

ORDINANCE NUMBER 08 - 71

**ORDINANCE APPROVING TEXT AMENDMENT TO
TITLE XI, BUSINESS REGULATING
ADDING CHAPTER 118, LIVE ENTERTAINMENT**

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 having determined that it is in the best interests of the health, safety and welfare of the residents of the Village of East Dundee that Title XI, Business Regulations, be amended by adding a new Chapter 118, Live Entertainment.

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**, be amended by adding a new Chapter 118, Live Entertainment, of the Village of East Dundee Code as follows:

Chapter 118 LIVE ENTERTAINMENT

118.01 Purpose

To the extent that live entertainment performances may have an impact on adjoining properties, this section is intended to provide guidelines which would help to mitigate or minimize those impacted.

118.02 DEFINITIONS

Live entertainment/dancing. This use includes any establishment that is utilized for live performers or patrons engaged in singing, performing, dancing or playing musical instruments. "Live entertainment/dancing" shall not include "theaters," "indoor or outdoor amusement center" or "indoor or outdoor recreation" facilities where live performances may occasionally be held, as defined herein.

118.03 REGISTRATION

It shall be unlawful for any business establishment to allow or provide for live entertainment without first having secured a license for same.

118.04 PROCEDURE AND DURATION

All businesses with buildings, premises or operating from a residence, in the village, shall register with the village, no later than June 30 of each year or at such time as the business desires to commence operation in the village. Registration forms shall be made available by the village. The required fee for each registration shall be collected in full at the time of the issuance and delivery thereof. In no event shall any rebate or refund be made of any fee, or part thereof, by reason of the death of the registrant or by any reason of non-use of the registration or discontinuance of the operation of the business.

118.05 ANNUAL REGISTRATION FEE

(A) *Business registration fee.* Unless a different fee is provided or required elsewhere within the provisions of the Village Code of Ordinances, or the business holds a valid building contractor license and the licensee is a village resident, the annual registration fee to be paid by persons engaged in any business, trade, occupation or calling within the village shall be as provided in the annual fee schedule.

(B) *Annual renewal.* All fees and charges shall be paid at the time a business registration application is filed with the village. The annual registration fee shall be due and payable no later than January 30 of each year. Issued business registrations shall expire on December 31 of that year. Renewal of business registration shall be for a full 12-month period and shall not be prorated for business conducted for a portion of the year. It shall be the responsibility of the registrant to provide a new and updated registration form at the annual renewal date. A renewed business registration will not be issued by the village until an updated registration form is completed and all the required information is provided.

118.06 TRANSFERABILITY

Registration is transferable only for the same location and for the same type of business.

118.07 DUTIES OF LICENSEE

It shall be unlawful for any person registered to engage in any business or occupation on premises not in compliance with the Village Code of Ordinances.

118.08 POSTING OF CERTIFICATE

It shall be the duty of any person conducting a registered business in the village to keep his or her registration posted in a prominent place on the premises used for such business at all times.

118.09 REPLACEMENT OF CERTIFICATE

Whenever a registration needs to be replaced due to loss, theft or vandalism during the fiscal year, a replacement registration must be purchased. The registrant must pay a replacement fee as set forth in the annual fee schedule.

118.10 ADDITIONAL REGULATIONS

1. That these regulations shall not apply to "auditoriums, stadiums, arenas, armories, gymnasiums and other similar places of public events,"
2. That all live entertainment shall be restricted to indoor areas only;
3. That the area designated for live entertainment shall not exceed 25 percent of the gross floor area of the primary use;
4. That hours for live entertainment shall be limited to 11 :00 a.m. to 11 :00 p.m. Sunday through Thursday, and 11 :00 a.m. to 12 midnight Friday and Saturday;
5. That these regulations do not apply to business where alcoholic beverages are permitted, and that additional regulations regarding live entertainment and alcoholic beverages shall be regulated by the Liquor Commission of the Village of East Dundee.
6. That live entertainment, as noted herein, shall not include "adult business uses", as defined in article III herein, and regulated under the provisions of Title XI, Section 117.00 herein.

118.99 PENALTY

Any business or person violating this chapter shall be fined an amount a provided in § 10.99 for each violation. For the purposes of this section, each 24-hour period a violation exists shall be considered a separate violation.

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.

Adopted this 3rd day of NOV, 2008, pursuant to a roll call vote as follows:

AYES:

AYES:
Ruffalo, Gorman, Carlini, Lynam,
Cichowski, Mahony, Pres. O'Leary

NAYES: _____

ABSENT: _____

Approved by me this 3rd day of Nov, 2008.

Dan O'Leary
DAN O'LEARY, President

Published in pamphlet form this 5th day of Nov, 2008, under the authority of the President and Board of Trustees.

ATTEST:

Susan Norton

SUSAN NORTON, Village Clerk

Recorded in the Village Records on Nov. 5, 2008.

