

CITY OF WAUKEGAN

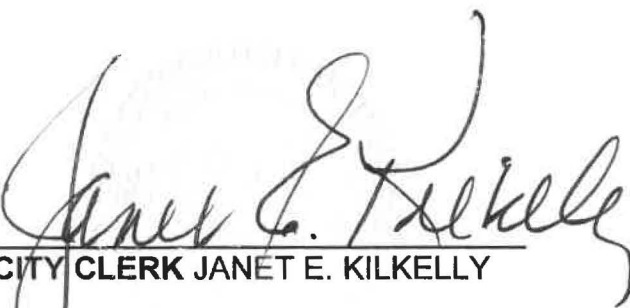
ORDINANCE NO. 24—O—41

**AN ORDINANCE AMENDING PROVISIONS OF CHAPTERS 3 AND 14
OF THE CODE OF ORDINANCES, CITY OF WAUKEGAN
TO CREATE A NEW CLASS OF LOCAL LIQUOR LICENSE AND BUSINESS
LICENSE FOR NIGHTCLUBS**

**ADOPTED AND PASSED BY THE CITY COUNCIL
OF THE CITY OF WAUKEGAN**

**ON THE 04th
DAY OF MARCH, 2024**

**Published in pamphlet form by authority of the City Council, of the City of
Waukegan, Lake County, Illinois, on the 05th day of MARCH, 2024**


CITY CLERK JANET E. KILKELLY

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OF THE CODE OF ORDINANCES, CITY OF WAUKEGAN
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WHEREAS, the City is an Illinois home rule municipality; and

WHEREAS, Chapter 3 of the “Code of Ordinances, City of Waukegan, Illinois,” as amended (“*City Code*”), sets forth the City’s regulations for alcoholic beverages; and

WHEREAS, Article III of Chapter 14 of the City Code sets forth the City’s license and business regulations for amusements within the City; and

WHEREAS, the City desires to amend Chapters 3 and 14 of the City Code in order to clarify regulations for nightclubs in the City (the “*Proposed Amendment*”); and

WHEREAS, the City Council has determined that it will serve and be in the best interests of the City and its residents to approve the Proposed Amendment;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WAUKEGAN, ILLINOIS, AS FOLLOWS:

SECTION 1. RECITALS. The foregoing recitals are incorporated into, and made a part of, this Ordinance as the findings of the City Council.

SECTION 2. AMENDMENTS.

A. Certain provisions of Chapter 3 of the City’s Code of Ordinances, entitled “Alcoholic Beverages,” are hereby amended as set forth *Exhibit A*, attached to and, by this reference, made a part of this Ordinance.

B. Certain provisions of Chapter 14 of the City’s Code of Ordinances, entitled “Licenses and Miscellaneous Business Regulations,” are hereby amended as set forth *Exhibit B*, attached to and, by this reference, made a part of this Ordinance.

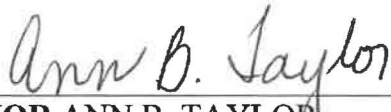
SECTION 3. AMENDMENTS TO CHAPTER 14 OF THE CITY CODE. The previously reserved provisions of Division 8 of Article III, titled “Amusements,” of Chapter 14, titled “Licenses and Miscellaneous Business Regulations,” of the City Code are hereby amended to read as follows: [added text bold and double underlined; deleted text struck through]

SECTION 3. REPEALER. All ordinances or resolutions or parts of ordinances or resolutions in conflict herewith, to the extent of such conflict, are hereby changed and amended to be in compliance with this Ordinance; and to the extent the same cannot be so amended, are hereby repealed to the extent of such inconsistency.

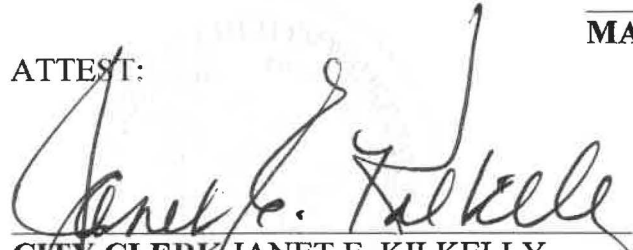
SECTION 4. EFFECTIVE DATE. The provisions of this Ordinance will not take effect until April 30, 2024.

PASSED THIS 04th DAY OF MARCH, 2024.

