



City of Chicago



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Sponsor(s): Emanuel, Rahm (Mayor)
Tunney, Thomas (44)

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Title: Amendment of Chapter 4-156 of Municipal Code regarding
Wrigley Field game schedule

Committee(s) Assignment: Committee on License and Consumer Protection

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OFFICE OF THE MAYOR
CITY OF CHICAGO

RAHM EMANUEL
MAYOR

May 8, 2013

TO THE HONORABLE, THE CITY COUNCIL
OF THE CITY OF CHICAGO

Ladies and Gentlemen:

At the request of the Corporation Counsel, I transmit herewith, together with Alderman Tunney, an ordinance amending Chapter 4-156 of the Municipal Code regarding the Wrigley Field game schedule.

Your favorable consideration of this ordinance will be appreciated.

Very truly yours,

Mayor

ORDINANCE

WHEREAS, the City of Chicago ("City") is a home rule unit pursuant to Article VII, Section 6 of the 1970 Illinois Constitution; and,

WHEREAS, the continued location in the City of major league professional sports teams is a matter of civic importance; and,

WHEREAS, the presence of major league professional sports teams in the City provides substantial economic benefits to the City, including employment opportunities, economic activity in the surrounding areas, revenue from tourism and the receipt of direct and indirect tax revenue by the City; and,

WHEREAS, the presence in the City of major league professional sports teams also provides an important sense of civic pride, and assists in maintaining the City's central position in the metropolitan area; and,

WHEREAS, the ability of major league professional sports teams to operate on a viable basis is a prerequisite to their remaining as local teams; and,

WHEREAS, the City and the Relevant Alderman is in a continuing dialogue with the Chicago Baseball Club, LLC ("Cubs") concerning the draft framework agreement reached between the City and the Cubs in which they agreed on the principles and provisions that will guide the future uses and configuration of Wrigley Field and some of its immediate vicinity; and,

WHEREAS, this Ordinance is the first step toward fulfilling that agreement; and

WHEREAS, this Ordinance permits up to 40 night games in a given season, with five night games held back to satisfy a national broadcast television contract commitments, and authorizes up to six additional night games if required to meet a national broadcast television contract commitment; and

WHEREAS, in recent years stadium subject to the provisions of Section 4-156-430 of the Municipal Code of the City of Chicago have hosted other games and athletic contests; and

WHEREAS, the City and the Cubs, with the input of the community surrounding Wrigley Field, will jointly work together to implement the principles and provisions of the draft framework to which they have agreed; and

WHEREAS, on or about May 1, 2013, the Cubs filed with the City Clerk of the City of Chicago a proposed amendment for a Planned Development for Wrigley Field and part of its environs that covers part of the matters in the integrated draft framework agreed to by the City and the Cubs; and

WHEREAS, consideration of that Planned Development will require public hearings and participation as well as analysis by City agencies and the City Council; and

WHEREAS, in considering the Proposed Development and the other portions of the integrated draft framework agreement, new and continued protections for the neighborhood will be fully developed and drafted; and

WHEREAS, the current neighborhood protections embodied in the Ordinance of the City of Chicago passed February 11, 2004, are and will continue to be in full force and effect unless and until a new comprehensive neighborhood protection plan is passed into law; and

WHEREAS, the City, on an interim basis, desires to help the Cubs realize some of the goals of the draft framework agreement between them; and

WHEREAS, the interests of residential neighborhoods near stadiums that are currently addressed by the existing provisions of the Municipal Code can also be protected by the Municipal Code, as amended by this Ordinance, and by binding agreements entered into between the City and owners of sports stadiums that limit the number and times of night games and other effects of sports events at such stadiums and that provide for services for affected neighborhoods; and,

WHEREAS, the interests of residents and residential neighborhoods near stadiums are taken into account in part by the limitations set forth in this Ordinance, in particular with respect to the capacity of stadiums and the number and times of night games; and,

WHEREAS, to further ensure the interests and concerns of the residents and residential neighborhood surrounding Wrigley Field are adequately protected, it is necessary and appropriate for the City to continue implementation of an enhanced neighborhood protection and improvement program as set forth in this Ordinance and the Ordinance of February 11, 2004; and,

WHEREAS, it is advantageous to and in the best interests of the City that the City and the Cubs continue to contract as provided in the Ordinance of February 11, 2004, and any future contract with respect to Wrigley Field and the needs of the Wrigley Field neighborhood including, among other things, litter collection, traffic flow, off-street parking, limitations on times and dates when night games may be scheduled, and limitations on sale of beer and alcoholic beverages at night games.

NOW THEREFORE,

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

SECTION 1. Findings. All of the recitals above are expressly adopted as legislative findings of the City of Chicago and are incorporated herein and are hereby made a part of this Ordinance.

SECTION 2. Municipal Code Amendment. Section 4-156-430 of the Municipal Code of the City of Chicago is hereby amended by deleting the language stricken through and by adding the underscored language as follows:

4-156-430 Athletic contests at night and on weekday afternoons Restrictions.

