

MEMORANDUM

TO: Chair Pearse and Members of the Wheaton Local Liquor Commission

FROM: James P. Kozik, AICP Director of Planning and Economic Development

DATE: February 12, 2026

SUBJECT: **Amendment to Section 6-127 (a) - Employment of Underage Persons**

Request

Consideration of an amendment to Section 6-127 (a) of the Wheaton City Code pertaining to employment of underage persons.

Background

Section 6-127(a) of the Wheaton City Code states that it shall be unlawful for any licensee, under this chapter, or any officer, associate, member, representative, agent, or employee of such licensee, to engage, employ or permit any person under the age of 21 years to attend bar or to draw, pour, or mix any alcoholic liquor in any licensed premises. That section, however, permits the employment of persons who are at least 18 years of age as waiters or waitresses in restaurants or hotels for the purpose of taking orders, serving food and alcoholic liquor in the licensed retail premises.

Wheaton now has license classifications where there is consumption on the premises that are not restaurants or hotels who seek to hire servers that are 18 -20 years of age.

Proposal

In order to accommodate these situations, staff is suggesting the following amendment. The proposed text is shown in red with the deleted text shown as being stricken out.

"Sec. 6-127 - Employment of underage persons.

(a) It shall be unlawful for any licensee, under this chapter, or any officer, associate, member, representative, agent, or employee of such licensee, to engage, employ or permit any person under the age of 21 years to attend bar or to draw, pour, or mix any alcoholic liquor in any licensed premises; provided that the provisions of this section shall not be construed to prevent the employment of persons who are at least 18 years of age as servers in any license classification that allows on-premises consumption for the purpose of taking orders, serving food and alcoholic liquor in the licensed retail premises. ~~waiters or waitresses in restaurants or hotels for the purpose of taking orders, serving food and alcoholic liquor in the licensed retail premises.~~"

Recommendation

Staff would recommend approval of the proposed amendment. If the Local Liquor Commission recommends approval of the proposed amendment at their February 12th meeting, this item will be placed on the March 2nd City Council agenda.