

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

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

TO: PRESIDENT AND BOARD OF TRUSTEES

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

DATE: October 27, 2009 (B of T) Date: November 5, 2009

TITLE: Title 11, Chapter 110 of the Lombard Village Code – Live Entertainment

SUBMITTED BY: Department of Community Development *WMA*

BACKGROUND/POLICY IMPLICATIONS:

The Department of Community Development transmits for your consideration an ordinance amending Title 11, Chapter 110 adding a new Section 110.61. This section would require that an application be submitted to the Community Development Department as well as establish a \$50.00 yearly fee associated with live entertainment.

Staff recommends approval of the amendment.

Please place this item on the November 5, 2009 Board of Trustees agenda.

Fiscal Impact/Funding Source:

Review (as necessary):

Village Attorney X

Finance Director X

Village Manager X

\_\_\_\_\_  
*David A. Hulseberg*

Date

10/28/09

Date

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.





**MEMORANDUM**

**TO:** David A. Hulseberg, Village Manager

**FROM:** William J. Heniff, AICP *WJH*  
Director of Community Development

**DATE:** November 5, 2009

**SUBJECT:** Proposed Changes to Title 11, Chapter 110 of the Lombard Village Code in regard to Live Entertainment

On August, 20, 2009, the Village Board approved text amendments to the Lombard Zoning Ordinance permitting Live Entertainment as an accessory use in the O, I, B1, B2, B3, B4, B4A, B5, B5A Zoning Districts. As a result of the amendments, staff is seeking the Village Board's approval of an Ordinance amending Title 11, Chapter 110 of the Lombard Village Code requiring that a Live Entertainment application be submitted to the Community Development Department. The proposed changes would also establish a yearly \$50.00 fee for each application. Please note that establishments with liquor licenses do not have to pay the \$50.00 fee since they have a separate Live Entertainment fee associated with their liquor license. However, they will still be required to submit the application to the Community Development Department.

**Recommendation**

Attached is a draft Ordinance and application for the Village Board's consideration. Staff recommends that this item be placed on the November 5, 2009 Board of Trustees agenda and that the Board adopt the amendments to Title 11, Chapter 110 of the Lombard Village Code. Staff also requests a waiver of first reading.



VILLAGE OF LOMBARD

APPLICATION FOR LIVE ENTERTAINMENT  
\$50.00 Permit Fee (No fee if associated with Liquor License)

Name of Establishment \_\_\_\_\_

Address \_\_\_\_\_

Phone Number: \_\_\_\_\_

E-Mail Address: \_\_\_\_\_  
Web Site: \_\_\_\_\_

Is there a liquor license associated with the subject business? Yes \_\_\_\_\_ No \_\_\_\_\_

Renewal for period: a) December 1, \_\_\_\_\_ to May 31, \_\_\_\_\_  
b) June 1, \_\_\_\_\_ to November 30, \_\_\_\_\_  
c) December 1, \_\_\_\_\_ to November 30, \_\_\_\_\_ (non-liquor licenses only)

EVENT INFORMATION:

Type of Live Entertainment (Check all that apply):

1. \_\_\_\_\_ Musical Act (including karaoke)

2. \_\_\_\_\_ Theatrical Act (including stand-up comedy)

3. \_\_\_\_\_ Play

4. \_\_\_\_\_ Disc Jockey

5. \_\_\_\_\_ Dance Act

6. \_\_\_\_\_ Song and Dance Act

7. \_\_\_\_\_ Other, please explain: \_\_\_\_\_

Is the live entertainment provided by an outside party (non-employee)? Yes \_\_\_\_\_ No \_\_\_\_\_  
If yes, please provide name and address of outside contractor: \_\_\_\_\_

Frequency of Use: \_\_\_\_\_

Typical Hours of Operation of the Live Entertainment: \_\_\_\_\_

Anticipated Maximum Attendance: \_\_\_\_\_

Please explain event(s). Please list any dates and describe any and all structures to be erected (if applicable):  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

***\*Permits are non-transferable.***  
***\*\*Permits are to be renewed annually.***

\_\_\_\_\_  
Applicant's Signature:

Applicant's Name (please print):

*I hereby certify that all of the information contained herein is true and correct and that all contractors and subcontractors to be engaged in any of the work for which this permit is issued shall comply with all pertinent local ordinances.*

