storage of wine, beer or liquor for its patrons on the business premises, provided that such wine, beer or liquor is identified with the name of the owning patron, and is only provided or made available to the owning patron.

3. It shall be unlawful for the license holder, its agents and/or its employees to permit any patron to leave the licensed premises with an open container of wine, beer or liquor, and the license holder shall require that patrons who leave the business premises with their own beer, wine or liquor that has not been consumed to do so only in sealed or unopened containers in compliance with Illinois law.

4. No wine, beer or liquor shall be consumed on the business premises except as a complement to the sale and consumption of tobacco products.

5. No persons under the age of 21 shall be permitted in any areas of the business premises where wine, beer or liquor is being consumed as a complement to the sale and consumption of tobacco products.

6. The retail tobacco store shall maintain general liability insurance coverage in such minimum amounts as the Liquor Commissioner may deem necessary from time to time, and shall present the Liquor Commissioner with a certificate of insurance reflecting such insurance coverage prior to the issuance of a BYOB Tobacco Store

license. The Village shall be named as an additional insured on the licensee's insurance.

7. No person holding a BYOB license issued pursuant to this Chapter shall permit patrons to consume wine, beer or liquor on the business premises except between the hours established by the Local Liquor Commissioner in the BYOB Tobacco Store license, but in no event earlier than 12:00 noon and later than 12:00 midnight on Sundays thru Friday, and in no event earlier than 12:00 noon on Saturday and later than 2:00 a.m on the next following Sunday.

(b) BYOB Restaurant License. A BYOB Restaurant license shall authorize the consumption of beer and wine which has been brought onto the premises of a restaurant by a patron of the restaurant for personal consumption on the premises as a complement to a meal purchased by the patron for consumption on the premises. The consumption of alcoholic beverages pursuant to a Public Accommodation BYOB Restaurant license is subject to compliance with the following regulations:

1. For purposes of this section, a restaurant eligible for a BYOB Restaurant license shall mean premises with a commercial kitchen where meals are actually and regularly prepared and offered to the general public principally for purchase and consumption on the premises, and where meals are only incidentally made available for purchase and consumption off the premises.

2. The license holder may only provide glasses, ice and an ice holder for patrons of the restaurant business, at no charge to the patron.

3. The license holder may charge a reasonable corkage fee for each bottle of wine brought by patrons for consumption on the restaurant premises.

4. It shall be unlawful for the license holder, its agents and/or its employees to permit any patron to leave the licensed premises with an open container of wine or beer. The license holder shall permit patrons to remove one unsealed bottle of wine from the premises provided the bottle has been securely resealed by a restaurant employee and placed in a transparent bag that cannot be resealed in compliance with Illinois law.

5. No wine or beer shall be consumed on the restaurant premises by a patron or patrons except as a complement to the sale and consumption of a restaurant meal on the premises by the patron or patrons.

6. No wine or beer shall be consumed on the restaurant premises by a patron or patrons except when the kitchen is open and preparing and serving meals to the general public for consumption on the premises.

7. No persons under the age of 21 shall be permitted to consume any beer or wine on the restaurant premises.

8. The restaurant shall maintain general liability insurance coverage in such minimum amounts as the Liquor Commissioner may deem necessary from time to time, and shall present the Liquor Commissioner with a certificate of insurance reflecting such insurance coverage prior to the issuance of a BYOB Restaurant license. The Village shall be named as an additional insured on the licensee's insurance.

9. No person holding a BYOB Restaurant license issued pursuant to this Chapter shall permit patrons to consume wine or beer on the business premises except between the hours established by the Local Liquor Commissioner in the BYOB Restaurant license, but in no event earlier than 12:00 noon and later than 12:00 midnight, Sunday thru Friday, and in no event earlier than 12:00 noon on Saturday and later than 2:00 a.m on the next following Sunday.

Rickton Park

(c) Complimentary Service License. A Complimentary Service license shall authorize the complimentary service of individual servings of beer or wine on the business premises of a public accommodation to a patron or patrons of the business who are not less than 21 years of age as a complement to the patron's purchase or potential purchase and consumption of goods or services offered to the public at the business establishment. The complimentary delivery and consumption of alcoholic beverages pursuant to a Public Accommodation Complimentary Service license is subject to compliance with the following regulations:

1. The license holder may provide patrons of the business with individual servings of wine or beer in glasses at no charge for patrons of the business.

2. Complimentary service of wine or beer is limited to not more than two individual servings to a patron during any single calendar day.

3. It shall be unlawful for the license holder, its agents and/or its employees to permit any patron to leave the licensed premises with an open container of wine or beer.

4. No wine or beer shall be served to persons on the business premises except as a complement to the patron's purchase or potential

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purchase and consumption of goods and services made available to the public by the licensee.

5. The business establishment shall maintain general liability insurance coverage in such minimum amounts as the Liquor Commissioner may deem necessary from time to time, and shall present the Liquor Commissioner with a certificate of insurance reflecting such insurance coverage prior to the issuance of a Complimentary Service license. The Village shall be named as an additional insured on the licensee's insurance.

6. No person holding a Complimentary Service license issued pursuant to this Chapter shall offer complimentary service of individual servings of beer or wine on the business premises except between the hours of 12:00 noon and 9:00 p.m. Monday through Saturday when the business establishment is open to the public for the purchase and consumption of the establishment's goods and services.

(d) License Fees. In addition to a non-refundable application fee of \$100, the fees for a Public Accommodation License under this Chapter shall be as follows:

- (1) Annual license fee of \$1000 for a BYOB Tobacco Store license.
- (2) Annual license fee of \$500 for a BYOB Restaurant license.
- (3) Annual license fee of \$0 for a Public Accommodation license.

(e) Limitation on Number of Public Accommodation Licenses. Not more than the following number of Public Accommodation licenses for each particular classification shall be issued in the Village:

- (1) BYOB Tobacco Store license: 1
- (2) BYOB Restaurant license: No limit.
- (3) Public Accommodation license: 0

SECTION 4: Effective Date. This Ordinance shall be in full force and effect upon its

purchase and consumption of goods and services made available to the public by the licensee.

5. The business establishment shall maintain general liability insurance coverage in such minimum amounts as the Liquor Commissioner may deem necessary from time to time, and shall present the Liquor Commissioner with a certificate of insurance reflecting such insurance coverage prior to the issuance of a Complimentary Service license. The Village shall be named as an additional insured on the licensee's insurance.

6. No person holding a Complimentary Service license issued pursuant to this Chapter shall offer complimentary service of individual servings of beer or wine on the business premises except between the hours of 12:00 noon and 9:00 p.m. Monday through Saturday when the business establishment is open to the public for the purchase and consumption of the establishment's goods and services.

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- (2) BYOB Restaurant license: No limit.
- (3) Public Accommodation license: 0

SECTION 4: Effective Date. This Ordinance shall be in full force and effect upon its passage, approval, and publication as required by law.