

080601

**VILLAGE OF LOMBARD**  
**REQUEST FOR BOARD OF TRUSTEES ACTION**  
**For Inclusion on Board Agenda**

District: All

- Resolution or Ordinance (Blue)
- Recommendations of Boards, Commissions & Committees (Green)
- Other Business (Pink)

**TO :** PRESIDENT AND BOARD OF TRUSTEES

**FROM:** David A. Hulseberg, Village Manager *deh*

**DATE :** October 6, 2008  
**B o F T :** October 16, 2008

**SUBJECT :** An Ordinance Amending Title 11, Chapter 110 of the Lombard Village Code in Regard to Teenage Cabarets / Juice Bars

**SUBMITTED BY :** Raymond J. Byrne, Chief of Police

**BACKGROUND/POLICY IMPLICATIONS:**

This ordinance revises several provisions of the current ordinance that regulates Teenage Cabarets and Juice Bars. For ease of reading, a strikethrough / underline draft of the proposed revisions is included. I have also attached a memorandum which highlights the recommended changes. Key provisions include the elimination of some exemptions for convicted felons to obtain a license, earlier closing times and the elimination of the requirement for crowd management training to be conducted by the police department. The ordinance was drafted by Village Attorney Tom Bayer of Klein, Thorpe & Jenkins.

**Fiscal Impact/Funding Source:** None

Review (as necessary):

Finance Director \_\_\_\_\_  
Village Manager *David A. Hulseberg* \_\_\_\_\_  
Date 10/6/08 Date \_\_\_\_\_

**NOTE:** All materials must be submitted to and approved by the Village Manager's Office by 12:00 noon, Wednesday, prior to the Agenda distribution.





## LOMBARD POLICE DEPARTMENT



Date: September 2, 2008

To: David A. Hulseberg, AICP, ICMA-CM  
Village Manager

From: Raymond J. Byrne  
Chief of Police

Re: Teen Cabarets / Juice Bars Ordinance Revisions

At your request, I have reviewed the current ordinance provisions that regulate teen clubs and juice bars in the Village of Lombard. The applicable ordinance provisions are contained in sections 110.50 through 110.59 of the Lombard Village Code. After reviewing the current provisions, I believe the regulations can be modified to improve and strengthen the existing provisions. Specifically:

Section 110.55(E) should be modified in two ways:

1. Language should be added that all managers and employees should be at least 21 years of age.

2. Background investigations shall include the submission of fingerprints with the cost of the fingerprint submissions to be borne by the employee or the teen club.

Section 110.55(F) should have all language stricken which allows an exemption for some felons to obtain a license.

Section 110.55(I) should reflect that teen clubs will close at 2:00 a.m. and no patron should be allowed to enter after 12:00 a.m.

Section 110.55(J) 1. should be clarified to state that parents of patrons shall be admitted to the licensed premises to observe without having to pay an admission fee.

Section 110.56(F) should be placed under the General Conditions of License (section 110.55.

Section 110.58 (Educational Training – Condition Of License) This is the area of the current ordinance that requires the most consideration. You may recall that the Village Board requested that “crowd control” training be provided through the police department.

Specifically, the behavior sought to be monitored here is better termed "crowd management." Under the current ordinance, the police department is responsible for providing this training. This is not actually an area of expertise for most law enforcement agencies. In fact, when the prior teen club opened, the training had to be outsourced to a firm that specialized in such training.

The firm that we utilized (Crowd Management Strategies, Inc.) has relocated to California. They were contacted and could not make a recommendation to a reputable firm in this area. There are some online courses available through a couple of state fire marshal offices throughout the country, but as with any online course, the quality of instruction may be lacking. My recommendation is that the police department should not be involved in the training of employees for a teen club. It is not an area of expertise for us and I believe our involvement only serves to increase our liability exposure in the event of an accident or serious incident. The business should bear the responsibility for properly hiring and training a competent staff. To that end, I would recommend eliminating all references to training of crowd managers and crowd control.

For ease of review, I have attached a copy of the current ordinance with strikeouts and underlining to represent the proposed modifications. If you should have any questions, or would like additional information, please do not hesitate to contact me.

encl.  
cc: David Hulseberg, Village Manager (w/ encl.; via e-mail)

If there are any questions, please feel free to call.

