



AGENDA ITEM # 8

**AGENDA ITEM EXECUTIVE SUMMARY
Committee of the Whole Meeting
February 24, 2020**

Item Title: **Class T Liquor License Ordinance Amendments**

Staff Contact: Jeffrey D. O'Dell, Village Administrator

COMMITTEE OF THE WHOLE ACTION

Consider additional amendments to the Village's Alcoholic Liquor Control Code regarding Class T Licenses and the application for a Class T Liquor License.

Executive Summary:

At its January 13 and 27 COW meetings, the Village Board deliberated proposed amendments to Alcoholic Liquor Control Code regarding the number of Class T licenses permitted and location and placement of video gaming terminals. As a result of discussions at both meetings, Mayor Maglio and staff worked with Village Attorney Jim Knippen to prepare amendments to the liquor code eliminating the restriction on the number of Class T licenses permitted but added further restrictions on the segregation of video gaming devices from minors under the age of 21. The attached memorandum from Jim Knippen includes the proposed amendments to the Sections 3-32 and 3-50 of the Alcoholic Liquor Code. In addition, Mr. Knippen has prepared proposed amendments to the local regulations section of the application for a Class T liquor license.

Mayor Maglio and staff have reviewed the proposed amendments and believe they appropriately reflect additional changes requested by the Village Board during the January 13 and 27 COW meetings. If the Village Board confirms the proposed amendments, staff will work with Mr. Knippen to finalize an ordinance for consideration by the Village Board at its next regular meeting scheduled for March 9.

Implications:

Is this item budgeted? N/A

Any other implications to be considered? Yes, Section 3-33 of the Alcoholic Liquor Code – Limitation on Number of Licenses will also be amended to eliminate the restriction on number of Class T licenses permitted and that all new licenses regardless of the number of licenses shall be issued within the Village when approved by the Village Board at the Liquor Commissioner's request.

Attachments:

Memo from Village Attorney Jim Knippen



Writer's email: jim@wkc-lawyers.com

MEMORANDUM

TO: Mayor Andy Maglio/Liquor Commissioner
cc: Jeff O'Dell and Steve Herron

FROM: Jim Knippen

DATE: February 20, 2020

RE: Class T/Family Restaurant Visual Barrier Regulations

The following are the previous draft amendment and two new additional draft amendments to the Class T liquor license ordinance. Based on the Village Board's additional discussion at its January 27 COW meeting, I recommend the application for a Class T with video gaming license be amended too. The new proposed amendments to the liquor ordinance and application are underlined.

3-32 (20) a) Class T licenses shall only be issued to and operated by the holders of Class F, Class I, Class K or Class M liquor licenses and where the consumption of the alcoholic liquor by persons playing video gaming devices is restricted to the segregated area as described in: Subsection b.) of Section 1800.810 "Location and Placement of Video Gaming Terminals" of Title 11; Subtitle D: Video Gaming; Chapter I; Illinois Gaming Board: Part 1800 Video Gaming (General) of the Illinois Administrative Code (hereinafter "Subsection b") and regulations approved by the Roselle Liquor Commissioner.

b) The type of barrier to be erected to segregate areas where alcoholic beverages are offered during the operation of video gaming terminals shall be subject to regulations established by the Liquor Commissioner to minimize the visual impact of consumption of alcoholic beverages in the video gaming areas on persons under 21 years of age. Existing Class T license holders shall comply with this ordinance and regulations established by the Liquor Commissioner for the physical barrier separation barrier by submitting plans for the physical separation consistent with the Liquor Commissioner's regulations no later than sixty (60) days prior to the next expiration of their Class T liquor license. An approved physical segregation barrier shall be constructed prior to the effective date of the existing

Class T liquor license's renewal. A Class T liquor license holder shall not sell alcoholic beverages which may be taken into an segregated area until the segregation barrier has been approved by the police department. So long as they comply with the intent of this ordinance, as determined by the Liquor Commissioner and the subsection b, a Class T licensee may design, construct and operate the barrier based on a design which fits the licensee's segregated area and these regulations. The police department shall inspect a completed segregation barrier within 48 hours of notice by a Class T liquor license, that the segregated barrier is ready for inspection between 8:30 am and 5:00 pm on Mondays through Fridays. All new Class T liquor licensees, which permit persons under 21 years of age on their premises, shall comply with the segregated physical barrier requirements prior to the issuance of their Class T license.

Re-letter remaining sub-sections of Section 3-32(20).

In addition, amend Section 3-50 with a new sub-section (i) to reflect the following:

No Class T license holder or patron of a segregated gaming area with a Class T license shall take or allow a person under 21 years of age to enter or remain within a segregated gaming area.

Finally, amend Section 16 – Local Regulations of the “Village of Roselle Application for Alcoholic Liquor License – Class T with Video Gaming and Video Gaming Terminal Permit Structures” to read the following:

The purpose of the physical barrier segregating a gaming area from non-restricted areas of restaurants offering food service to persons under 21 shall be to minimize the probability of a minor drawing the conclusion that the consumption of alcohol and video gaming are necessarily complimentary activities.

Restricted video gaming areas shall be segregated from areas of a Class T licensee's premises, which offers food service to persons under 21, by a barrier consistent with these regulations. The Class T liquor licensee shall submit to the Liquor Commissioner a proposed plan depicting physical barriers between that portion of the restaurant where food service is available to persons under 21 and the gaming terminal areas where patrons can consume alcohol so as to be consistent with Part 1800 of the Illinois Administrative Code and these regulations. So long as the Class T licensee

who complies with Part 1800 and the intent of these regulations, as determined by the Liquor Commissioner, may design, construct and operate the barrier based on a design which fits the licensee's segregated area.

Suggested acceptable barrier types include:

- 1) Three sides of opaque walls a maximum height of 38 inches with the addition of 12 inches of clear glass on top of the minimum 38-inch opaque wall, except the clear glass shall not be required where a wall goes to within 12 inches of the ceiling. The fourth wall may complete the segregated enclosure and go higher than 38 inches, so long as the other three walls are a combination of 38 inches of opaque materials and clear glass; or
- 2) One or more doors for egress or ingress to the segregated gaming area which swing out and contain signage approved by the Liquor Commissioner prohibiting entry by persons under 21. The doors shall have maximum height of 38 inches of opaque materials; or
- 3) Any walkway between the interior barrier wall and a video gaming devices shall be wide enough to accommodate a chair at the video gaming machine and an aisle way compliant with ADA standards. Any area where drinks can be set down or tables provided for the same shall be a maximum height of 34 inches; or
- 4) The width of the area shall be approved by the fire inspector to provide safe egress and ingress to patrons in the video gaming area to areas outside the video gaming area in the instance of a fire or other emergency; or
- 5) Persons under 21 years of age shall be prohibited from a video terminal gaming area by posted signs at the entryways to the segregated area.