



Office of the City Clerk

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Legislation Details (With Text)

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Title: Amendment of Municipal Code Chapter 4-60 to prohibit issuance of license for sale of alcoholic liquor to premises on which concealed firearms are permitted
Sponsors: Burke, Edward M., Reilly, Brendan, Harris, Michelle A., Lane, Lona, Foulkes, Toni, Ervin, Jason C., Austin, Carrie M.
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Attachments: 1. SO2013-7225.pdf

Date	Ver.	Action By	Action	Result
9/11/2013	1	City Council	Passed as Substitute	Pass
9/11/2013	1	Committee on Finance	Recommended to Pass	
9/11/2013	1	City Council	Referred	

. SUBSTITUTE ORDINANCE

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHICAGO:

SECTION 1. Section 4-60-030 of the Municipal Code of Chicago is hereby amended by inserting the language underscored and deleting the language stricken through as follows:

4I-60-030 License issuance prohibited wheri.

No license for the sale of alcoholic liquor shall be issued to:

(Omitted text is unaffected by this ordinance 's

(y) Any premises on which the carrying of concealed firearms on the property is permitted.

This prohibition shall not apply to:

- 1) applications for a package goods license; or
- 2) applications for a caterer's liquor license; or
- 3) premises on which the carrying of concealed firearms is permitted by:
 - a) individuals authorized to carry a firearm under Section 24-2 of the Illinois Criminal Code of 2012;
 - b) retired law enforcement officers qualified under federal law to carry a concealed firearm: or

c) the owner, lessee, tenant or operator of the licensed premises or the agents thereof.

(yz) Any person who is married to or is the registered domestic partner of an individual who is disqualified from obtaining a license under this chapter or under the Liquor Control Act of 1934, as amended, unless the person can establish by clear and convincing proof that the disqualified individual will not have any direct or indirect beneficial interest in any liquor license issued to the person under this chapter; provided, however, that if the disqualified individual was denied a liquor license pursuant to subsections (d), (e), (f), (g), (h), (n), (o) or (t) of this section, the person who is married to or the registered domestic partner of the disqualified individual shall not be required to comply with this subsection (y) if the local liquor control commissioner determines, after investigation, that the disqualified individual has been sufficiently rehabilitated to warrant the public trust. For purposes of this subsection, the term "registered domestic partner" means any person who has filed a fully executed affidavit of domestic

partnership with the Office of the County Clerk or pursuant to Section 2-152-072 of this code.

JJJECTION 2. Section 4-60-040 of the Municipal Code of Chicago is hereby amended by inserting the language underscored and deleting the language stricken through as follows:

4-60-040 License - Application and issuance procedures.

{Omitted text is unaffected by this ordinance}

(b) The application shall be in writing, signed by the applicant if an individual. If the applicant is a club, partnership or corporation, the application shall be signed by a duly authorized agent thereof. If the applicant is a limited liability company managed by managers, the application shall be signed by a manager. If the applicant is a limited liability company managed by its members, the application shall be signed by a member. The application shall be verified by oath or affidavit, and shall include the following statements and information:

{Omitted text is unaffected by this ordinance}

(11) if applicable, a statement that the owner of the premises prohibits or will prohibit the carrying of concealed firearms on the property and has posted or will post a sign in accordance with subsection (k)(1) of Section 4-60-140 indicating that firearms are prohibited on the property.

(14-2) Any other information that the commissioner of business affairs and consumer protection or local liquor control commissioner may require to implement the requirements of this chapter.

SECTION 3. Section 4-60-140 of the Municipal Code of Chicago is hereby amended by inserting the language underscored and deleting the language stricken through as follows:

4-160-140 Prohibited activities:

{Omitted text is unaffected by this ordinance}

(j) It shall be unlawful for any licensee or any officer, associate, member, representative, agent or employee of a licensee to sell, give, offer or expose for sale, or deliver any novelty-type alcoholic liquor container that, by virtue of the material from which it is composed or by its shape or design, or that by its ordinary and customary use is likely to mislead the consumer as to the alcoholic character of the product, except for consumption on the licensed premises. A "novelty-type" container is an alcoholic liquor container which uses the same shape or design as another non-alcoholic food product, but does not include cans or bottles or other containers as allowed by this section. The

local liquor control commissioner shall have the authority to publish regulations for implementation of this subsection, including identifying specific products and categories of products falling within the prohibition.

(k) No licensee or any officer, associate, member, representative, agent or employee of such licensee shall permit any person to carry a concealed firearm on the licensed premises.

1) The owner of the premises or place of business operating under a city retailer's license for the sale of alcoholic liquor shall post a sign indicating that firearms are prohibited on the property. Signs stating that the carrying of firearms is prohibited shall be clearly and conspicuously posted at the entrance of a building, premises, or real property in accordance with Illinois Public Act 098-0063, entitled the "Firearm Concealed Carry Act." Signs shall be of a uniform design as established by the Illinois Department of State Police and shall be 4 inches by 6 inches in size.

2) The prohibition against the carrying of a concealed firearm on the licensed premises shall not apply to:

- a) persons holding a package goods license; or
- b) premises on which the carrying of concealed firearms is permitted by:
 - i) individuals authorized to carry a firearm under Section 24-2 of the Illinois Criminal Code of 2012;
 - ii) retired law enforcement officers qualified under federal law to carry a concealed firearm; or
 - iii) the owner, lessee, tenant or operator of the licensed premises or the agents thereof.

J&CTION 4. Section 4-60-181 of the Municipal Code of Chicago is hereby amended by inserting the language underscored and deleting the language stricken through as follows:

4460-181 Revocation order not stayed by appeal.

An order of the liquor control commissioner revoking a city license under this chapter shall take immediate effect if the liquor control commissioner finds that any of the following circumstances are present: (a) the revocation is for violation of any federal or state law or city ordinance regulating the sale, use or possession of firearms; or (b) the revocation is for violation of any federal or state law or city ordinance regulating the sale, use or possession of narcotics or other controlled substances as defined in the Illinois

Criminal Code; or (c) the revocation is for violation of any federal or state law or city ordinance relating to prostitution; or (d) the revocation is for sale of alcoholic liquor to a minor, and the licensee was disciplined for three or more similar sales, occurring in separate incidents, within the prior three years; or (e) the revocation is for violations of this Code or the rules and regulations of the City of Chicago Board of Health related to health and sanitation in a food establishment; or (f) the revocation is ordered pursuant to Section 4-60-195 because the premises caused a public nuisance; or (g) if the revocation is of a late-hour privilege, the revocation is for the failure to implement or maintain an adequate exterior safety plan, or for any violation of any law or ordinance that the liquor control commissioner determines warrants immediate revocation of that privilege; or (h) the revocation is for a violation of subsection (k) of Section 4-60-140. For purposes of subsection (d) of this section, "discipline" means revocation, suspension, a voluntary closing in lieu of suspension, or imposition of a fine. In the event that a revocation order contains a finding described in subsection (a), (b), (c), (d), (e), (f), or (g), or (h) of this section, the effect of the revocation shall not be stayed pending an appeal by the licensee to the License Appeal Commission under the Liquor Control Act.

SECTION 5. This ordinance shall be in full force and effect thirty (30) days after passage and publication.