

10-1, 10-162, & 10-312 – Ordinance Strengthening & Corrections

The proposed changes update a couple definitions to strengthen the ordinance and eliminate businesses that do not present a public safety concern from going through the voting process.

Section 10-1 & 10-332

- The definition of bar-restaurant has been changed to state that the sale of prepared meals and food must be made on the licensed premises. This would prevent a business from having the ability to be licensed as a bar-restaurant and sell food that was not made on the licensed premises to be included in their total food sales.
 - A bar-restaurant can allow a person of any age on the licensed premises, whereas, a tavern can only allow people who are 21 years of age or older on the licensed premises unless they are accompanied by a parent or legal guardian.
- The definition of live entertainment was defined in Sections 10-1 and 10-332(m) and they were not consistent with each other. The definitions of live entertainment have been combined and are now only listed under Section 10-1 for clarification, and to eliminate any confusion.
 - The definition of live entertainment was changed from “two or more live musicians”, to “live music”. The reason for this is that one musician, such as a person playing an instrument to a backing track, can be found likely to interfere with or be detrimental to the rights or interests of the neighboring community when it comes to the times of the performance, the size of the crowd attending the performance, the noise level during the performance, and a large crowd leaving a venue at one time after the performance.
 - The term “that utilizes amplified sound” has been stricken from the definition. The reason for this is because it’s not just the “amplified sound” that may causes problems within a neighborhood, but the fact that live entertainment is taking place at all as the performance can bring in large crowds that stay later in the night which makes for a louder venue during the performance, and after when the crowd is outside leaving the venue.
 - Finally, there is typically a stark difference between a bar-restaurant that does not provide any form of live entertainment and one that does. Bar-restaurants that do not provide any form of live entertainment usually do not stay open until 1:30 a.m. and typically do not pose a threat to neighborhoods with regard to the overconsumption of alcoholic beverages, noise emanating from the business, and crowd noise when leaving the business.

Section 10-162

This change was made to ensure uniformity with State Law and all Sections in Chapter 10. State Statute 311.061 and Section 10-266(b) requires that any person intending to acquire ten percent or more ownership in a corporation that is a sole owner, a partner, or member in a limited liability company must go through the background check process.