(A) It shall be unlawful for any licensee or other person, firm, corporation or other legal entity to produce or present or permit any other person, firm, corporation or other legal entity to produce or present any athletic contest, sport, game, including any baseball game, or any other amusement as defined in Article I of this chapter, if any part of such athletic contest, sport, game, including any baseball game, or any other amusement as defined in Article I of this chapter (also known in this section and in this Ordinance as ("e Event(s)")) takes place between the hours of 8:00 p.m. and 8:00 a.m., or is scheduled to begin between the hours of 2:01 p.m. and 4:09 p.m. on weekdays (except for Memorial Day, Independence Day or Labor Day), and is presented in the open air portion of any stadium or playing field which is not totally enclosed and contains more than 15,000 seats where any such seats are located within 500 feet of 100 or more dwelling units. The 500 foot distance shall be measured from the seat to the nearest point of the buildings in which the dwelling units are contained. For purposes of this section, "dwelling unit" shall mean a room designed or used for sleeping accommodations, including hotel and dormitory rooms.

(B) The provisions of Subsection (A) do not apply, in whole or in part, to any of the following:

- (1) All-Star, playoff, post-season or playoff determinative, regular season tie-breaker, divisional or conference championship series, league championship series, World Series, or similar baseball games, and directly related events to the baseball games listed in this Paragraph (1);
- (2) Up to ~~18~~ 40 regular season home baseball games of ~~any~~ a team whose

regular home stadium is subject to this section in each year, as designated by that team, which games are scheduled to begin at or prior to 7:05 p.m.; (or scheduled to begin no later than 8:00 p.m. if required by a national television contract), provided, however,

- (a) That any team that plays in a stadium covered by this Section shall only schedule 35 regular season home games that are scheduled to start between 7:05 p.m. and 8:00 p.m., and that
 - (b) The remaining five games shall be held in reserve to satisfy any requirements of a national television broadcast contract that requires that team to re-schedule a day game to a night game and ;
 - (c) Any games scheduled pursuant to Subparagraph (b) above shall be promptly reported to the City Council, the Relevant Alderman, and the Corporation Counsel
- (3) Any baseball game scheduled to begin at or prior to 2:01 p.m. or in the case of a double-header where the second game is scheduled to begin reasonably promptly after the end of the first game;
- (4) Up to ~~13~~ 6 non-double-header baseball games of ~~any~~ a team whose regular home stadium is subject to this section, as designated by that team, that are scheduled to start on a Friday afternoon between 2:01 p.m. and 4:10 p.m. ~~in calendar year 2004 and up to 4 non-double-header baseball games scheduled to start on a Friday afternoon between 2:01 p.m. and 4:10 p.m. in calendar year 2005, provided, however, that after calendar year 2005, no non-double-header baseball game shall be scheduled to begin on a Friday after 2:00 p.m.;~~
- (5) During the duration of any contract between the City and any person, firm, corporation, legal entity, or professional sports team that is authorized by the City Council of the City of Chicago, any games, contests, sports, amusements, or any other ~~events~~ Events that may be held according to the terms of that contract or any other ordinance passed by the City Council of the City of Chicago; and
- (6) Any non-major league baseball games or any ~~baseball-related events, or any non-profit event~~ games, contests sports or other Event expected to have less than approximately ~~10,000~~ 15,000 persons in attendance;

(7) Up to six nationally televised broadcast regular season home baseball games in a regular season of a team whose regular home stadium is subject to this section, which games are required by national television broadcast contractual requirements to be changed from a day game to a game to begin at or prior to 7:05 p.m. (or which may be scheduled to begin no later than 8:00 p.m. if required by a national television broadcast contract), provided that:

(a) the team referred to in this Paragraph (7) has already been required by a national television broadcast contract to play, and has played, five or more nationally televised broadcast baseball games in that year, that had been scheduled to be day games, but were changed to night games to meet the national broadcast television contract,

(b) the City of Chicago receives a timely request of a team requesting consideration under this Paragraph (7) that is approved by ordinance of the City Council of the City of Chicago, and

(c) all requests must be made to, and approved by, the City Council, unless the requesting team demonstrates that, for reasons entirely beyond the control of the requesting team, a timely request could not be made to the City Council, in which case,

(i) a request may be made only to the Corporation Counsel in consultation with the Relevant Alderman,

(ii) the Corporation Counsel, in consultation with the Relevant Alderman finds that the requesting team has demonstrated to their satisfaction that:

(A) The change in game time is made pursuant to the national broadcast television contract in the same time frame as other game time requests for other teams,

(B) The request is made pursuant to the national broadcast television contract after the end of the most recent meeting of the City Council, and

(C) The game that is subject of the request must be played prior to the next announced meeting of the City Council,