ORDINANCE NO. 24—O—41
CITY OF WAUKEGAN


MAYOR ANN B. TAYLOR

ATTEST:


CITY CLERK JANET E. KILKELLY

Ald Guzman recused himself from this item, and left the room.

ROLL CALL: Ald Turner, Ald Donnenwirth, Ald Florian, Ald Hayes, Ald Bolton, Ald Martinez, Ald Felix, Ald Newsome.

AYE: Ald Donnenwirth, Ald Florian, Ald Hayes, Ald Martinez, Ald Felix.

NAY: Ald Turner, Ald Bolton, Ald Newsome.

ABSENT: None.

ABSTAIN: None.

EXHIBIT A

AMENDMENTS TO CHAPTER 3

The following provisions of Article I, entitled “In General,” of Chapter 3, entitled “Alcoholic Beverages,” of the City of Waukegan Code of Ordinances are hereby amended to read as follows:
[added text bold and double underlined; deleted text struck through]

“CHAPTER 3. – ALCOHOLIC BEVERAGES

ARTICLE I. – IN GENERAL

* * *

Sec. 3-2. - Definitions.

Unless separately defined as follows, terms used in this chapter shall have the meanings accorded and set forth in the Illinois Liquor Control Act of 1934, as amended (235 ILCS 5/1-1 et seq.). Unless the context otherwise requires, the following terms as used in this chapter shall be construed according to the definitions given below:

* * *

Nightclub means an establishment for nighttime entertainment serving alcoholic liquor, which may offer live and pre-recorded music or other performances, dancing, and which may charge a fee for entrance to the premises, but does not include theaters, auditoriums, or casinos.

* * *

Sec. 3-10. – Classification of licenses.

There shall be the following classification of licenses:

* * *

(12) Nightclub liquor license endorsement.

- a. **A holder of a City liquor license nightclub endorsement may not perform, engage in, or permit the following activities by employees, patrons, or hired performers upon the licensed premises without first having obtained a nightclub endorsement for their liquor license:**
 - (1) **Charge the general public a fee for the right to access the licensed premises;**

(2) Feature live entertainment, including, without limitation, disc jockeys and other live musical performances, stunts, talent contests, or karaoke; and

b. Any premises issued a nightclub endorsement must maintain at all times in good standing all required City business licenses issued in accordance with the terms and requirements of chapter 14 of this code of ordinances, including, without limitation, a nightclub business license.

c. Any entertainment provided in a nightclub, whether live or recorded, must comply with the regulations set forth in Section 3-23 of this chapter.

d. It is unlawful for any person under the age of 21 years to be present in an establishment possessing a nightclub endorsement during the times that alcoholic liquor is sold.

c. No person, except City personnel in the performance of official duties, the licensee, and the licensee's employees or agents actually working, may be present in an establishment possessing a nightclub endorsement between the hours of closing and the hour of opening as established in this chapter.

* * *

Sec. 3-23. – Entertainment.

* * *

(c) Admission may be charged to the lounge only, at the lounge entrance itself, and only when entertainment is provided. No cover charge, admission charge, or other type of charge may be charged to enter the licensed premises, unless a proper conditional use permit for designation as a nightclub, and a nightclub endorsement, and any applicable business licenses, have has been obtained and are in good standing.

* * *

SEC. 3-55. – Fees.

* * *

LIQUOR LICENSE FEES	
<u>Liquor License Endorsement - Nightclub</u>	<u>\$500.00</u>

EXHIBIT B

AMENDMENTS TO CHAPTER 14

The previously reserved provisions of Division 8 of Article III, entitled “Amusements,” of Chapter 14, entitled “Licenses and Miscellaneous Business Regulations,” of the City of Waukegan Code of Ordinances are hereby amended to read as follows: [added text **bold and double underlined**; deleted text ~~struck through~~]

“CHAPTER 14. – LICENSES AND MISCELLANEOUS BUSINESS REGULATIONS

ARTICLE III. - AMUSEMENTS

DIVISION 8. - NIGHTCLUBS

Sec. 14-211. – Definitions.

The following words, terms and phrases, when used in this division, have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Nightclub has the definition set forth in Section 3-2 of this Code.

Sec. 14-212. – Licenses.

