

ORDINANCE NUMBER 11- 27

AN ORDINANCE OF THE VILLAGE OF EAST DUNDEE, KANE AND COOK COUNTIES, ILLINOIS, ADDING LICENSE REQUIREMENTS AND REGULATIONS FOR INDOOR COMMERCIAL SPORTS AND ENTERTAINMENT ESTABLISHMENTS

WHEREAS, the Village of East Dundee (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 this State; and,

WHEREAS, pursuant to Sections 11-42-5 and 11-54.1-2 of the Illinois Municipal Code (65 ILCS 5/11-42-5, 11-54.1-2), the Village may regulate exhibitions and, in addition to the Village's powers to protect the public's health, welfare and safety, hereby adopts this Ordinance.

NOW THEREFORE, BE IT ORDAINED by the President and Board of Trustees of the Village of East Dundee, Cook and Kane Counties, Illinois, as follows:

Section 1. That Title XI of the Code of the Village of East Dundee, as amended, be and is hereby amended by adding Chapter 118 to read as follows:

"CHAPTER 118: INDOOR COMMERCIAL SPORTS AND ENTERTAINMENT ESTABLISHMENT

118.01 DEFINITIONS.

For the purposes of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

COMMERCIAL SPORTS AND ENTERTAINMENT ESTABLISHMENT, INDOOR. See definition provided in Sec. 157.003 of the Zoning Chapter of this Code.

118.15 ANNUAL LICENSE REQUIRED.

(A) No person shall conduct, offer, allow, permit or operate any facility meeting the definition of an Indoor Commercial Sports and Entertainment Establishment without obtaining and maintaining in good standing, an annual license.

(B) Annual licenses issued hereunder shall be in addition to all other licenses applicable to the establishment except a license for a public dance hall.

(C) Annual small event licenses shall cover all lawful events with less than 100 combined participants and spectators, provided such events do not involve live animals other than domestic animals permitted as pets per the provisions of Chapter 92 of this Code.

118.16 APPLICATION.

(A) The person operating the establishment (the proposed license holder) shall complete and sign an application form as provided by the Village Clerk. If the operator of the establishment is not the owner of the property on which the establishment is located, the property owner also shall sign the application.

(B) At a minimum, information to be provided by the applicant shall include the following:

- (1) Owner and operator contact information:
 - (a) Name of the operating entity and contact information for the entity's owner or authorized representative;
 1. The license holder, if an individual, any partner of a partnership or any of the directors of a corporation, may not have a felony conviction of any type.
 - (b) Name and contact information for the property owner if different than the operating entity;
and
 - (c) Name, address and phone number of the individual who will serve as the establishment's primary contact to the Village and the same information for two individuals who will serve as back-ups in the event the Village is unable to reach the primary contact.
 1. The primary and back-up contacts shall each be 21 years of age or older and may not have a felony conviction of any type.
 - (2) A description of the date(s), hours of operation, fee and/or admission charged and the general types of anticipated events with less than 100 combined participants and spectators.
 - (3) A traffic and parking control plan including the location of primary and secondary vehicular access points, drive aisles, parking areas, and a description of proposed on-site traffic control measures, if any, such as signage, removable barriers, parking lot attendants, valet parking service, etc.
 - (4) A description of the security measures to be provided to maintain a peaceful and orderly environment before, during, and after the event, with specific reference to: the exterior of the property; public entries and exits; general crowd control plans; and areas of potential high risk (box office, sales areas, areas serving alcohol).
 - (5) Evidence of a broad form policy of public liability insurance meeting the following:
 - (a) Insurance issued by an insurance company qualified to do business in Illinois and rated A or better by Best's Insurance Rating System, or its equivalent;
 - (b) Provides coverage for all claims for property damage and personal injury arising in connection with an event;
 - (c) Minimum limits of \$500,000 for any single claim and \$3,000,00 for any one occurrence;
 - (d) The Village its officers, employees and agents named as an additional insured; and
 - (e) An effective period covering the entire period of the license.
 - (6) Detailed floor plan, where food is prepared and/or served including whether alcoholic beverages are to be served.
 - (7) Information regarding similar events where this entertainment was provided.
 - (8) Information as to what, if any, Village support is being requested or required.

(C) A completed and signed application shall be submitted to the Village Clerk no less than 60 days prior to the initial proposed opening date of the establishment. The Village Clerk shall have 30 days to act upon an application for a license and shall forward the application to the Village building inspector and chief of police for their review and comment prior to acting on the application. Failure to act within this time period shall be considered to be a denial of the license.

