



City of Carbondale
City Clerk
200 S. Illinois Avenue
Carbondale, Illinois 62901
Phone (618) 457-3281
Fax (618) 457-3283
Explorecarbondale.com

ENTERTAINMENT CLUB LICENSE INFORMATION

A valid entertainment club license is required to open up, conduct, own, lease, manage, operate or maintain an entertainment club within the City of Carbondale. For multi-use facilities which include an entertainment club, a separate and additional license must be issued for the entertainment club operation. All applications for entertainment licenses shall be in writing, under oath, addressed to the City Manager and filed in the office of the City Clerk. A copy of a valid lease or deed for the premises should be submitted at the time of application.

No entertainment club shall be located on premises used at any time during the week or weekend as a facility to serve alcoholic beverages.

Teen Club (13-18 years of age)

Persons of the following ages shall not be permitted to enter or remain on the premises of a teen club:

1. Under the age of thirteen (13) years;
2. Nineteen (19) years of age or older except for bona fide employees or entertainers hired by the licensee to work in the club;
3. Persons in violation of the curfew provision of Section 14-4-1 of the Carbondale Revised Code.

Teen clubs operated on Sunday, Monday, Tuesday, Wednesday or Thursday nights shall close at not later than ten o'clock (10:00) P.M. Teen clubs operated on Friday and Saturday nights shall close at not later than twelve o'clock (12:00) midnight.

Eighteen and Over Club

No person under the age of eighteen (18) years shall be permitted to enter or remain on the premises of an eighteen (18) and over club unless accompanied by a parent or legal guardian, except for entertainers hired by the licensee to work in the club.

An eighteen (18) and over club may operate any night of the week and shall close no later than one fifty nine o'clock (1:59) A.M.

Combination Teen and Eighteen and Over Club

An entertainment club which is licensed for a combination of teen club and/or eighteen (18) and over club shall comply with the age and hours of operation for each type of club as specified in this Section and for which type of club that was approved in the license. The club must meet the

requirements regarding "restrictions on entry" as defined in subsections A and B of this Section. Only one type of club may be in operation at any one time.

Operating Rules and Regulations - The following operating rules and regulations shall apply to all entertainment clubs in the City:

Standards of Conduct: The standards of conduct applicable to all businesses in the City shall apply to entertainment clubs.

Security Personnel: It shall be the obligation of the licensee to employ an adequate number of qualified security personnel who will be present on the entertainment club premises during all operating hours to maintain peace and order and to ensure compliance with all applicable laws of the State and the City.

Alcohol and Drugs: It shall be the obligation of the licensee to insure that no alcoholic beverages or controlled substances are offered for sale, consumed, or possessed by patrons, employees or persons on the entertainment club premises.

Closing Times Enforced: It shall be unlawful to keep open for business, to admit the public or permit the public to remain within the licensed premises fifteen (15) minutes after the required closing time.

Licensee and Employees Only: No person except the licensee and his employees shall enter the licensed premises between the closing hour as set forth hereinabove and six o'clock (6:00) A.M.

Cooperation Required Of Patrons: Any individual, other than the licensee or employee who is actually on duty for cleaning and maintenance purposes only, who remains in a licensed premises after the closing time specified hereinabove, after having been advised or requested to leave by the licensee, shall be subject to arrest and fine.

Proof of Age Responsibility: It is the responsibility of the licensee to obtain either a picture identification or reasonably equivalent evidence showing the age of each person admitted to an entertainment club. It is unlawful for any person to knowingly or recklessly allow a person to enter or remain on the premises of an entertainment club in violation of the age restrictions of this Chapter.

Fraudulent Identification: It is unlawful for any person to misrepresent his age for the purpose of obtaining admission to, or remaining at, an entertainment club in violation of the provisions of this Chapter.

Improper Exhibition: It shall be unlawful for any person to perform, or for any licensee or manager or agent of the licensee to permit any employee, entertainer or patron to engage in any live act, demonstration, dance or exhibition on the licensed premises which constitutes an "improper exhibition" as defined in Section 5-11-2 of the Carbondale Revised Code.

PROCEDURE FOR ISSUANCE OR DENIAL OF LICENSE:

After receiving an application and fee for an entertainment club license, as specified in Section 5-11-9 of the Carbondale Revised Code, the City shall follow the following procedure:

Compliance With Regulations; Validity: The City Clerk shall forward copies of the application to appropriate City staff for their comments regarding compliance with regulations under their jurisdiction. The City Manager shall consider all materials and comments submitted and shall issue or deny the license within thirty (30) working days after the date on which a completed application was filed unless the applicant agrees to an extension of the time period.