Please note that in Section 4 of the Ordinance, I amended the proposed language for Section 110.55(E) to require a prepayment relative to the fingerprinting cost. Several other, non-substantive clean-up changes have also been made.

**AN ORDINANCE AMENDING TITLE 11, CHAPTER 110  
OF THE LOMBARD VILLAGE CODE  
IN REGARD TO TEENAGE CABARET/JUICE BARS**

Per our discussion, attached please find the following Ordinance, relative to the above-captioned matter, which revises the Village Code in accordance with the revisions noted in your September 2, 2008 memorandum to Dave Hulseberg:

**Re: Teenage Cabaret/Juice Bar Ordinance Amendments**

**Date:** October 2, 2008

**From:** Tom Bayer, Village Attorney

**To:** Ray Byrne, Chief of Police, Village of Lombard  
**Via e-mail only**

**MEMORANDUM**

15010 S. Ravinia Avenue, Ste 10  
Orland Park, Illinois 60462-5353  
T 708 349 3888 F 708 349 1506  
www.ktjlaw.com

20 N. Wacker Drive, Ste 1660  
Chicago, Illinois 60606-2903  
T 312 984 6400 F 312 984 6444





**AN ORDINANCE AMENDING TITLE 11, CHAPTER 110  
OF THE LOMBARD VILLAGE CODE  
IN REGARD TO TENNAGE CABARET/JUICE BARS**

ORDINANCE NO. \_\_\_\_\_

BE IT ORDAINED by the President and Board of Trustees of the Village of Lombard,

DuPage County, Illinois, as follows:

**SECTION 1:** That Title 11, Chapter 110, Section 110.51 of the Lombard Village Code is

amended by revising the reference therein to, "110.59" to read, "110.58."

**SECTION 2:** That Title 11, Chapter 110, Section 110.52(B) of the Lombard Village

Code is amended to read in its entirety as follows:

"(B) The names, addresses and positions of all employees. Said information shall be updated as new employees are hired."

**SECTION 3:** That Title 11, Chapter 110, Section 110.55(B) of the Lombard Village

Code is amended to read in its entirety as follows:

"(B) The licensee shall be required to supply at least one supervisor or manager for every one hundred (100) persons, or portion thereof, permitted to be within the building or premises licensed. Said supervisors or managers shall be responsible for crowd control both within the building used by the licensee and the premises upon which said building is located, including any parking areas owned or leased by the licensee or intended for use by the licensee's patrons. In the event that the licensee uses Village off-duty police officers and/or firefighters for management or supervision, the licensee shall include the police officers and/or firefighters in the worker's compensation insurance policy for the licensee's employees only while employed privately in connection with the tennage cabaret/juice bar, and the Village shall be named as an additional insured in the general liability insurance policy covering the operation of said tennage cabaret/juice bar in an amount of not less than one million dollars (\$1,000,000.00) aggregate coverage."

**SECTION 4:** That Title 11, Chapter 110, Section 110.55(E) of the Lombard Village

Code is amended to read in its entirety as follows:

"(E) The manager of said tennage cabaret/juice bar shall be an adult at least twenty-one (21) years of age, preferably with experience

(K) No smoking or rough-dancing shall be permitted on, and no cigarettes or other tobacco products shall be allowed to be brought onto, the licensed premises. A sign shall be conspicuously posted, on the licensed premises, which informs

amended by adding a new subsection (K) thereto, which shall read in its entirety as follows:

**SECTION 8:** That Title 11, Chapter 110, Section 110.55 of the Lombard Village Code is

"1. The parents of patrons shall be admitted to the licensed premises to observe without having to pay an admission fee; and"

Code is amended to read in its entirety as follows:

**SECTION 7:** That Title 11, Chapter 110, Section 110.55(j)1 of the Lombard Village

and the reference therein to, "2:00 a.m." to read, "twelve o'clock (12:00) a.m. (midnight)."

is amended by revising the reference therein to, "4:00 a.m." to read, "two o'clock (2:00) a.m.,"

