

Public Sidewalk Supplemental Liquor License – Class B-5 Requirements

Established with Ordinance No. 5951 July 25, 2011

Supplemental Liquor License Required. It shall be unlawful for any persons, firm, corporation, organization or association to use the public sidewalk for the service of liquor without obtaining a Supplemental Liquor License. Such licenses will be issued only to restaurants that have a valid liquor license that remains in good standing and either own or lease property immediately adjacent to an improved sidewalk within a public right-of-way. A Supplemental Liquor License for public sidewalk liquor service may be obtained at any time during a calendar year; however, all licenses shall expire on November 1st of the same calendar year. No permit shall be issued to any restaurant without the issuance of License Agreement for tables and chairs on the sidewalk or to any business which is not in compliance with all provisions of the Village of Glen Ellyn.

Definition. Public Sidewalk Supplemental Liquor License is a permit issued for any area on the public sidewalk adjacent to a licensed food service business where a License Agreement has been issued for the placement of tables and chairs on the public sidewalk and where liquor may be purchased and consumed at the table.

Application. All applicants for Public Sidewalk Supplemental Liquor License shall complete both an application for a License Agreement for tables and chairs on the public sidewalk provided by the Planning and Development Department and a Public Sidewalk Supplemental Liquor License Class B-5 application provided by the Administration Department.

Fees. The fee for a Public Sidewalk Supplemental Liquor License shall be \$100 annually.

Regulations. All procedures set forth for the License Agreement for tables and chairs shall apply in addition to the following:

1. The service and consumption of alcohol shall be limited to the hours of operation of the licensed business, and in all cases, liquor service shall cease no later than 10:00 p.m. and liquor consumption shall cease no later than 10:30 p.m.
2. Alcoholic beverages shall only be served to patrons of the establishment by a server from the restaurant. There shall be no carry-out or carry-in of alcoholic beverages to and from the public sidewalk.
3. Patrons of the licenses establishment shall remain seated at the tables on the public sidewalk when consuming alcohol.
4. The service of alcoholic liquor at the public sidewalk shall be incidental to the service of meals/appetizers and only during a period of time when patrons of the licensee are offered a complete meal/appetizers.
5. The service of alcoholic liquor shall be in full conformance with the liquor license issued for the restaurant establishment.
6. No person shall leave the public sidewalk tables with an alcoholic beverage. Any person doing so shall be in violation of the Village Code Section 6-2-3.8 (E) Drinking Alcoholic Liquor in Public Places - of the Village of Glen Ellyn.
7. The service of alcoholic liquor shall be in containers provided by the restaurant. No alcoholic beverages shall be served in disposable containers, beer cans, or beer bottles.

8. Fencing may be required surrounding the outdoor seating area to separate the provision of liquor service from passing pedestrians. Fencing shall not be permanently anchored to the public sidewalk and shall be primarily constructed of metal. The design of the proposed fencing shall be approved by the Planning and Development Department. Examples of acceptable fencing can be made available upon request.
9. The On-Duty Manager/Supervisor shall be mutually responsible with the customer for the compliance of the customers with respect to Regulation No. 5. Violations of this section may result in a fine of up to \$750 per day and/or suspension or revocation of the permit.

Enforcement. Failure to comply with the provisions of this Public Sidewalk Supplemental Liquor License shall result in a fine of up to \$750 per day per violation and/or the revocation of the permit.

Approval. The Liquor Commissioner may approve this supplemental license for restaurants which have already been issued a liquor license which remains in good standing. A Public Sidewalk Supplemental Liquor License shall only be issued if 1) A License Agreement for tables and chairs has been previously approved by the Village Board and 2) The restaurant maintains a valid liquor license for the establishment previously issued by the Liquor Commissioner.

Revocation. The Liquor Commission upon determining that the method or manner of use of the Public Sidewalk Supplemental Liquor License or the conduct of persons serving or using such facilities pose a threat to the public health, safety or welfare shall have the power and authority to cause the items to be removed immediately and to recommend to the Village Manager the revoking of the Public Sidewalk Supplemental Liquor License and/or the License Agreement for tables and chairs.