A license shall be valid for a period of twelve (12) months unless suspended or revoked sooner. No license may be transferred. Persons desiring to purchase an existing licensed entertainment club shall submit a new license application.

Grounds for Denial:

An entertainment club license shall be denied by the City Manager for any one or more of the following grounds:

1. If the business premises does not comply with all applicable City ordinances and State laws,
2. If the application is incomplete or if it contains any material misrepresentation,
3. If the application does not show adequate measures for the protection of the public health, safety and welfare in terms of traffic control, crowd protection, and security, both inside and outside the premises, and the monitoring of the ages of patrons admitted to the entertainment club.
4. Whether the issuance (or renewal) of said license would be in the "best interest" of the City (for example, would there be an adverse impact on public health, safety, welfare, or demand for City services; would the issuance of the license adversely affect the character of the surrounding neighborhood; would the license adversely impact the City's orderly growth and development, etc.).
5. If the applicant has been convicted of a felony or has been convicted of pandering or any other crime of morality, or a person who has been convicted of being a keeper of a house of ill fame under the laws of the State, or any other Federal or State law, unless the City Manager determines within his sole discretion, that such person now warrants the public trust.

Notice of Denial; Appeal: If the City Manager denies a license, written notice of the denial stating the reasons why shall be sent to the applicant within five (5) business days after the denial. The applicant shall have a period of five (5) business days after the date of the license denial to file a written notice of appeal to the City Council by filing the written notice of appeal with the City Clerk. If the City Council denies the appeal, the applicant shall have a period of ten (10) business days after the date of the appeal denial to appeal in the manner provided by the Administrative Review Act, 735 Illinois Compiled Statutes 5/3-101, as amended from time to time.

SUSPENSION, AMENDMENT OR REVOCATION OF LICENSES:

A. **Notice Of Charges:** Except as provided in subsection B hereof, no licensee shall receive a written reprimand or be fined and no license shall be amended, suspended or revoked prior to an evidentiary hearing pursuant to subsection C hereof. The licensee shall be given written notice of

the charge or charges against it not less than three (3) days prior to the hearing. The licensee may, if it so chooses, be represented at its own expense by legal counsel at the evidentiary hearing.

B. Closure Of Premises: A licensed premises may be closed for not more than seven (7) days without notice or hearing, upon the issuance of a written order stating the reason(s) for closing if the City Manager has reason to believe that the continued operation of the specific licensed premises will immediately threaten the public health, safety and welfare of the community. An evidentiary hearing shall be held within a seven (7) day period, such period beginning on the date of the closing, giving the licensee the opportunity to be heard on the matter.

C. Evidentiary Hearings; Issue Subpoenas: The City Manager shall, as the "hearing officer", preside over all evidentiary hearings. The hearing officer shall have the right to issue subpoenas for witnesses, to place witnesses under oath, to rule on objections, and to conduct the evidentiary hearing in an efficient manner. The hearing officer shall be responsible for securing the services of a certified court reporter at the evidentiary hearing. The initial costs and fees of the court reporter shall be paid by the City. The licensee shall bear all costs and expenses for production of transcripts from an evidentiary hearing; provided, however, that if the City wants a transcript for its own purposes, not related to an appeal, the City shall pay for the cost and expenses of the transcript.

D. Burden Of Proof: The City shall have the burden of proving by a preponderance of the evidence the charges alleged against the licensee. After the City has presented its evidence, the licensee may present evidence in its defense. After the licensee has presented its evidence, if any, the City shall have the right to present rebuttal evidence, if it so chooses. The evidentiary hearing shall be informal and strict rules of evidence shall not apply.

E. Written Reprimand: If the hearing officer determines that the charges against the licensee have been proven by a preponderance of the evidence, the hearing officer may issue a written reprimand; may suspend the license; may suspend the license of the licensee for a period of not more than thirty (30) days; revoke the license; and/or impose a fine of not less than fifty dollars (\$50.00), nor more than seven hundred fifty dollars (\$750.00) for each violation. A separate offense shall be deemed committed on each day during or on which a violation occurs or continues.

F. Nature of Violation: In making the determination to reprimand, amend, suspend, revoke or impose a fine, or in determining the length of a suspension imposed, the hearing officer may consider the nature of the violation, past violations of the licensee and the facts and circumstances surrounding the violation as presented at the evidentiary hearing.

