

Q&A

September 9, 2008

Q. Band X is playing at venue X organized by a third party promoter. The band is paid by the door cover. Does the third party promoter need a license?

A. If the third party promoter is being paid to promote the event the Event Promoter License is required. If the third party promoter meets the definition of event promoter-which is as follows:

Section 4-157-010 (1) is directly or indirectly responsible for the organization of an amusement or event, as evidenced by activities such as contracting with the principals, selecting entertainment, advertising or otherwise holding out an amusement or event to members of the general public, inviting participants to an amusement or event, or renting or controlling the site of an amusement or event

(2) directly or indirectly receives or shares in any of the following: (a) admission or entrance fees paid by participants or spectators at the amusement or event; or (b) compensation, consideration or other revenue from sponsors of or private donors to the amusement or event; or (c) revenues from concessions or other sales at the amusement or event. Except as otherwise provided in Section 4-157-020(B)(14), the term "event promoter" includes nonresident event promoters who do business within the City of Chicago.

Q. I am a band, and we promote and book our own events and get paid by the door cover. We sell tickets to the public and advertise on the web, in newspapers and in flyers. Is my band required to obtain an Event Promoter License?

A. The license is not required in this case, the band is exempt from obtaining an Event Promoter License. Performers who promote their own events do not have to obtain an event promoters license. As stated in section 4-157-020 (3): *The following persons are not event promoters, any performer who is paid for his performance at an amusement or event but exercises no other financial or non performance related operational responsibility in connection therewith.*

Q. A record label presents one of their bands at a venue. The event is organized by the record label who plans on collecting the money made at the door and pays the band (who are on their label) Does record label need a promoters license?

A. Yes, In this case, the record label would meet the definition of an Event Promoter by collecting the entrance fees, so in this case the record label would require the event promoter license.

Q. Record Label presents Band XXX at venue XX organized by Record Label – record label rents the place and sells tickets only in advance to its own mailing list as invited guest does record label needs license?

A. Private events that are not open to the general public are not affected by this ordinance. Individuals who invite or encourage persons to attend private events are not required to obtain an Event Promoter License. In addition, if the record label is not being compensated to promote the event, they would not require the license.

Q. Band XX at venue XX organized by band who gets paid by the door cover. Does band need a license?

A. No, the license is not required in this case, the band is exempt from obtaining an Event Promoter license. Performers who promote their own events do not have to obtain an event promoters license. As stated in section 4-157-020 (3): *The following persons are not event promoters, any performer who is paid for his performance at an amusement or event but exercises no other financial or non performance related operational responsibility in connection therewith.*

Q. Band XX @venue XX organized by band who gets paid by the venue. Band sends out over 2000 emails and passes out over 1000 flyers and the venue only holds 200 people. Does the band need a license?

A. No, the license is not required in this case, the band is exempt from obtaining an Event Promoter license. Performers who promote their own events do not have to obtain an Event Promoters License. As stated in section 4-157-020 (3): *The following persons are not event promoters, any performer who is paid for his performance at an amusement or event but exercises no other financial or non performance related operational responsibility in connection therewith.*

Q. Band X at venue X book and promoted by third party promoter paid by venues as a booking fee (not door). Venue takes care of everything and pays for everything. Third party promoter does not show up at the event at all. Venue is in charge of all aspects of the show. Does the third party promoter need a license?

A. Yes, in this case the third party would require the license. They are being compensated to promote the event. Under the ordinance, the promoter or a representative would also be required to be present at the event.

Q. Third party promoter promotes a live band at venue XX, but their only part of the process is sending out emails and puts event on their website. Does the third party promoter need a license?

A. If the third party promoter is being compensated for marketing the event via email and posting on their website, they would require the license.

Q. A 501c3 not for profit promotes an event. Do they need a license?

A. Not for profit corporations are exempt from obtaining an Event Promoter license as long as the not for profit corporation personally plans, prepares or executes the amusement or event on its own behalf. However, If the not for profit were to hire an outside event promoter to promote the event, that event promoter would require the license.

