

ORDINANCE NUMBER 12 - 57

**ORDINANCE AMENDING TITLE XI: BUSINESS REGULATIONS,
CHAPTER 116, ALCOHOLIC BEVERAGES, §116.05, LICENSES
BY ADDING §116.05(A)(16): CLASS H LICENSE**

WHEREAS, the Village of East Dundee is a home rule unit of local government under and pursuant to Section 6 of Article VII of the Constitution of the State of Illinois, has the authority to exercise any power and perform any function pertaining to its government and affairs, including but not limited to the power to regulate for the protection of the public health, safety, morals, and welfare; and

WHEREAS, the President and Board of Trustees of the Village of East Dundee have determined that Title XI, Business Regulations, Chapter 116, Alcoholic Beverages, §116.05, Licenses, should be amended by adding: (A)(16) Class H; Entertainment Venue;

WHEREAS, it is the purpose of the ordinance to regulate entertainment venues and similar commercial establishments in order to promote the health, safety and general welfare of the citizens of the Village of East Dundee and the patrons of such establishments, and to establish reasonable uniform regulations to prevent the deleterious secondary effects of establishments within the Village of East Dundee; and

WHEREAS, the existence of large entertainment venues associated with the retail sale of alcoholic liquor could have a variety of adverse secondary effects on neighboring residential property, including noise and traffic congestion; and

WHEREAS, the Village has a substantial governmental interest in preventing secondary effects, and the Village's interest in regulating these establishments extends to preventing future secondary effects by the current or future businesses that may locate in the Village; and

WHEREAS, the President and Board of Trustees of the Village of East Dundee having determined that it is in the best interests of the health, safety and welfare of the residents of the Village of East Dundee to amend Title XI, Ch. 116, §116.05 by adding a new Class H license.

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 One. That Title XI, Business Regulations, Chapter 116, Alcoholic Beverages, §116.05, Licenses, shall be amended to read as follows:

(A)(16) Class H; Entertainment Venue. A nightclub or similar commercial establishment with a maximum permitted occupancy of greater than 500 people which regularly devotes twenty five percent (25%) or more of its total floor area to dance floors, live performance areas, live entertainment, disc jockey areas, or athletic contests or events and which serves alcoholic beverages to the patrons for consumption on the premises. The entertainment venue also includes establishments used primarily for serving alcoholic beverages for patrons to consume on the premises; where the sale of prepared food, if any, is accessory to the primary use; and where entertainment opportunities such as live, or prerecorded, music, dancing or other entertainment is provided. It shall be unlawful for any person to conduct, maintain or operate or engage in the business of conducting, maintaining or operating an entertainment venue without a valid entertainment venue license pursuant to this chapter.

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

Section Three. Repeal. All ordinances, resolutions, motions or parts thereof in conflict herewith shall be and the same are hereby repealed.

Section Four. Publication. This ordinance shall be in full force and effect forthwith upon its adoption, approval and publication in pamphlet form as provided by law.

Section Five. Effective Date. Passed on the 16th day of July, 2012, according to the following roll call vote.

AYES: 5 - Justices Gorman, Lynam, Miller, VanOdenbuidge & President Bartels

NAYES:

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ABSENT:

2 - Trustees Ruffalo & Skillicorn

Approved by me this 16th day of July, 2012.

Jerald Bartels
Jerald Bartels, President

Published in pamphlet form this 21st day of July, 2012, under the authority of the President and Board of Trustees.

ATTEST:

Jennifer Rehberg
Jennifer Rehberg, Village Clerk

Recorded in the Village Records on July 21st, 2012.