- (a) License required. It is unlawful to operate a nightclub without first obtaining a nightclub business license as provided in this section. Such nightclub business license is in addition to, and not in lieu of, a general business license required pursuant to Section 14-1 of this Code.
- (b) Application. Nightclub business licenses are obtained upon application to the licensing official on a form provided by the City. Such application must include all information required under this Chapter.
- (c) License fee. Applicants for a nightclub business license must submit with their application payment of an annual, nonrefundable fee as provided in Section 14-1101.
- (d) Term of license. Nightclub business licenses are valid for a period of one year. Upon issuance, all nightclub business licenses will commence and be operative and valid, unless terminated, revoked, or suspended, on January 1 and will terminate on December 31.

Sec. 14-213. – Nuisance prohibited, liability of owners of and operators.

- (a) Any violation of this Division 8 constitutes a public nuisance.

- (b) The owner of the property upon which the nightclub is located, and the operator, manager, or agent of the nightclub are jointly and severally liable for compliance with this Division 8.

Sec. 14-214. - Inspections by the City.

- (a) Authority. The license administrator and other City representatives and departments with jurisdiction may periodically inspect any nightclub as necessary to determine compliance with the provisions of this division and all other applicable law.
- (b) Licensee cooperation. A licensee must permit representatives of the City to inspect the licensed premises for the purpose of determining compliance with the provisions of this division and all other applicable law at any time during which the licensed premises is occupied. It is unlawful for the licensee, licensee's employee, or any other person to prohibit, interfere with, or refuse to allow, any lawful inspection conducted by the City pursuant to this division or any other authority.

Sec. 14-215. – Operations.

- (a) Hours of operation. Nightclub operations may not take place prior to 9:00 p.m. or after the closing hours set forth in Section 3-32 of this Code.
- (b) Third-party operation. The premises may not be rented to an outside or third-party promoter or other individual for the nightclub use.
- (c) Security Cameras. Holders of nightclub business licenses must install and maintain, at all times and in good working condition, security cameras in the interior and the exterior of the licensed premises. Security cameras must be positioned such that all bar areas, dance floors, adjacent parking areas, and entrances and exits to the licensed premises and surveilled. Video footage may not be destroyed or otherwise erased for a minimum of 90 days. Holders of nightclub business licenses must ensure that all security cameras are functional prior to the commencement of nightclub operations each day and must report malfunctions in any security camera to the Waukegan Police Department upon discovery of the malfunction.
- (d) Security Plan. At the time of the application for a nightclub business license, applicants must submit a security plan to the City. Security plans are subject to the review and approval of the Waukegan Police Department. An application will not be accepted for review and consideration without a security plan and a nightclub business license will not be issued unless the security plan has been duly approved. The holder of a nightclub business license must comply with the terms of its security plan. The security plan must include:

- (1) A statement detailing the resolution of issues regarding:
 - a. Control and clearance of the parking lot and public rights-of-way adjacent to the licensed premises during hours of operation and at closing time;
 - b. Unruly patrons;
 - c. Intoxicated patrons;
 - d. False IDs; and
 - e. Prevention of the recurrence of any past disturbances or lapses in security of persons or property, which are reasonably analogous to the operation of a nightclub, attributable to either the Applicant or business establishment listed in the application.
- (2) The circumstances under which the police should be called.
- (3) A listing of the names of the individuals who are employed by the establishment in a management capacity.
- (4) A depiction of all interior and exterior security cameras for the licensed premises.
- (e) Notice of events.
 - (1) The applicant must provide to the City's Police Department, through means provided by the City, notice of all events to be held at the licensed premises in which the applicant reasonably believes attendance of the event will exceed one quarter of the maximum permitted occupancy for the licensed premises.
 - (2) Notice required under this section must be provided no less than five days and no more than 30 days prior to either the date of the event or the date that the event is advertised, whichever occurs first.
- (f) Activities conducted inside building. All nightclub operations, including events, entertainment, and alcohol service and consumption, must take place within a fully enclosed building. No outdoor operation of any kind, whether under a tent or other similar covering, is allowed.
- (g) Nightclub liquor license endorsement required. A nightclub licensed pursuant to this Division 8 must at all time maintain in good standing a valid City liquor license with a nightclub endorsement.

* * *

Sec. 14-1101. - Fee and special event permit schedule.

(a) Fee schedule.

Business License Category	Section	Fee
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* * *

Mobile food vendor (Class II)	14-481	\$100.00
<u>Nightclub</u>	<u>14-211</u>	<u>\$500.00</u>

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