**SECTION 6:** That Title 11, Chapter 110, Section 110.55(i) of the Lombard Village Code

(F) No license required by Sections 110.50 through 110.58 of this Code shall be issued to an establishment which has an owner, operator, manager or employee who is a convicted felon, who is a registered sex offender, or who has been convicted of a violation of 720 ILCS 5/11-6, 11-6.5, 11-9, 11-9.1, 11-9.2, 11-9.3, 11-9.4, 11-11-11, 11-14, 11-14.1, 11-15, 11-15.1, 11-16, 11-17, 11-17.1, 11-18, 11-18.1, 11-19, 11-19.1, 11-19.2, 11-20, 11-20.1, 11-21, 11-23, 12-7.3, 12-7.4, 12-7.5, 12-13, 12-14, 12-14.1, 12-15, 12-16, 12-21.5, 12-21.6, 12-33, 12-34 or any offense committed in any other state or against the laws of the United States which, if committed in Illinois, would have been punishable as one or more of the foregoing offenses."

is amended to read in its entirety as follows:

**SECTION 5:** That Title 11, Chapter 110, Section 110.55(F) of the Lombard Village Code

in the administration of such facilities. All employees of said Department for previous criminal records. Within three (3) days of the hiring of a new employee, the owner/operator shall notify the Village Clerk in writing of the name of the new employee so that the Police Department can perform the required criminal record check. Background investigations shall require the submission of fingerprints with the cost of fingerprint submissions to be borne by the owner/operator of the teenage cabaret/juice bar, and paid to the Police Department prior to any fingerprinting. Off-duty Village police officers and firefighters shall not be required to submit to a criminal background check."



the patrons as to which items cannot be brought into said teenage cabaret/juice bar."

**SECTION 9:** That Title 11, Chapter 110, Section 110.56 of the Lombard Village Code is

amended by repealing current subsection (F), and relabeling current subsection (G) as

subsection (F).

**SECTION 10:** That Title 11, Chapter 110, Section 110.58 of the Lombard Village Code

is hereby repealed.

**SECTION 11:** That Title 11, Chapter 110, Section 110.59 of the Lombard Village Code

is hereby amended by revising the Section number thereof to "Section 110.58," and revising all

references therein to, "110.59" to read, "110.58."

**SECTION 12:** That this Ordinance shall be in full force and effect from and after its

passage, approval and publication in pamphlet form as provided by law.

PASSED on first reading this \_\_\_\_\_ day of \_\_\_\_\_, 2008.

First reading waived by action of the Board of Trustees this \_\_\_\_\_ day of \_\_\_\_\_, 2008.

PASSED on second reading this \_\_\_\_\_ day of \_\_\_\_\_, 2008, pursuant to a roll call

vote as follows:

AYES: \_\_\_\_\_

NAYS: \_\_\_\_\_

ABSENT: \_\_\_\_\_

APPROVED by me this \_\_\_\_\_ day of \_\_\_\_\_, 2008.

William J. Mueller, Village President

ATTEST:

Brigitte O'Brien, Village Clerk

Published by me in pamphlet form this \_\_\_\_\_ day of \_\_\_\_\_, 2008.

Brigitte O'Brien, Village Clerk



**TEENAGE CABARETS/JUICE BARS**

**§ 110.50 DEFINITIONS.**

For the purpose of this Chapter the following definitions shall apply unless the context clearly indicates or requires a different meaning:

**TEENAGE CABARET/JUICE BAR:** A private commercial, recreational and entertainment facility, designed or intended to be used by patrons under the age of twenty-one (21) years old, where patrons enjoy dancing, live and recorded music and entertainment, or where videotape presentations are shown.

**§ 110.51 LICENSE REQUIRED**

No person shall manage, conduct, operate, or carry on the business of a teenage cabaret/justice bar within the Village of Lombard without first having obtained a license therefor, as provided in Sections 110.50 through 110.59g of this Code, as well as having obtained any and all additional licenses and/or permits as may be required by this Code based upon the activities taking place upon the licensed premises.

