



Legislation Details (With Text)

File #: 18-184 **Version:** 1

Type: Ordinance **Status:** Agenda Ready

File created: 2/26/2018 **In control:** City Council

On agenda: 3/6/2018 **Final action:**

Title: Waive the first reading and pass the ordinance amending Chapter 3, Title 3, Section 11 (Liquor License and Permit Classifications) of the Naperville Municipal Code eliminating the sunset provision contained within the outdoor seating permit (requires six positive votes)

Sponsors:

Indexes:

Code sections:

Attachments: 1. Ordinance

Date	Ver.	Action By	Action	Result
3/6/2018	1	City Council	directed staff	Pass

CITY COUNCIL AGENDA ITEM

ACTION REQUESTED:

Waive the first reading and pass the ordinance amending Chapter 3, Title 3, Section 11 (Liquor License and Permit Classifications) of the Naperville Municipal Code eliminating the sunset provision contained within the outdoor seating permit (requires six positive votes)

DEPARTMENT: Mayor's Office

SUBMITTED BY: Steve Chirico, Mayor/Liquor Commissioner
Kavita Athanikar, Deputy City Attorney

BOARD/COMMISSION REVIEW:

On February 8, 2018, the Naperville Liquor Commission voted unanimously to recommend to City Council the proposed elimination of the sunset provision for the outdoor seating permit, thereby allowing for liquor consumption on the public way.

BACKGROUND:

At the June 20, 2017 City Council meeting, Council passed a text amendment, with a sunset provision, allowing for liquor consumption on the public way through an outdoor seating permit for a maximum of five (5) liquor license establishments in the downtown.

DISCUSSION:

The Illinois Liquor Control Act (235 ILCS 5/6-15) restricts the sale or delivery of alcoholic liquor on municipal property unless: a) City Council provides for the sale by way of ordinance, or b) the municipality transfers control (by way of lease or sale) of the public property to the licensee.

Eliminate the sunset provision

The City's current Liquor Code permits, subject to restrictions, alcohol service on privately owned and public property by way of an outdoor seating permit. This permit contains a one year sunset provision for the public property allowance; the sunset provision is set to expire on March 31, 2018.

Of the five qualifying premises that could provide liquor service on public property, only two establishments, Craftsmen by Two Brothers and Quiubo, engaged in this service during the allowed time frame. The other three locations, Front Street Cantina, Sullivan's, and Mod Pizza, did not erect an outdoor seating area on the public way due to cost considerations and the uncertainty of the sunset provision. If the sunset provision is eliminated, all five eligible establishments will participate moving forward. The City did not receive any general nor public safety complaints regarding Craftsmen's and Quiubo's outdoor seating area. The recommended ordinance eliminates the sunset provision for the outdoor seating permit.

FISCAL IMPACT:

An outdoor seating permit on the public way in the Downtown with liquor service costs \$500 per year. If allowed, the availability of this permit is expected to generate revenues of \$2,500 per year.