

ORDINANCE NUMBER 23- 23

AN ORDINANCE OF THE VILLAGE OF EAST DUNDEE, COOK AND KANE COUNTIES, ILLINOIS, AMENDING VARIOUS SECTIONS OF THE VILLAGE OF EAST DUNDEE VILLAGE CODE REGARDING LIVE ENTERTAINMENT

WHEREAS, the Village of East Dundee (“Village”) is a home rule unit of local government pursuant to Section 6 of Article VII of the Constitution of the State of Illinois, and has the authority to exercise any power and perform any function pertaining to its government and affairs; and

WHEREAS, the Village desires to amend the Village of East Dundee Village Code (“Village Code”) to provide rules and regulations relating to live entertainment; and

WHEREAS, the President and Board of Trustees have determined it to be in the best interest of the Village to amend the Village Code to allow for live entertainment under certain circumstances; and

NOW THEREFORE BE IT ORDAINED BY THE VILLAGE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF EAST DUNDEE, COOK AND KANE COUNTIES, ILLINOIS, AS FOLLOWS:

SECTION 1: Incorporation. That the recitals above shall be and are hereby incorporated as Section 1 as if restated herein.

SECTION 2: Amendments. That the Village Code is hereby amended as follows, with additions underlined and deletions struck through:

AMENDMENT ONE:

Section 157.003 of the Village Code, entitled “Rules and Definitions” is hereby amended to add the following definitions in their proper alphabetical order:

LIVE ENTERTAINMENT. Shall consist of live music, dancing and/or singing performances, floor shows, D.J. shows and other amplified entertainment performances, whether or not an admission fee is charged. Live entertainment shall not include subtle ambient or incidental background music provided for guests or patrons by musicians such as unamplified background music, piano player, harpist, strolling violinist, traditional juke box, karaoke, or guitarist. However, if there is an admission charge requirement to observe or attend such subtle ambient or incidental background music or entertainment, it shall be considered live entertainment.

TAVERN. A place of business that primarily serves alcoholic beverages with a legally approved village liquor license and may include a limited food service for human consumption. A Tavern with live entertainment requires a special use permit.

AMENDMENT TWO:

Section 157.050(F)(1) of the Village Code, entitled “General Requirements; Allowable Use of Land or Buildings; Allowable Uses Table” is hereby amended to add or amend the following uses in their proper alphabetical order:

| Allowable uses of land and buildings: P: Permitted by-right S: Permitted by special use permit | Downtown Business District (B-1) | Community Business District (B-2) | Service Business District (B-3) | Automotive Service Business District (B-4) | Office District (O-D) |
|---|---|--|--|---|------------------------------|
| (d) Clubs, restaurants, taverns and lodging uses. | | | | | |
| *** | | | | | |
| 2. Restaurants, specialty foods and taverns. | | | | | |
| Brew pub | P | P | P | | |
| <u>Brew pub; with live entertainment</u> | <u>S</u> | <u>S</u> | <u>S</u> | | |
| Delicatessen | P | P | P | P | S |
| Ice cream shop | P | P | P | P | S |
| Restaurant; no live entertainment or dancing | P | P | P | P | S |
| Restaurant; with live entertainment or dancing | S | S | S | P <u>S</u> | |
| Restaurant; drive-in or drive-through facilities | <u>S</u> | S | S | P | |
| Taverns | P | P | P | | S |
| <u>Taverns; with live entertainment</u> | <u>S</u> | <u>S</u> | <u>S</u> | | |

AMENDMENT THREE:

Section 157.065(A)(1) of the Village Code, entitled “General Requirements; Allowable Use of Land or Buildings; Allowable Uses Table” is hereby amended to add or amend the following uses in their proper alphabetical order:

| Allowable uses of land and buildings: P: Permitted by-right S: Permitted by special use permit | Limited Manufacturing District (M-1) | Limited Manufacturing District (M-2) |
|---|---|---|
| (d) Clubs, restaurants, taverns and lodging uses. | | |
| 1. Clubs, lodges and meeting halls | | |
| 2. Restaurants, specialty foods and taverns | | |
| Restaurant – no live entertainment or dancing | P | P |
| Restaurant - with live entertainment or dancing | P <u>S</u> | P <u>S</u> |
| Restaurant - drive-in or drive-through facilities | P | P |
| Taverns | P | P |
| <u>Taverns - with live entertainment</u> | <u>S</u> | <u>S</u> |

SECTION 3: Continuation. That all provisions of the Village Code not amended herein shall remain in full force and effect.

SECTION 4: Severability. That if any Section, paragraph or provision of this Ordinance shall be held to be invalid and unenforceable for any reason, the invalidity or unenforceability of such Section, paragraph or provision shall not affect any of the remaining provisions of this Ordinance.

SECTION 5: Repeal. That all ordinances, resolutions, motions or parts thereof in conflict with this Ordinance shall be hereby repealed.

SECTION 6: Effect. That this Ordinance shall be in full force and effect upon its adoption, approval and publication in pamphlet form as provided by law.

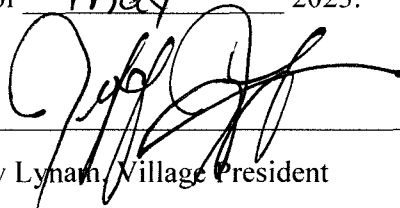
PASSED this 15th day of May 2023 pursuant to a roll call vote as follows:

AYES: Mahony, Kunze, Saviano, Brittin, Treiber and Sauder

NAYES: Ø

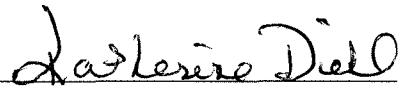
ABSENT: Ø

APPROVED by me this 15th of May 2023.



Jeffrey Lynam, Village President

ATTEST:



Katherine Diehl, Village Clerk