

ORDINANCE NO. 5235

**AN ORDINANCE SUPPLEMENTING TITLE 11,  
OF THE LOMBARD VILLAGE CODE WITH SECTION 110.5  
TEENAGE CABARETS/JUICE BARS**

WHEREAS, the Village of Lombard maintains Business Regulations for Amusement and Entertainment which are found in Title XI of the Code of Lombard, Illinois; and,

WHEREAS, the Code establishes procedures for amending or supplementing the Code; and,

WHEREAS, the Board of Trustees deem it reasonable to periodically review said Code and make necessary changes.

NOW, THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF LOMBARD, DU PAGE COUNTY, ILLINOIS, as follows:

SECTION 1: That Title XI of the Lombard Village Code is supplemented by adding a new Section 110.5 to read in its entirety as follows:

**CHAPTER 110, SECTION 5 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 primarily by, but not limited to, 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.

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### **110.51 LICENSE REQUIRED.**

No person shall manage, conduct, operate, or carry on the business of a teenage cabaret/juice bar within the Village of Lombard without first having obtained a license therefor, as provided in Sections 110.50 through 110.59 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;
- (E) Such other information as may be required by the Village from time to time.

### **110.53 ISSUANCE AND DENIAL OF LICENSES.**

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

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requirements of any other provision of this Code which is applicable to the activities of the applicant.

**110.54 LICENSE FEE.**

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

- (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.

**110.55 GENERAL CONDITIONS OF LICENSE.**

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

- (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.
- (B) The licensee shall be required to supply at least one 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 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 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
- (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, 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. 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 110.59 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 offenses. 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.

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- (I) It shall be unlawful for a teenage cabaret/juice bar to remain open between the hours of 3:00 a.m. and 8:00 a.m. Notwithstanding the foregoing, no patron may be allowed to enter the teenage cabaret/juice bar after 1:00 a.m.

#### **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 twenty-one (21) 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.

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- (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.

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- (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.

**110.59 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 110.59 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 110.59 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.

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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 21st day of November, 2002.

First reading waived by action of the Board of Trustees this \_\_\_\_\_ day of \_\_\_\_\_, 2003.


Passed on second reading this 16th day of January, 2003.

AYES: President Mueller, Trustees DeStephano, Tross, Koenig

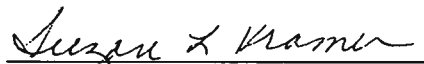
NAYS: Trustees Sebby, Florey, Soderstrom

ABSENT: None

Approved by me this 16th day of January, 2003.

  
William J. Mueller  
Village President

ATTEST:

  
Suzan L. Kramer, Village Clerk

APPROVAL AS TO FORM:

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Thomas P. Bayer, Village Attorney