- (iii) the Corporation Counsel, in consultation with the Relevant Alderman, shall, within 48 hours of granting this request, post the grant and the reasons for the grant on the City's website and send a copy to the City Council and the Relevant Alderman, and ;
 - (iv) The Corporation Counsel, in consultation with the Relevant Alderman, is only authorized to grant up to six such requests each year in total, including those granted by the City Council, under such rules and regulations as the Mayor may prescribe.
- (8) Up to four concerts per year to be determined by the owner or operator of a stadium subject to this section, or a promoter of a concert to be held at such stadium, subject to a timely request and approval in an ordinance by the City Council of the City of Chicago, provided that:
- (a) Other than costs associated with requests under this Paragraph (8) or costs imposed by compliance with generally applicable laws, rules, or regulations, or in the approval ordinance referred to in this Paragraph (8), there shall be no cost to any party other than the City for the ordinance approval required by this Paragraph (8).
 - (b) That any concerts in excess of four in any calendar year shall count as a night baseball game for the purposes of the limit of 40 night baseball games in a season, and if too late in the year to reduce the number of night games in that year, may be counted toward the permissible number of night games in the following year, and
 - (c) Unless otherwise authorized by ordinance, the scheduled starting time for such event must end no later than 11:00 p.m.
- (9) Any Events that take place between November 1 of a calendar year and March 31 of the following calendar year, except that such events must end no later than 11:00 p.m., if a non-sporting event.

(C) The provisions of Subsection (A) do not apply to the following regular season home baseball games of any team, as designated by that team, which games are scheduled to begin at, or prior to, 7:05 p.m., or scheduled to begin no later than 8:00 p.m. if required by a national television contract:

- ~~(1) Up to 4 regular season home baseball games in 2004 in addition to the regular season home baseball games allowed in Subsection (B)(2);~~

- ~~(2)~~ Up to 8 regular season home baseball games in 2005 in addition to the regular season home baseball games allowed in Subsection (B)(2);
- ~~(3)~~ Up to 12 regular season home baseball games in years 2006 through 2015 inclusive in addition to the regular season home baseball games allowed in Subsection (B)(2), provided however, that upon notice (which shall be given on or prior to November 1, 2005) up to 2 games during the 2006 season only may be delayed by up to one year to review compliance with the obligations of any person, firm, corporation, legal entity, or professional sports team that enters into a contract or agreement with the City of Chicago concerning neighborhood protections around a facility covered by this section; and
- ~~(4)~~ Up to 12 regular season home games after year 2015 so long as any contract or agreement between the City of Chicago and any person, firm, corporation, team, or legal entity whose stadium or playing field is subject to this section concerning neighborhood protections for an area adjacent or near or around a facility covered by this section is in effect.

~~(D)~~ (C) Subject to Subsection (B)(1), (B)(5), and (B)(6), no regular season game may be scheduled to begin after 4:10 p.m. on a Friday or a Saturday, except up to two regular season games per year may be scheduled on a Friday or a Saturday after 4:10 p.m. if required by:

(1) Major League Baseball in a manner generally applicable to all major league baseball teams, or

~~(2)~~ national television contract, or

~~(3)~~ (2) other circumstance beyond the control of any person, firm, corporation, team, or legal entity whose stadium or playing field is subject to this section, such as by a collective bargaining agreement.

~~(E)~~ (D) Games scheduled to begin at or prior to 8:00 p.m. may begin upon the conclusion of weather delays or delays caused by other similar unexpected natural occurrences or by death or serious personal injury to a fan or a player or management employee of any person, firm, corporation, team, or legal entity whose stadium or playing field is subject to this section, all beyond the control any person, firm, corporation, team, or legal entity whose stadium or playing field is subject to this section, without restriction as to time except those dealing with public safety.

~~(F)~~ (E) Baseball games and other permissible events scheduled to begin at or prior to 8:00 p.m., as permitted by this section, once commenced, may be concluded without restriction as to time except those dealing with public safety.

(G) Baseball games and other Events originally subject to the provisions of this Section that are postponed for the reasons listed in subsection (E) may be re-scheduled to begin at or prior to 8:00 p.m., in the same calendar year without restriction, subject to agreement with the City of Chicago as to date and time and to restrictions dealing with public safety, and shall not be counted as an additional baseball game or Event in that calendar year for purposes of this Section.

(H) The owners, operators, of any stadium subject to this section, or any person putting on or promoting any Event taking place pursuant to Subsection (B)(9) of this Section shall provide not less than 21 days notice to the Relevant Alderman, to the City Council and to a designated official of the City.

(I) The provisions of the 2013 Amendments to this Ordinance must be reviewed and renewed by the City Council of the City of Chicago

- (1) as applicable at least once every five years thereafter, and
- (2) will not without the consultation of a team playing in a stadium subject to this section be amended prior to September 30, 2014.

(J) Subsections (B)(2) and (B)(7) of this Section shall not be subject to amendment during except during the months of October, November and December in any given year.

~~(G)~~ (K) The terms of this section may be enforced by the Corporation Counsel of the City of Chicago through injunction or any other suit, action or proceeding at law or in equity.

Section 3. Effective Date. The Amendment to Section 4-156-430(B)(4) in this Ordinance shall be effective upon passage and approval. The remainder of this Ordinance shall become effective February 1, 2014.