



Legislation Details (With Text)

**File #:** 21-0574      **Version:** 1

**Type:** Ordinance      **Status:** Agenda Ready

**File created:** 4/25/2021      **In control:** City Council

**On agenda:** 5/4/2021      **Final action:**

**Title:** Conduct the first reading of an ordinance amending Sections 3-3-3 (Definitions) and 3-3-11 (Liquor License and Permit) Chapter 3 (Liquor and Tobacco Control) Title 3 (Business and License Regulations) of the Naperville Municipal Code regarding consumption and the Class S1 license

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Liquor Commission Minutes 030421 Final, 2. Class S1 amendment, 3. Liquor Commission Minutes 040821 DRAFT

Date	Ver.	Action By	Action	Result
5/4/2021	1	City Council		

**CITY COUNCIL AGENDA ITEM**

**ACTION REQUESTED:**

Conduct the first reading of an ordinance amending Sections 3-3-3 (Definitions) and 3-3-11 (Liquor License and Permit) Chapter 3 (Liquor and Tobacco Control) Title 3 (Business and License Regulations) of the Naperville Municipal Code regarding consumption and the Class S1 license

**DEPARTMENT:** Legal Department

**SUBMITTED BY:** Jennifer Lutzke, Senior Assistant City Attorney

**BOARD/COMMISSION REVIEW:**

On April 8, 2021, the Liquor Commission unanimously approved the proposed amendments.

**BACKGROUND:**

**Class S - Specialty Wine Shop**

The Class S - Specialty Wine Shop allows for the retail sale of wine and craft beer in its original package and on-premises consumption of a maximum of 18 ounces of wine per person per day. The City issued the following five Class S licenses to:

1. Cooper's Hawk Winery & Restaurant, 1740 Freedom Drive
2. Angeli's, 1478 E. Chicago Avenue
3. Le Chocolat du Bouchard, 127 S. Washington Street
4. SixtyFour - A Wine Bar, 123 Water Street, Suite 105A
5. Tasting deVine Cellars, 21 West Jefferson Street

**Class S1**

The Class S1 license allows for liquor tastings and the sale of craft beer and wine for consumption off-premises. It contains all the obligations of the Class S license and requires that not less than 40% of the premises shall be designated for the sale of specialty foods. In 2016, the license was created to allow Vom Fass to sell alcoholic liquor. The license is capped at one.

**DISCUSSION:**

On March 4, 2021, Tasting deVine representatives petitioned the Liquor Commission to sell craft whiskey and small batch whiskey in its original package. The representatives also sought the ability to sell craft beer/whiskey and small batch whiskey for on-premises consumption. Tasting deVine is licensed under the Class S - Specialty Wine Shop classification and initially sought the expansion of that license.

The Liquor Commission considered Tasting deVine's request. The Liquor Commission decided that amending the Class S1 license would be appropriate to avoid impacting the other four (4) Class S - Specialty Wine Shop licenses. The recent closure of Vom Fass, holder of the only Class S1 license, made a Class S1 license available. The Liquor Commission directed staff to draft an ordinance amending the current Class S1 license. The March 4, 2021 Liquor Commission meeting minutes are attached.

At its April 8, 2021 meeting, staff presented the Liquor Commission with draft language for the Class S1. The amendment added a definition of small batch whiskey, a name for the license and allowed the sale of craft distilled or small batch whiskey in its original package. It requires all wine bottles to have the establishment's private label and contains consumption limits of 3 oz. of craft distilled whiskey or small batch whiskey, or 18 oz. of wine, or 32 oz. of craft beer per person/day. The Liquor Commission voted unanimously to recommend to the City Council an ordinance modifying the Class S1 license. The April 8, 2021 Liquor Commission draft meeting minutes are attached.

**FISCAL IMPACT:**

Corresponding increase in sales taxes related to any additional sales permitted by this amendment.