(D) Applications for renewal of a license shall be submitted to the Village Clerk by October 1 of the year preceding the year of the requested renewal.

(E) The initial approved license shall be valid until the end of the calendar year in which it is issued. Licenses shall be renewed annually thereafter.

(F) The entertainment event shall be in compliance with all other sections of this Code of Ordinances and Village rules, regulations and policies.

118.17 LICENSE FEE.

Each application for an annual license shall be accompanied by a fee of \$100.00.

118.18 DISPLAY OF LICENSE.

The license shall be displayed in a conspicuous place within the establishment so that the same may be readily seen by persons entering the establishment.

118.19 NON-TRANSFERABILITY OF LICENSE.

Each license is issued to a specific license holder and is non-transferable. If the operating entity for the establishment changes, or has a change in ownership, the previous license shall be void and an application for a new license shall be submitted.

118.20 MONTHLY LIST OF EVENTS.

(A) The license holder shall provide a monthly list of scheduled events to the Village Clerk on the 15th (or next business day thereafter) of the month preceding the month in which the events are to occur.

(B) The monthly list of events shall include the following at a minimum. For repetitive events (such as league sports, etc.) this information may be provided only one time each year.

- (1) Name of the event;
- (2) Date of the event;
- (3) Type of event;
- (4) Hours of the event;
- (5) Whether the event is targeted primarily to minors;
- (6) Whether alcoholic beverages will be available;
- (7) Number of permitted participants;
- (8) Number of permitted spectators;
- (9) Minimum number of staff to be present;
- (10) Name and contact information for primary responsible party for the event; and
- (11) Name of lessee, if applicable.

118.35 LARGE EVENT LICENSE REQUIRED.

(A) Any facility defined as an Indoor Commercial Sports and Entertainment Establishment per the provisions of Chapter 157.003 of the Village Code proposing to conduct an event with 100 or more combined participants and spectators or an event involving live animals other than domestic animals permitted as pets per the provisions of Chapter 92 of this Code shall be required to obtain, and maintain in good standing, a large event license.

(B) Large event licenses issues hereunder shall be in addition to the required annual license for the establishment and all other licenses applicable to the establishment except a license for a public dance hall.

118.36 APPLICATION.

(A) An application for a large event shall be submitted to the Village Clerk no less than 90 days prior to the date of the event.

(B) Only one large event license per year shall be required for repetitive events meeting the large event criteria.

(C) At a minimum, information to be provided by the applicant shall include the following:

- (1) Name of the event;
- (2) Date of the event;
- (3) Type of event;

- (4) Hours of the event;
- (5) Whether the event is targeted primarily to minors;
- (6) Whether alcoholic beverages will be available;
- (7) Whether the event will involve live animals other than domestic animals permitted as pets per the provisions of Chapter 92 of this Code;
- (8) Number of permitted participants;
- (9) Number of permitted spectators;
- (10) Minimum number of staff to be present;
- (11) Name and contact information for primary responsible party for the event;
- (12) Name of lessee, if applicable;
- (13) The traffic and parking control plan approved as part of the annual license;
- (14) The security plan approved as part of the annual license;
- (15) The liability insurance approved as part of the annual license; and,
- (16) Any other information required for a small event license.

(D) The Village Clerk shall have 30 days to act upon an application for a license and shall forward the application to the Village building inspector and chief of police for their review and comment prior to acting on the application. Failure to act within this time period shall be considered to be a denial of the license.

118.37 LICENSE FEE.

Each application for a large event license shall be accompanied by a fee of \$100.00.

118.38 DISPLAY OF LICENSE.

The license shall be displayed in a conspicuous place within the establishment so that the same may be readily seen by persons entering the establishment.

118.39 NON-TRANSFERABILITY OF LICENSE.

Each license is issued to a specific license holder and is non-transferable. If the operating entity for the establishment changes, or has a change in ownership, the previous license shall be void and an application for a new license shall be submitted.

118.45 VALIDITY.

(A) An annual small event license shall remain valid for the calendar year for which it is issued as long as it remains in good standing per the provisions of this chapter.

(B) A large event license shall remain valid only for the event for which it is issued (including a repetitive event covered under a single large event license) as long as it remains in good standing per the provisions of this chapter.

118.46 INSPECTION AND ENFORCEMENT.

Authorized Village personnel including building inspectors and police officers (Village "enforcement officials") shall be responsible for the enforcement of all provisions of this chapter and shall be permitted to enter all areas of a licensed establishment whenever the building is occupied.