G. Service of Order; Appeal: A copy of the hearing officer's order shall be served upon the licensee within seven (7) days of its issuance. Service may be made by placing the order in the United States mail, postage prepaid. If a fine is imposed, the order shall specify the date by when the fine shall be paid. The City Clerk shall maintain a copy of each order issued by the hearing officer. The licensee shall have a period of five (5) business days after the date of the order to file a written appeal to the City Council by filing the written notice of appeal with the City Clerk. If the City Council denies the appeal, the applicant shall have a period of ten (10) business days to appeal in the manner provided by the Administrative Review Act, 735 Illinois Compiled Statutes 5/3-101, as amended from time to time.

INSPECTION: All City officials, officers, and employees, while in the execution of their duties to promote and enforce the public health, safety and welfare of the City, shall have free access to all entertainment clubs for the purpose of inspection and enforcement of compliance with this Chapter and this City Code.

PENALTY: Any person who violates any provision of this Chapter shall be subject to a fine of not less than fifty dollars (\$50.00) nor more than seven hundred fifty dollars (\$750.00) for each offense. A separate offense shall be deemed committed on each day that a violation continues. All violations of this Chapter are hereby determined to be a nuisance which may be abated or enjoined by the City. Nothing in this Chapter shall exempt the City or any person from seeking civil remedies against any person who is in violation of this Chapter.



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APPLICATION FOR ENTERTAINMENT CLUB LICENSE

To the City Manager of the City of Carbondale: The undersigned hereby makes application for the issuance of a City Entertainment Club License for the operation of an entertainment club within the corporate limits of the City of Carbondale for the period _____, 20_____ through _____, 20_____ and hereby certifies to the following facts and agrees that any license shall be issued based on the following facts, and that if any of the following facts are changed without approval of the City Manager of the City of Carbondale, said license may be amended, revoked or suspended at the sole discretion of the City Manager.

Name of Establishment						
Address of Establishment						
Business Phone						
Note: Please attach proof of property ownership or valid lease extending at least for a period of twelve months (the end of license year)						
<i>CLASS OF LICENSE APPLIED FOR:</i>						
Teen Club (13-18 years old)		18 and over Club		Combination: List days and hours of each type of operation below		
Teen Club:			18+ Club:			
This application is being submitted as an:				Individual	Partnership	Corporation
<i>IF APPLYING FOR A CORPORATION, PLEASE LIST:</i>						
Name of Corporation			State in which incorporated			
Name of Registered Agent			Address of Registered Agent			
Please provide the information requested below on all (1) individuals; (2) partners; (3) corporate president and secretary. Attach additional pages if necessary.						
	Individual Applicant		Partner		Corporate Officer	Position
Name				Street Address		
City	State	Zip Code	Phone	P.O. Box (if applicable)		
D.O.B.		Place of Birth		SSN		
Driver's License Number		State of Issuance		Expires		

<p>Have you ever been convicted of a felony, or of pandering or any other crime of morality, or as a keeper of a house of ill fame under the laws of the State of Illinois, or any other federal or state law? (Criminal history check will be conducted)</p>	<p>Yes</p>	<p>No</p>
<p>If the answer to the above question is “yes”, please give the circumstances of the conviction and the disposition thereof:</p>		
<p>If more pages are attached giving information on additional partners and/or corporate officers, Please check this box:</p>	<input type="checkbox"/>	
<p>Please provide a statement as to the nature of the business and the type(s) of entertainment to be provided. Attach additional pages if necessary.</p>		
<p>Please provide a detailed description on all measures to be proposed to insure the adequate traffic control and crowd protection and security both inside and outside the premises will be maintained. Attach additional pages if necessary.</p>		
<p>Please provide a detailed description on how the ages of patrons admitted to the entertainment club will be monitored. Attach additional pages if necessary.</p>		
<p>NOTE: A NON-REFUNDABLE application fee in the amount of \$100 should be submitted with this application. Payment must be in the form of cash, certified check or money order payable to “City of Carbondale”. Licenses may not be transferred.</p>		

APPLICANT CERTIFICATION

STATE OF ILLINOIS
COUNTY OF JACKSON

By my/our signature(s) below, I/we hereby acknowledge receipt of the ordinance setting forth the procedures for application and the rules and regulations for the operation of Entertainment Clubs in the City of Carbondale, Illinois. I/we understand that failure to comply with such rules and regulations or with other laws and ordinances of the City of Carbondale or State of Illinois may result in a fine being issued and/or the amendment, suspension or revocation of this Entertainment Club license. We further certify that the information and statements contained in this application are true and correct and authorize the City of Carbondale to conduct a criminal background check and/or credit check.

Individual/Partner/Corporate President Signature

Individual/Partner/Corporate Secretary Signature

