



Legislation Details (With Text)

File #: 24-0193B **Version:** 1

Type: Ordinance **Status:** Passed

File created: 2/26/2024 **In control:** City Council

On agenda: 3/5/2024 **Final action:** 3/5/2024

Title: Pass the ordinance amending Sections 3-3-11:1 and 3-3-11:3 of the Naperville Municipal Code by allowing for the serving of 25 oz. to 32 oz. of draft beer/cider containing not more than 5% alcohol by volume in a single container before 10:00 p.m. with a limit of one per patron per visit for Class B - Restaurant and Tavern liquor license holders

Sponsors:

Indexes:

Code sections:

Attachments: 1. 24-0144 - Block 59 Project Liquor Commission Meeting - FINALv2, 2. DRAFT LC Minutes 020824, 3. Class B Ordinance (Revised 2024_02_26)

Date	Ver.	Action By	Action	Result
3/5/2024	1	City Council	approved as amended	Pass

CITY COUNCIL AGENDA ITEM

ACTION REQUESTED:

Pass the ordinance amending Sections 3-3-11:1 and 3-3-11:3 of the Naperville Municipal Code by allowing for the serving of 25 oz. to 32 oz. of draft beer/cider containing not more than 5% alcohol by volume in a single container before 10:00 p.m. with a limit of one per patron per visit for Class B - Restaurant and Tavern liquor license holders

DEPARTMENT: Legal Department

SUBMITTED BY: Jennifer Bonner, Senior Assistant City Attorney

BOARD/COMMISSION REVIEW:

On February 8, 2024, the Liquor Commission considered Brixmor’s request to increase the serving size of beer and cider to thirty-two (32) ounces. The Liquor Commission recommended allowing for the serving of thirty-two (32) ounces of draft beer/cider in a single container with a limit of one per patron per visit for Class B - Restaurant and Tavern liquor license holders by a 3-2 vote. Draft minutes from the February 8, 2024 Liquor Commission meeting are attached.

BACKGROUND:

Section 3-3-12:3 of the Naperville Municipal Code sets forth serving sizes for alcoholic drinks for on-premises consumption. Unless a lower serving size is specifically delineated in an on-premises liquor license class, serving sizes are limited to twenty-four (24) ounces of beer or cider, six (6) ounces of wine, or three (3) ounces of spirits with exceptions for wine by the bottle or carafe.

The City was contacted by Brixmor, which is spearheading redevelopment of the shopping center at the corner of Route 59 and Aurora Avenue, about increasing the serving size limit to thirty-two fluid

(32) ounces of beer or cider. One tenant, Yard House offers a thirty-two (32) ounce serving of beer/cider, which is dubbed “the half-yard” as a signature menu item. Brixmor has represented that without the increase in serving size then this restaurant may not open.

DISCUSSION:

Brixmor stated that the restaurant owners have not encountered serving size restrictions previously despite having locations nationwide.

At the Liquor Commission meeting, Commissioners raised concerns about the absence of restaurant representatives, safety, and whether the serving size restrictions are consistent with neighboring communities. Staff compiled the following information regarding serving size restrictions:

- Oakbrook has a serving size of twenty-four (24) ounces for beer and cider.
- Schaumburg has a serving size of sixteen (16) ounces.
- Glenview and Lombard, both of which have a Yard House restaurant, have no maximum serving size for beer and cider.

There have been no liquor violations at either of the other Yard House restaurants. After extensive discussion regarding ways to prevent over service, the Liquor Commission recommended allowing the serving of thirty-two (32) ounces of draft beer/cider in a single container with a limit of one per patron per visit for Class B - Restaurant and Tavern liquor license holders.

On February 20, 2024, City Council conducted first reading of the proposed ordinance. Inclusion of alcohol by volume limitation was discussed. Alcohol by volume is a metric used to indicate the percentage of pure alcohol present in the total volume of the beverage. Beers with 5% alcohol by volume or less include Budweiser (5%), Heineken (5%), Bud Light (4.2%), Coors Light (4.2%), Corona Premier (4.0%), Michelob Ultra (4.2%), Miller Lite (4.2%), Dos Equis Lager (4.2%), Modelo Especial (4.4%), Pacifico (4.5%), Peroni (4.7%) and Stella Artois (5.0%).

Based on the first reading discussion, the revised ordinance allows for the serving of 25 oz. to 32 oz. of draft beer/cider containing not more than 5% alcohol by volume in a single container before 10:00 p.m. It also contains the limit of one per patron per visit.

FISCAL IMPACT:

Corresponding receipt of annual liquor license fee and sales tax.