118.47 LICENSE VIOLATIONS.

(A) Any one of the following shall constitute a violation of an annual small event license or large event license and shall subject the license holder to the suspension and revocation provisions of Sec. 118.48, below:

- (1) A violation of any condition imposed as part of the special use permit approval for the establishment;
- (2) Operating in a manner contrary to that indicated on the approved application(s);
- (3) An inability of a Village enforcement official to make contact with at one of the license holder's listed contacts at any time; or
- (4) A violation of any health or safety regulation applicable to the property or the Village Code.

118.48 LICENSE SUSPENSION AND REVOCATION.

(A) An annual small event license may be temporarily suspended and a large event license suspended or revoked when a Village enforcement official believes that continued operation of a particular event will immediately threaten the welfare of the community or create an imminent danger of violation of applicable law. In such case, the Village enforcement official may, without notice or hearing, order the licensed establishment closed until a hearing is held pursuant to subsection (D) below or until such time as the threat or imminent danger is removed. For lesser violations, Village enforcement officials shall provide a written notice of violations to the license holder and prescribe a time period for them to be corrected during which the venue may continue operations but after which the license may be suspended and the venue ordered to be closed.

(B) An establishment ordered closed by a Village enforcement official may appeal such closure to the Village Board per the provisions of division (D), below.

(C) In the event a licensed venue poses an ongoing threat to the public welfare, the license holder and/or personnel at the establishment repeatedly fail to comply with the provisions of this chapter or conditions of the license, or the license holder repeatedly fails to correct code violations of any type at the venue, the village administrator shall schedule a revocation hearing for the license before the Village Board per the provisions of division (D), below.

(D) The Village Board shall hold a revocation hearing for appeals submitted by a license holder or a referral by the village administrator within 30 days of receiving such request. Prior to the hearing, the license holder shall be provided with ten days notice as to the time and place of the public hearing, the general nature of the violations or circumstances leading to the request for a revocation hearing, and informing the license holder that he or she may appear and present evidence. The Board shall have a quorum to conduct a hearing and, by a simple majority vote of the Board members present, may revoke an annual small event license or large event license upon a finding that the licensee has failed or refused to comply with the terms of this chapter, has failed or refused to comply with other law applicable to the business, has knowingly permitted failure of any manager or employee on the premises to comply with the terms of this chapter or with other law applicable to the establishment, has knowingly furnished false or misleading information on any application required for any license under this title or has caused another to furnish or withhold such information on his or her behalf, or has been convicted by a court of competent jurisdiction of a violation of any provision of this chapter.

(E) Upon making one or more of the findings described in division (D), above, the Village Board may attach additional conditions to an annual small or large event license in lieu of revocation with the provision that any violation of such additional conditions shall be grounds for immediate revocation of said license. Such additional conditions may include, but are not limited to, limitations on the type, size, dates, and times of certain events.

(F) An establishment for which an annual small license has been revoked may not receive a new annual license for a period of one year following the revocation unless the license is issued to an entity or individual that is clearly different than and independent from the holder of the license that has been revoked.

118.49 PROSECUTION OF OFFENSES AND FINES.

Nothing in the terms of this chapter shall preclude the Village from pursuing all other legal remedies available to it to prosecute offenses of this chapter or other laws. In addition to all other penalties described in this chapter, violators of this chapter shall be subject to fines as described in Sec. 10.99 of this Code."

Section Two. Severability. If any section, paragraph or provision of this ordinance shall be held to be invalid or unenforceable for any reason, the invalidity or unenforceability of such section, paragraph or provision shall not affect any of the remaining provisions of this ordinance.

Section Three. Repeal. All ordinances or parts thereof in conflict herewith be and the same are hereby repealed and this ordinance shall be in full force and effect forthwith upon its adoption, approval and publication as provided by law.

Section Four. Publication. That a full, true and complete copy of this ordinance shall be published within ten (10) days after passage in pamphlet form by authority of the Board.

Adopted this 10th day of May, 2011, pursuant to a roll call vote as follows:

AYES: 7 - Trustees Ruffalo, Gorman, Lynam, Miller, Cichowski,
NAYES: 0 VanOstenbidge & Pres. Bartels

ABSENT: 0

Approved by me this 10th day of May, 2011.

Jerald Bartels
Jerald Bartels, President

Published in pamphlet form this 26th day of May, 2011, under the authority of the President and Board of Trustees.

ATTEST:

Jennifer Rehberg
JENNIFER REHBERG, Village Clerk

Recorded in the Village Records on May 26th, 2011.