**§ 110.52 APPLICATION FOR LICENSE**

The applicant for such license shall complete an application therefor, in a form approved by the Village, and shall submit same to the Village Clerk. All applications shall include the following information:

(A) Name and address of the owner/operator. If a corporation, the state of incorporation, as well as the names and addresses of all officers, directors and shareholders of the corporation (unless the corporation is a publicly owned corporation). All persons having an ownership of five (5) percent or more in the business shall be disclosed as owner/operators. All owners and/or operators shall affirm that they have not previously had a similar license in any other jurisdiction suspended or revoked, or otherwise denied upon application;

(B) The names, addresses and positions of all employees, and the names, addresses and positions of all non-employee independent contractors involved in crowd control and/or the supervision of personnel. Said information shall be updated as new employees are hired, and as new non-employee independent contractors are contracted with;

(C) The intended days and hours of operation;

(D) The maximum occupancy load of the building or premises to be used, as determined by the Lombard Fire Department in accordance with the provisions of the latest edition of the BOCA Basic National Building Code adopted by the Village;

The licensee shall be required to supply at least one supervisor or manager ~~qualified~~ crowd control or supervision person for every one hundred (100) persons, or portion thereof, permitted to be within the building or premises licensed. ~~Persons qualified for crowd control shall include, but not be limited to, off-duty police officers and firefighters. Said qualified crowd control and supervision personnel supervisors or managers shall be responsible for crowd control both within the building used by the licensee and the premises upon which said building is located, including any parking areas owned or leased by the licensee or intended for use by the licensee's patrons. In the event that the licensee uses Village off-duty police officers and/or firefighters for crowd control management and supervision, the licensee shall include the police officers and/or firefighters in the worker's compensation insurance policy for the licensee's employees only while employed privately in connection with the teenage cabaret/juice bar, and the Village shall be named as an additional insured in the general liability insurance policy covering the operation of said teenage cabaret/juice bar in an amount of not less than one million dollars (\$1,000,000.00) aggregate coverage~~

(A) The building and premises must be in full compliance with all applicable provisions of this Code and all other Ordinances, Rules and Regulations of the Village.

All teenage cabarets/juice bars shall be subject to the following conditions:

**§ 110.55 GENERAL CONDITIONS OF LICENSE**

- (A) Initial non-refundable license fee for issuance of a new license, to be paid at the time an application is made – five thousand and no/100 dollars (\$5,000.00).
- (B) Subsequent renewal license – annual fee thirty-five and no/100 dollars (\$35.00) per one thousand (1,000) gross square feet, or portion thereof.

The fee for a teenage cabaret/juice bar license shall be as follows:

**§ 110.54 LICENSE FEE**

The Village Clerk, upon receipt of a properly completed application, but in no event later than thirty (30) working days after the receipt of the application, shall either issue a license, or notify the applicant in writing that the application has been denied because of the applicant's failure to comply with the requirements of this Chapter or with the requirements of any other provision of this Code which is applicable to the activities of the applicant.

**§ 110.53 ISSUANCE AND DENIAL OF LICENSES**

(E) Such other information as may be required by the Village from time to time.

(C) All patrons shall enter at only one entrance and shall be properly identified and a count of those entering shall be kept. All persons and clothing shall be checked to make sure than no dangerous implements are brought into said licensed premises. Once a person has been admitted, such person shall not leave and re-enter without again paying the admission charge and being identified and checked. The premises shall have a metal detector located at the main entrance, with all patrons being required to pass through said metal detector. The metal detector must be operational and in good working order at all times that the licensed premises are open for business.

(D) No alcoholic beverages shall be served or permitted on the licensed premises.

(E) The manager of said teenage cabaret/juice bar shall be an adult at least 21 years of age, preferably with experience in the administration of such facilities. All employees of, and all non-employee independent contractors involved in crowd control and/or the supervision of personnel at said teenage cabaret/juice bar shall be checked by the Police Department for previous criminal records. Within three (3) days of the hiring of a new employee or non-employee independent contractor involved in crowd control and/or the supervision of personnel, the owner/operator shall notify the Village Clerk in writing of the name of the new employee or non-employee independent contractor involved in crowd control and/or the supervision of personnel so that the Police Department can perform the required criminal record check. Background investigations shall require the submission of fingerprints with the cost of fingerprint submissions to be borne by the employee or the teen club. Off-duty Village police officers and firefighters shall not be required to submit to a criminal background check.

