

ORDINANCE NO. 2009-31

AN ORDINANCE AMENDING CHAPTER 6, "ALCOHOLIC LIQUOR," OF THE ORDINANCES OF THE VILLAGE OF STICKNEY, ILLINOIS BY THE ADDITION OF ARTICLE III.

BE IT ORDAINED BY THE PRESIDENT AND THE BOARD OF TRUSTEES OF THE VILLAGE OF STICKNEY, COOK COUNTY, ILLINOIS, A HOME RULE UNIT OF GOVERNMENT AS FOLLOWS:

**WHEREAS**, the Village of Stickney (the "Village") is a home rule municipality in accordance with the Constitution of the State of Illinois of 1970; and

**WHEREAS**, the Village desires to regulate entertainment at establishments that serve alcoholic liquor; and

**WHEREAS**, the Village has deemed it necessary to establish a licensing procedure for, and to regulate certain forms of entertainment within establishments licensed to serve alcoholic liquor within the Village; and

NOW THEREFORE BE IT ORDAINED BY THE PRESIDENT AND THE BOARD OF TRUSTEES OF THE VILLAGE OF STICKNEY, COOK COUNTY, ILLINOIS.

**Section 1. Recitals.** The facts and statements contained in the preambles to this Ordinance are found to be true and correct and are hereby adopted as part of this Ordinance.

**Section 2. Adoption.** Chapter 6, of the Municipal Code of the Village of Stickney shall be amended by the addition of Article III, which will read as follows:

**ARTICLE III. ENTERTAINMENT**

**Sec. 6-100. Definition of Entertainment.**

The term "Entertainment," as used in this Article shall mean: any exhibition, performance, presentation for show, or hosting, for entertainment purposes, of any live music or music played by a disc jockey or emcee, or of any dancing event involving public participation; any live performance of any nature meant for entertainment; any dancing, talent, or skill exhibition or competition or contest; any karaoke performance, or fashion show; and any other entertainment or recreational activity that is offered for public participation, whether or not an admission fee, "cover charge" or other remuneration is required from the spectators and/or participants. The term "Entertainment" shall not apply to any event occurring on a premises that is licensed by the State of Illinois to operate a racetrack for horse racing purposes in the state.

**Section 6-101. Applicability of Licensure Requirement.**

No premises within the Village that serves, sells, or allows consumption of, any alcoholic liquor shall provide any Entertainment without first obtaining a license or permit therefor. An owner of a premises within the Village that serves, sells, or allows consumption of, any alcoholic liquor may obtain an entertainment license, at the discretion of the Village Liquor Commissioner, by following the procedures contained in this Article. The restrictions and requirements of this Article shall not apply to holders of a Class F Liquor License within the Village.

#### **Section 6-102. Application for License.**

All applications for a Village Entertainment License shall be submitted to the Village Liquor Commissioner. Applications shall contain, at a minimum, the following:

1. The name and residence of the person applying for the license; if an entity is applying for a license, the name of the entity and the name and residence of the president or managing member of the entity.
2. The type of entertainment anticipated to take place on the premises, and the days and times when the entertainment is expected to take place on the premises.
3. Whether the applicant expects to charge an admission, cover charge, or any other fee to enter the premises or view the entertainment, and if so, the highest expected charge.
4. The capacity of the premises.
5. A signed document, to be provided by the Village, that allows the Village's public health and building inspectors to enter the premises, and to inspect the premises for any violations.

#### **Section 6-103. Fees for and Issuance of an Entertainment License.**

If the Village Liquor Commissioner determines that an application is satisfactory and merits acceptance, and if the premises passes all inspections by the Village's health and building inspectors, the Village Liquor Commissioner shall issue to the applicant an Entertainment License, with restrictions and conditions as deemed necessary by the Village Liquor Commissioner, upon receipt of the payment of a fee as set forth below by the applicant.

1. Occupancy Load 0-59: Five hundred dollars (\$500.00) per year.
2. Occupancy Load 60-99: One thousand dollars (\$1,000.00) per year.
3. Occupancy Load 100-139: One thousand five hundred dollars (\$1,500.00) per year.
4. Occupancy Load 140-199: Two thousand dollars (\$2,000.00) per year.
5. Occupancy Load 200 or greater: Two thousand five hundred dollars (\$2,500.00) per year.

One half of the applicable fee listed above shall be due and payable to the Village on January 1 of each year, and one half of the applicable fee listed above shall be due and payable to the Village on July 1 of each year. Any licensee granted a license after July 1 shall be responsible for payment of half of the license fee for the first year of the license. The semi-annual payment requirements set forth above shall not affect term of a license under this Article, as set forth in Section 6-105, below.

#### **Section 6-104. Admissions Tax.**

If the licensee charges an admission, cover charge, or any other fee to enter the premises or view the entertainment, the licensee shall pay the Village a one dollar (\$1.00) per person Admissions Tax.

To the extent that this Section 6-104, which requires an admissions tax to be paid by holders of certain liquor licenses that provides entertainment for an admission fee, and Section 10-103, which requires an admissions tax to be paid by any person within the Village that provides entertainment for an admission fee, apply concurrently to an event, this Section shall apply and Section 10-103 shall NOT apply.

The tax provided for in this Section shall be due and payable to the village on or before the 15th day of the month following any month during which the amusement is operated. The licensee or permittee shall supply, at the time of payment, a report showing the admission tickets issued and used on each day of operation for which the tax provided in this article is being paid. All payments and reports required in this article shall be delivered to the office of the Village Clerk.

