

ORDINANCE 17,634

AN ORDINANCE AMENDING CHAPTER 18 OF THE CODE OF THE CITY OF PEORIA PERTAINING TO DANCE HALL LICENSE REGULATION

WHEREAS, The City of Peoria is a home rule unit of government pursuant to Article VII, Section 6 of the Constitution of the State of Illinois 1970, and may exercise any power and perform any function pertaining to its government and affairs including regulating potential dance hall operators and licensing the operation of dance halls; and

WHEREAS, it is in the best interest of the City of Peoria and its citizens to require a dance hall licensee to obtain site approval for a potential dance hall location; and

WHEREAS, it is in the best interest of the City of Peoria and its citizens to require dance hall licensees operating a "youth dance", to ensure that minors are incapable of and protected from accessing alcoholic beverages that may be held at the premises; and

WHEREAS, it is in the best interest of the City of Peoria and its citizens to ensure that youth dance halls operate in a manner that is not detrimental to the health, safety, and welfare of minors and that siting is appropriate for a youth dance hall.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PEORIA, ILLINOIS, as follows:

Chapter 18 Article VI of the Code of the City of Peoria is hereby amended by deleting the following stricken words and by adding the following underlined words.

Sec. 18-189. - Youth dance restrictions.

During any youth dance conducted on the licensed premises, the following restrictions shall apply:

- (1) Other than parents or supervisors, no one other than youth between the ages of 14 and 20 years, inclusive, shall be allowed in the establishment.
- (2) All other provisions and requirements of this Code and the state law relating to curfew and to the operation of a licensed dance hall shall remain in effect.
- (3) The licensee shall notify the police department of any date for a teen night at least 14 days prior to the date of the event.
- (4) A licensee shall take all such reasonable precautions including, but not limited to, erection of acoustical or other barriers and providing supervisory or security personnel to adequately prevent the unreasonable disturbance of the peace and tranquility of the neighborhood and the free and unencumbered access of the general public to street, sidewalks, and public areas in and around the licensed premises.
- (5) All youth dances shall end no later than 1:30 a.m.
- (6) Additional written operating conditions consistent with this article may be imposed by the city manager for the supplemental license, which conditions will be deemed to be

with the agreement of the licensee and made a part of the license, if such supplemental license is granted and accepted.

- (7) A licensee shall take all such reasonable precautions including, but not limited to providing supervisory or security personnel to adequately ensure the safety and health of the patrons.

(8) When a dance hall licensee with a supplemental youth dance license conducts a youth dance, such licensee or his or her agent or designee shall move any liquor that is in the licensed premises, away from any and all patrons who are present at the licensed premises during the youth dance, regardless of age. Such liquor shall be maintained in a separate and secured location, under lock and key, and inaccessible by any patron of the licensed premises while the youth dance is taking place.

(Code 1957, § 4-72.1; Ord. No. 14907, § 2, 4-4-00; Ord. No. 15735, § 1, 1-18-05)

Sec. 18-191. - Youth restrictions in dance halls.

It shall be unlawful for a dance hall licensee to permit persons under the age of ~~17~~ 21 years, unless accompanied by a parent or legal guardian, on the premises of a dance hall unless a youth dance, with youth dance restrictions as set forth in section 18-189, is effect.

Sec. 18-192. - Suitability of site.

(a) The site for which the license is to be used must be suitable for usage as a dance hall or a dance hall operating with a supplemental teen dance hall license in accordance with this chapter. Any such license to be issued must conform to the proposed usage of such site and in determining site suitability, the City Manager shall consider the recommendations and reports submitted by the fire department, police department, planning and growth management department, and inspection department, pursuant to Section 18-210 of this chapter. If site approval is granted, said approval shall remain with the site as long as there is a continuous use of the site for operation as a dance hall or a dance hall operating with a supplemental youth dance license in accordance with this chapter so long as no dance hall license or supplemental youth dance license at that location has been revoked for any reason including failure to maintain compliance with Section 18-189 of this Chapter. A site approval shall be deemed to be continuously used as long as there is not a lapse at the site of more than three months in the regular conduct of the business.

Secs. 18-192~~3~~—18-205. - Reserved.

DIVISION 2-License

Sec. 18-211. - Issuance.

Upon receipt of the report from the departments referred to in section 18-210, the city manager ~~shall~~ may issue the license requested unless he shall find:

- (1) That the applicant is under the age of 18;
- (2) That the applicant, officers, partners, directors or the principal shareholders or parties in interest therein has been convicted within the last five years or any sentence of imprisonment was completed less than five years prior to the application date of sex offenses as defined under Article 11 of the Illinois Criminal Code of 1961, 720 ILCS 5/1-1 et seq., any gambling-related offense or an offense relating to the violation of the laws or ordinances controlling the sale of alcoholic liquor;
- (3) That the operation of the amusement as proposed would not comply with all applicable laws, including but not limited to, building, health, zoning and fire codes of the city;
- (4) That the applicant, officers, partners, directors or the principal shareholders or parties in interest therein has held a license or had an interest in a license issued pursuant to this division that was revoked for cause;
- (5) In case of a supplemental youth dance license that the applicant, officers, partners, directors or the principal shareholders or parties in interest has been convicted of any offense against children, offense related to sexual assault, prostitution, solicitation of lewd or unlawful act, felony offense related to the use of a firearm, offense related to homicide either by manslaughter, second or first degree murder or has been declared a sexually dangerous person pursuant to the laws of the state or any similar law of the United States or of any other state;
- (6) The premises for which a supplemental youth dance license is requested, including required off-street parking, is within 500 feet of any R-1, R-2, or R-3 zoning district as defined in the zoning code of the city or any school;
- (7) The methods proposed for age identification, security or supervision pursuant to section 18-208(7) are insufficient;
- (8) That the applicant or his/her employer has had an application submitted pursuant to this article denied by the comptroller within the last three years; or
- (9) That the applicant, its partners, officers or listed shareholders has knowingly furnished false or misleading information on any application for a license required under this article or any investigation into any such application or conduct of the business under such license.
- (10) That issuance of a supplemental youth dance hall license would be detrimental to the health, safety, and welfare of the targeted patrons, or the site is otherwise inappropriate for a supplemental youth dance license.

PASSED BY THE CITY COUNCIL OF THE CITY OF PEORIA, ILLINOIS
THIS 27th DAY OF November 2018.

APPROVED:

Jim Anke
Mayor

By: *John R. Hill*
Chairman Pro Tem

ATTEST:

Beth Ball
City Clerk

EXAMINED AND APPROVED:

Donald B. Just
Corporation Counsel