(F) No license required by Sections 110.50 through 110.59g of this Code shall be issued to an establishment which has an owner, operator, manager or employee or non-employee independent contractor involved in crowd control and/or supervision of personnel who is a convicted felon, who is a registered sex offender, or who has been convicted of a violation of 720 ILCS 5/11-6, 11-6.5, 11-9, 11-9.1, 11-9.2, 11-9.3, 11-9.4, 11-11, 11-14, 11-14.1, 11-15, 11-15.1, 11-16, 11-17, 11-17.1, 11-18, 11-18.1, 11-19, 11-19.1, 11-19.2, 11-20, 11-20.1, 11-21, 11-23, 12-7.3, 12-7.4, 12-7.5, 12-13, 12-14, 12-14.1, 12-15, 12-16, 12-21.5, 12-21.6, 12-33, 12-34 or any offense committed in any other state or against the laws of the United States which, if committed in Illinois, would have been punishable as one or more of the foregoing specifically enumerated offenses, and notwithstanding the foregoing, a single felony conviction, other than in regard to one of the specifically enumerated offenses or any offense committed in any other state or against the laws of the United States which, if committed in Illinois, would have been punishable as one or more of the foregoing specifically enumerated offenses, and other than a felony conviction resulting in the offender becoming a registered sex offender as a result thereof, that occurred prior to the individual reaching the age of twenty two (22) years old, shall not prevent the issuance of a license as required by Sections 110.50 through 110.59 of this Code.

(G) The coat check area shall be supervised and patrolled.

(H) Building and Fire Code regulations shall at all times be enforced.

(I) It shall be unlawful for a teenage cabaret/juice bar to remain open between the hours of 2:00 a.m. and 8:00 a.m. Notwithstanding the foregoing, no patron may be allowed to enter the teenage cabaret/juice bar after 12:00 a.m.

(J) All patrons of the teenage cabaret/juice bar shall be under the age of twenty-one years old, and be the holder of a valid college or high school identification card or other means of lawful identification. Notwithstanding the foregoing age limitations:

1. The parents of patrons shall be admitted to the licensed premises to observe without having to pay an admission fee; and

2. Said age limitation shall not apply to a private use of the licensed premises, for an event not open to the general public, provided that the activities taking place at said private event do not fall under the definition of a teenage cabaret/juice bar, as set forth in Section 110.50 above. Where the activities taking place at said private event do result in said private event being classified as a teenage cabaret/juice bar use of the licensed premises, the age limitation of this subsection (J) shall apply to said private event.

(K) No smoking or rough-dancing shall be permitted, and no cigarettes or other tobacco products shall be allowed to be brought onto the premises. A sign shall be conspicuously posted informing the patrons what items cannot be brought into said teenage cabaret/juice bar. (note: this is the old section 110.55(F) being moved to the general conditions of license).

### § 110.56 SPECIAL CONDITIONS OF LICENSE

All teenage cabaret/juice bar licenses shall be subject to the following special conditions during any period of time when individuals under the age of seventeen (17) years old are permitted on the premises:

(A) The hours of operation shall be limited to:

1. Fridays: Eleven o'clock (11:00) A.M. to twelve o'clock (12:00) midnight.
2. Saturdays: Eleven o'clock (11:00) A.M. to twelve o'clock (12:00) midnight.
3. Evenings preceding holidays: Eleven o'clock (11:00) A.M. to twelve o'clock (12:00) midnight.
4. Sunday through Thursday: Three o'clock (3:00) P.M. to eleven o'clock (11:00) P.M.

(B) Notwithstanding the aforesaid hours of operation, no provisions of law establishing a curfew for persons of the ages affected are hereby modified or repealed. Additionally, the licensee of said teenage cabaret/juice bar shall cause to be audibly announced the curfew hours at least one-half (1/2) hour before said curfew shall become effective.

(C) The patrons of the teenage cabaret/juice bar shall be at least fourteen (14) years of age, and under the age of seventeen (17) years old, and be the holder of a valid high school identification card or other means of lawful identification, unless entry is limited on a particular day or during particular hours to only individuals under the age of fourteen (14) years old.