Section 4-157-020 of the code states Exclusions:

(9) any not-for-profit corporation, to the extent that the not-for-profit corporation personally plans, prepares or executes an amusement or event on its own behalf; and (10) any bona fide member or employee of a not-for-profit corporation, to the extent that such member or employee plans, prepares or executes an amusement or event.

Q. As email has become the accepted form of advertising in the entertainment business, how does exemption 13 on pg. 4 work? If I send out an email blast of my mailing list to advertise a promoted event, do I need a license?

A. If the person is being compensated for marketing the event via email and posting on their website, they would require the license.

Q. What is the definition of an Amusement? Under 100 seats? How are they regulated does someone need a license if they promote events of less than 100 seats?

The definition of Amusement is taken from the municipal code as it relates to the Public Place of Amusement License. The general rule is when an “amusement” by definition, takes place in a venue with less than 100 seats and there is no general admission being charged for that amusement, a Public Place of Amusement License is **not** required. If the amusement takes place in a venue with a capacity of over 100, a Public Place of Amusement license is required, regardless if there is a charge for that amusement or not.

Chapter 4-156-010 Definition of “Amusement” is as follows:

“Amusement” means: (1) any exhibition, performance, presentation or show for entertainment purposes, including, but not limited to, any theatrical, dramatic, musical or spectacular performance, promotional show, motion picture show, flower, poultry or animal show, animal act, circus, rodeo, athletic contest, sport, game or similar exhibition such as boxing, wrestling, skating, dancing, swimming, racing, or riding on animals or vehicles, baseball, basketball, softball, football, tennis, golf, hockey, track and field games, bowling or billiard or pool games; (2) any entertainment or recreational activity offered for public participation or on a membership or other basis including, but not limited to, carnivals, amusement park rides and games, bowling, billiards and pool games, dancing, tennis, racquetball, swimming, weightlifting, bodybuilding or similar activities; or (3) any paid television programming, whether transmitted by wire, cable, fiber optics, laser, microwave, radio, satellite or similar means

Q. The drummer of band XXX gets in a car accident and needs money to pay medical bills. His band and his friends are going to get together and throw a benefit at club X and give him the proceeds to pay his medical expense, do they need a license?

A. Under the ordinance you are exempt from having to obtain an event promoters license because you are not being compensated for promoting the event. You are allowed to seek reimbursement out of pocket expenses and expenses are not considered compensation.

Section 4-157-010 (1) is directly or indirectly responsible for the organization of an amusement or event, as evidenced by activities such as contracting with the principals, selecting entertainment, advertising or otherwise holding out an amusement or event to members of the general public, inviting participants to an amusement or event, or renting or controlling the site of an amusement or event

(2) directly or indirectly receives or shares in any of the following: (a) admission or entrance fees paid by participants or spectators at the amusement or event; or (b) compensation, consideration or other revenue from sponsors of or private donors to the amusement or event; or (c) revenues from concessions or other sales at the amusement or event. Except as otherwise provided in Section 4-157-020(B)(14), the term “event promoter” includes nonresident event promoters who do business within the City of Chicago.

Q. Please explain the “Love of Music” exemption in your power point presentation.

A. A person who is a “lover of music” is somebody who would promotes an event but is doing so without being compensated. If you are being compensated, in any manner, you are in the business of promoting events and you are required to obtain an Event Promoter License. If you do not get compensated for these

events but simply seek your out of pocket expenses, you do not need an Event Promoter License

Q. I am a promoter that promotes small events and charge admission, which usually covers expenses and not much more. Do I need a license?

A. Yes, If you are being compensated, in any manner, you are in the business of promoting events and you are required to obtain an Event Promoter License. If you do not get compensated for these events but simply seek your out of pocket expenses, you do not need an Event Promoter License.

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