

Ordinance No. 3877

AN ORDINANCE OF THE VILLAGE OF VILLA PARK, DUPAGE COUNTY, ILLINOIS AMENDING THE HAPPY HOUR REGULATIONS IN THE ALCOHOLIC LIQUOR CHAPTER OF THE VILLA PARK MUNICIPAL CODE TO COMPLY WITH STATE LAW

WHEREAS, the Village of Villa Park, DuPage County, Illinois (the “*Village*”) is a duly organized and validly existing non home-rule municipality created in accordance with the Constitution of the State of Illinois of 1970 and the laws of the State; and,

WHEREAS, the Illinois General Assembly recently amended the Liquor Control Act of 1934, 235 ILCS 5/1-1 *et seq.*, to permit happy hours pursuant to certain conditions and to clarify when happy hours are prohibited; and,

WHEREAS, the President and Board of Trustees of the Village have determined that it is necessary and in the best interests of the Village to amend the happy hour regulations as set forth in Section 3-416 of Chapter 3 of the Villa Park Municipal Code to bring said Code into compliance with the revised state law.

NOW, THEREFORE, BE IT ORDAINED by the President and Board of Trustees of the Village of Villa Park, DuPage County, Illinois, as follows:

Section 1. That Chapter 3 of the Villa Park Municipal Code be and is hereby amended by deleting Section 3-416 in its entirety and replacing said Section with the following in its stead:

“Sec. 3-416. – Prohibited and permitted happy hours.

(a) As used in this section, the following definitions shall apply:

- (1) *Dedicated event space* means a room or rooms or other clearly delineated space within a retail licensee’s premises that is reserved for the exclusive use of party package invitees during the entirety of a party package. Furniture, stanchions and ropes, or other room dividers may be used to clearly delineate a dedicated event space.
- (2) *Meal package* means a food and beverage package, which may or may not include entertainment, where the service of alcoholic liquor is an accompaniment to the food, including, but not limited to, a meal, tour, tasting, or any combination thereof for a fixed price by a retail licensee or any other licensee operating within a sports facility, restaurant, winery, brewery, or distillery.
- (3) *Party package* means a private party, function, or event for a specific social or business occasion, either arranged by invitation or reservation for a defined

number of individuals, that is not open to the general public and where attendees are served both food and alcohol for a fixed price in a dedicated event space.

(b) All retail licensees shall maintain a schedule of the prices charged for all drinks of alcoholic liquor to be served and consumed on the licensed premises or in any room or part thereof. Whenever a hotel or multi-use establishment which holds a valid retailer's license operates on its premises more than one (1) establishment at which drinks of alcoholic liquor are sold at retail, the hotel or multi-use establishment shall maintain at each such establishment a separate schedule of the prices charged for such drinks at that establishment.

(c) No retail licensee or employee or agent of such licensee shall:

(1) Sell more than one (1) drink of alcoholic liquor for the price of one (1) drink of alcoholic liquor;

(2) Sell, offer to sell or serve to any person an unlimited number of drinks of alcoholic liquor during any set period of time for a fixed price, except at private functions not open to the general public or as provided in 235 ILCS 5/6-28.5;

(3) Increase the volume of alcoholic liquor contained in a drink, or the size of a drink of alcoholic liquor, without increasing proportionately the price regularly charged for the drink on that day;

(4) Encourage or permit, on the licensed premises, any game or contest which involves drinking alcoholic liquor or the awarding of drinks of alcoholic liquor as prizes for such game or contest on the licensed premises; or

(5) Advertise or promote in any way, whether on or off the licensed premises, any of the practices prohibited under subsections (c)(1) through (c)(4) hereof.

(d) A retail licensee may:

(1) Offer free food or entertainment at any time;

(2) Include drinks of alcoholic liquor as part of a meal package;

(3) Sell or offer for sale a party package only if the retail licensee:

a. Offers food in the dedicated event space;

b. Limits the party package to no more than three (3) hours;

- c. Distributes wristbands, lanyards, shirts, or any other such wearable items to identify party package attendees so the attendees may be granted access to the dedicated event space; and
 - d. Excludes individuals not participating in the party package from the dedicated event space;
- (4) Include drinks of alcoholic liquor as part of a hotel package;
- (5) Negotiate drinks of alcoholic liquor as part of a hotel package;
- (6) Provide room service to persons renting rooms at a hotel;
- (7) Sell pitchers (or the equivalent, including, but not limited to, buckets of bottled beer), carafes, or bottles of alcoholic liquor which are customarily sold in such manner, or sell bottles of spirits;
- (8) Advertise events permitted under this subsection;
- (9) Include drinks of alcoholic liquor as part of an entertainment package where the licensee is separately licensed by a license that (A) restricts dates of operation to dates during which there is an event at an adjacent stadium, (B) restricts hours of serving alcoholic liquor to two (2) hours before the event and one (1) hour after the event, (C) restricts alcoholic liquor sales to beer and wine, (D) requires tickets for admission to the establishment, and (E) prohibits sale of admission tickets on the day of an event and permits the sale of admission tickets for single events only; and
- (10) Discount any drink of alcoholic liquor during a specified time period only if:
 - a. The price of the drink of alcoholic liquor is not changed during the time that it is discounted;
 - b. The period of time during which any drink of alcoholic liquor is discounted does not exceed four (4) hours per day and fifteen (15) hours per week; however, this period of time is not required to be consecutive and may be divided by the licensee in any manner;
 - c. The drink of alcoholic liquor is not discounted between the hours of 10:00 p.m. and the licensed premises' closing hour; and

- d. Notice of the discount of the drink of alcoholic liquor during a specified time is posted on the licensed premises or on the licensee's publicly available website at least seven (7) days prior to the specified time.
- (e) A violation of this section shall be grounds for suspension or revocation of the retailer's license in addition to any other penalties otherwise provided for by this chapter."

Section 2. This Ordinance shall be in full force and effect upon its passage, approval, and publication as provided by law.

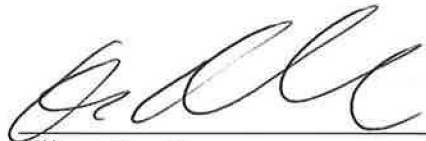
Passed by the Village President and Board of Trustees of the Village of Villa Park, DuPage County, Illinois, this 10th day of August, 2015, pursuant to a roll call vote, as follows:

AYES: 6

NAYS: 0

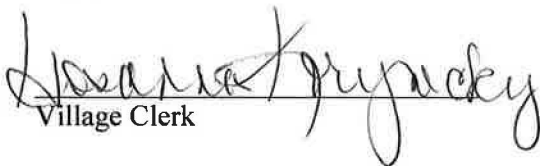
ABSENT: 1

APPROVED by me, as Village President of the Village of Villa Park, DuPage County, Illinois, this 10th day of August, 2015.



Village President

Attest:



Village Clerk

Published in pamphlet form:

8-10, 2015