**I HEREBY CERTIFY THAT I, AS APPLICANT, IF NOT THE OWNER OF THE PROPERTY IN RELATION TO WHICH THIS APPLICATION IS BEING MADE, HAVE OBTAINED THE PERMISSION OF THE OWNER OF SAID PROPERTY TO FILE THIS APPLICATION.**

Non-refundable Fee: \$50.00

**PLEASE ATTACH COPIES OF THE FOLLOWING FROM THE CHECKLIST:**

Name: \_\_\_\_\_  
Position: \_\_\_\_\_  
Address: \_\_\_\_\_  
City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_  
Telephone No: \_\_\_\_\_ Fax: \_\_\_\_\_

Please provide the following information for the operating manager or other person responsible for physical conditions:

**ON SITE CONTACT:**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Describe the provisions made for security and crowd control (if applicable):

I, \_\_\_\_\_, hereby declare, under oath that the statements made herein are true and correct to the best of my knowledge and belief. I understand that all Live Entertainment activities shall comply with all of the following standards and requirements:

Live Entertainment shall be permitted as an accessory use in the O, I, B1, B2, B3, B4, B4A, B5, B5A Districts, subject to the following standards and requirements:

(A) The performance area used for the Live Entertainment shall not exceed twenty-five percent (25%) of the gross floor area of the business.

(B) All Live Entertainment activities conducted on site shall be conducted within the confines of the building.

(C) No toxic, explosive, flammable, or other hazardous materials; as defined by the BOCA Basic Fire Prevention Code, as adopted by reference in the Building Code of the Village of Lombard (Chapter 150 of the Village Code), shall be used for any Live Entertainment purposes.

(D) All Live Entertainment activities shall fully comply with all other provisions of the Village Code.

(E) Any business serving alcoholic beverages shall be required to meet all of the provisions of Chapter 112 of the Village Code, which regulates the sale of liquor.

Signature of Applicant

Notary:

Sworn and subscribed to before me

This \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

[Notary Seal]

Notary Public

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**OFFICE USE ONLY**

Contact(s) Submitted: \_\_\_\_\_ Fee Paid: \_\_\_\_\_

**APPROVAL:**

\_\_\_\_\_, Fire Department

\_\_\_\_\_, Finance Department

\_\_\_\_\_, Police Department

\_\_\_\_\_, Village Manager

\_\_\_\_\_, Department of Community Development

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**AN ORDINANCE AMENDING TITLE 11, CHAPTER 110  
OF THE LOMBARD VILLAGE CODE  
IN REGARD TO LIVE ENTERTAINMENT**

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 of the Lombard Village Code is

amended by adding a new Section 110.61 thereto, which shall read in its entirety as

follows:

**"§ 110.61 LIVE ENTERTAINMENT AS AN ACCESSORY USE.**  
It shall be unlawful to provide live entertainment, as defined by Section 155.802 of this Code, as an accessory use, as provided for pursuant to Section 155.223 of this Code, without first having obtained a permit from the Village. Application for said permit shall be made on an application form to be supplied by the Village's Department of Community Development, with said form to request such information and documentation, as deemed necessary by the Village's Department of Community Development, to verify compliance with the provisions of Section 155.223 of this Code. Except in the case of live entertainment in relation to an establishment which has a liquor license under Chapter 112 of this Code, in which case the live entertainment permit fee shall be considered as part of the fee required by Section 112.39(A) of this Code, the fee for a live entertainment permit shall be fifty and no/100 dollars (\$50.00). Except as provided in Section 112.39(A) of this Code, the live entertainment permit shall be valid for a one (1) year period, beginning on December 1<sup>st</sup> of each year and ending on November 30<sup>th</sup> of the following year."

**SECTION 2:** 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 \_\_\_\_\_, 2009.

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

\_\_\_\_\_, 2009.

Passed on second reading this \_\_\_\_\_ day of \_\_\_\_\_, 2009.

AYES:

\_\_\_\_\_

NAYS:

\_\_\_\_\_

ABSENT:

\_\_\_\_\_

APPROVED this \_\_\_\_\_ day of \_\_\_\_\_, 2009.

William J. Mueller, Village President

ATTEST:

Brigitte O'Brien, Village Clerk

Published by me in pamphlet form this \_\_\_\_\_ day of \_\_\_\_\_, 2009.

Brigitte O'Brien, Village Clerk