(D) The licensee shall make responsible efforts not to permit persons under seventeen (17) years of age to enter or remain upon the premises after ten thirty o'clock (10:30) P.M. on Sunday through Thursday or after eleven thirty o'clock (11:30) P.M. on Friday and Saturday.

(E) The parents of patrons shall be admitted to observe and, as part of the operating schedule, open houses for parents shall be arranged.

~~(F) No smoking or rough dancing shall be permitted, and no cigarettes or other tobacco products shall be allowed to be brought onto the premises. A sign shall be conspicuously posted informing the patrons what items cannot be brought into said teenage cabaret/juice bar.~~

(G) Prohibited Entertainment: It shall be unlawful to permit or allow conduct on the premises which is prohibited in premises licensed to sell alcohol as enumerated in Section 112.39 (E).

The aforementioned special conditions shall be in addition to the general conditions set forth in Section 110.55 above. Where the special conditions of this Section are more restrictive than the general conditions of Section 110.55 above, the special conditions shall prevail.

### § 110.57 INSPECTIONS

Any person who makes an application for or seeks a renewal of a license for a teenage cabaret/juice bar shall, as a condition of said application/renewal request, allow the Bureau of Inspectional Services, Community Development Department, Fire Department and Police Department to inspect the premises at any time the facility is open to ascertain whether or not the premises is in compliance with all applicable Village Codes and Ordinances.

### § 110.58 EDUCATIONAL TRAINING CONDITION OF LICENSE

~~(A) The licensee shall be required to have all employees and all non-employee independent contractors involved in crowd control and/or the supervision of~~

personnel take and successfully complete a course on crowd control and dealing with young people to be given by the Lombard Police Department, and thereafter maintain a current effective certification from said course.

(B) ~~Compliance by New License Holders. All new license holders shall be given four (4) months from the date of issuance of the license to come into compliance with Subsection A above.~~

(C) ~~Proof of Educational Training Compliance. Upon making application for the renewal of a license, the license holder shall supply the Village with copies of the course completion certificate(s) for all employees and non-employee independent contractors involved in crowd control and/or the supervision or personnel who have successfully completed the Lombard Police Department course. A copy of the Lombard Police Department course completion certificate(s) shall also be made available at all times at the licensed premises.~~

(D) ~~Compliance After Loss of a Certified Employee. Any license holder who, due to the loss of an employee or non-employee independent contractor involved in crowd control and/or the supervision of personnel who has successfully completed the Lombard Police Department course, is put in a position of non-compliance with Subsection A above shall have four (4) months to come into compliance.~~

(E) ~~The licensee shall reimburse the Village for the actual cost of the course on crowd control and dealing with young people, with said reimbursement to be not less than fifty and no/100 dollars (\$50.00) per person taking said course.~~

### §110.589 PENALTY, FINE, SUSPENSION AND REVOCATION

Any person, firm or corporation violating the provisions of this Article shall be penalized as follows:

(A) A fine of seven hundred fifty and no/100 dollars (\$750.00) per violation, with each day any such violation exists constituting a separate and distinct offense.

(B) In addition to any fine that may be assessed pursuant to Subsection A above, any license issued pursuant to Sections 110.50 through 110.598 of this Code may be suspended, for a period not to exceed thirty (30) days, or revoked upon a finding by the Village Manager, or his/her designee, after a hearing, that the licensee has violated any of the provisions of Sections 110.50 through 110.598 of this Code. The procedure for a hearing on suspension/revocation of a license shall be as follows:

1. Notice of said hearing, in writing shall be given to the licensee by the Village Manager, or his/her designee at least ten (10) days prior to the time set for the hearing;



2. The notice shall set forth the specific grounds of the complaint as well as the time and place of the hearing;

3. The Village Manager, or his/her designee, shall preside at the hearing and the licensee shall be permitted counsel and the right to submit evidence and cross examine witnesses;

4. The Village Manager, or his/her designee shall render a written decision after all evidence has been presented.

5. Said written decision may be appealed by the licensee to the President and Board of Trustees provided a notice of appeal is filed with the Village Clerk within ten (10) days after the issuance of said written decision.

(Ord. 5235, passed 1/16/03; Ord. 5405, passed 12/4/03; Ord. 5406, passed 12/4/03)