#### **Section 6-105. Term and Renewal.**

An Entertainment License granted under this Article shall expire yearly on December 31. Any licensee may renew his license at the expiration thereof, provided that he is then qualified to receive a license and the premises for which such renewal license is sought are suitable for the purpose; and provided further that the renewal privilege provided for in this section shall not be construed as a vested right which shall in any case prevent the Board of Trustees from decreasing the number of licenses to be issued within the Village.

#### **Section 6-106. Temporary Entertainment Permit.**

A premises within the Village that serves, sells, or allows consumption of, any alcoholic liquor that does not hold a license under this Article may apply for a temporary permit from the Village to provide Entertainment as described in this Article.

The applicant shall follow the application procedures set forth in Section 6-102 of this Article.

If the Village Liquor Commissioner determines that an application is satisfactory and merits acceptance, and if the premises passes all inspections by the Village's health and building inspectors, the Village Liquor Commissioner shall issue to the applicant a Temporary Entertainment Permit, with restrictions and conditions as deemed necessary by the Village

Liquor Commissioner, upon receipt of the payment of a fee of seventy-five dollars (\$75.00) by the applicant.

Unless otherwise designated in writing by the Village Liquor Commissioner, each Temporary Entertainment Permit shall allow the permit Holder to provide Entertainment for one designated twenty-four (24) hour period. No one applicant or establishment may be granted more than four (4) Temporary Entertainment Permits during the course of one calendar year.

#### **Section 6-107. Waiver of Fee for Charitable Organizations.**

Where all of the proceeds of any Entertainment will inure exclusively to the use and benefit of a charitable, religious, educational, or other similar non-profit organization, an applicant for a Temporary Entertainment Permit under Section 6-106 of this Article may receive such permit without paying a fee. Any such organization desiring a permit at no charge must first submit, in addition to the information required by Section 6-106, above, a sworn statement by a duly authorized officer to the Village Liquor Commissioner containing the following information:

1. The name of the organization and the names and addresses of its officers;
2. Where and when the organization was legally established, the form of the organization, and its tax-exempt status, if any;
3. The purpose for which the organization is organized and the purpose or purposes for which the Entertainment is to be presented or preformed;
4. Whether the organization is authorized by any other government authority to solicit contributions and whether it is or has every been enjoined by any court from soliciting contributions; and
5. The name and address of the person having custody of the financial records, books, and accounts of the organization

Nothing herein shall be construed to provide a right to any charitable, religious, educational, or other similar non-profit organization to receive a Temporary Entertainment Permit. Permits will be granted in the discretion of the Village Liquor Commissioner.

#### **Section 6-108. Violations.**

It shall be a violation of this Article for a holder of a license or permit under this Article:

1. To provide any Entertainment without maintaining an effective and valid Entertainment License or Temporary Entertainment Permit under this Article.
2. To allow its liquor license or any other license or permit from the Village or from the State of Illinois, necessary to conduct its business, to expire or to be revoked or suspended.

3. To operate its business in a way that violates any provision of the Village Code, or any statute of the State of Illinois, or to operate its business so as to constitute a nuisance or public health or safety hazard.
4. To permit or allow any form of entertainment which, when considered as a whole, would be considered obscene (i.e, predominantly appeals to prurient interests) as such term is defined by State Law.
5. To permit or allow any of the following: male or female striptease (regardless of whether all clothes are stripped off), lingerie or under-garment fashion shows, wet T-shirt contests, mud or jell-o wrestling or wrestling in any substance other than air, and any similar contest or performance.

#### **Section 6-109. Penalties.**

Any licensee or permit-holder that violates this article shall be subject to, by example and without limitation, the following remedies:

1. A fine of between \$500.00 and \$1,000.00.
2. Reasonable attorney's fees and other costs incurred by the Village and the Village Liquor Commissioner in the prosecution of the Violation
3. Suspension or revocation of an Entertainment License.

**Section 3. Home Rule.** This ordinance is enacted under the Home Rule powers of the Village as set forth in the Constitution and laws of the State of Illinois.

**Section 4. Effective Date.** This Ordinance shall be in full force and effect after its passage, approval and publication in the manner provided by law.

**Section 5. Conflicts.** This Ordinance supersedes all ordinances or parts of ordinances directly conflicting with the terms and provisions contained herein, but only to the extent of such conflict.

**Section 6. Severability.** If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions hereof.

**Section 7. Certification and Publication.** The Village Clerk of the Village of Stickney shall certify to the adoption of this Ordinance and cause the same to be published in pamphlet form.

PASSED AND APPROVED at a regular meeting of the President and the Board of Trustees of the Village of Stickney, Illinois, this 1st day of December, 2009.

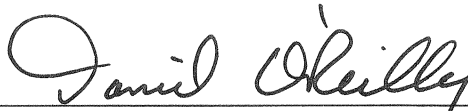
AYES: Lazansky, Mares, Morelli, Schimel, Walik, and Zeedyk

NAYS: None

ABSENT: None

ABSTAIN: None

APPROVED by me this 3rd day of December, 2009.



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President Daniel A. O'Reilly of the Village  
of Stickney, Cook County, Illinois

ATTESTED, Filed in my office,  
and published in pamphlet form  
this 3rd day of December, 2009.



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Audrey McAdams,  
Clerk of the Village of Stickney, Cook County, Illinois