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Office of the City Clerk



SO2013-823

Office of the City Clerk

City Council Document Tracking Sheet

Meeting Date: 2/13/2013

Sponsor(s): Tunney, Thomas (44)

Type: Ordinance

Title: One Time Exception to Wrigley Field Night Game Ordinance
for musical performance on July 19 and 20, 2013

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

S U B S T I T U T E
O R D I N A N C E

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

WHEREAS, as a home rule unit of government, the City of Chicago may exercise any power and perform any function pertaining to its government and its affairs; and

WHEREAS, under that authority and authority under other applicable state and municipal laws the City of Chicago has promulgated ordinances and rules governing entertainment facilities and sporting stadia in the City of Chicago; and

WHEREAS, the City of Chicago is interested in exploring the use of existing sporting stadia in a manner consistent with the needs and conditions of the surrounding community; and

WHEREAS, the City of Chicago, allowed an experiment in certain musical performances in outdoor stadia, JOURNAL OF THE PROCEEDINGS OF THE CITY COUNCIL OF THE CITY OF CHICAGO, ILLINOIS, pages 43001 through 43004, inclusive (March 9, 2005), JOURNAL OF THE PROCEEDINGS OF THE CITY COUNCIL OF THE CITY OF CHICAGO, ILLINOIS, pages 99854 through 99861 inclusive (March 14, 2007), JOURNAL OF THE PROCEEDINGS OF THE CITY COUNCIL OF THE CITY OF CHICAGO, ILLINOIS pages 56105 through 56111, inclusive (March 18, 2009), JOURNAL OF THE PROCEEDINGS OF THE CITY COUNCIL OF THE CITY OF CHICAGO, ILLINOIS, pages 86572 through 86578, inclusive ("**2010 Concert Ordinance**"), JOURNAL OF THE PROCEEDINGS OF THE CITY COUNCIL OF THE CITY OF CHICAGO, ILLINOIS pages 3031 through 3038, inclusive (July 6, 2011) ("**2011 Concert Ordinance**"), JOURNAL OF THE PROCEEDINGS OF THE CITY COUNCIL OF THE CITY OF CHICAGO, ILLINOIS, pages 26725 through 26732 inclusive (May 9, 2012), and JOURNAL OF THE PROCEEDINGS OF THE CITY COUNCIL OF THE CITY OF CHICAGO, ILLINOIS, pages 26732 through 26739 inclusive (May 9, 2012) (together "**2012 Concert Ordinances**"); and

WHEREAS, the City of Chicago is interested in enhancing the opportunities of its citizens and visitors to the City to enjoy musical entertainments in appropriate circumstances, situations, and venues; and

WHEREAS, the City of Chicago recognizes the value to its citizens, visitors, and businesses to work with responsible groups and organizations, especially those with long-standing ties to their communities, to enhance the use of certain facilities with entertainment options in appropriate circumstances, situations, and venues consistent with the needs and conditions of the surrounding community; and

WHEREAS, *noise monitoring of musical entertainments is an important consideration in protecting and promoting the convenience of the community surrounding such sporting facilities such as Wrigley Field;* and

WHEREAS, the protection and convenience of the community surrounding stadia and entertainment venues is a paramount consideration in allowing the use of those facilities; and

WHEREAS, the interests of residents and their community near stadia are taken into account by the limitations set forth in this Ordinance;

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 made hereby a part of this Ordinance.

SECTION 2. One Time Exception to Night Game Ordinance. Notwithstanding Section 4-156-430 of the Municipal Code of the City of Chicago ("**Section 4-156-430**"), and notwithstanding any use limitations imposed by the Night Game Ordinance (as defined in Section 3 below) ("**Night Game Ordinance**"), but subject to all other laws, rules, regulations, orders, and/or contracts, it shall be lawful to produce and present a musical performance after the hour of 8:00 P.M. that starts not earlier than 5:00 p.m. and concludes not later than 11:00 P.M. on Friday, July 19, 2013, and/or on Saturday, July 20, 2013, in the open air portion of any stadium or playing field that is not totally enclosed and contains more than fifteen thousand (15,000) seats where any such seats are located within five hundred (500) feet of one hundred (100) or more dwelling units as defined in Section 4-156-430(a) of the MUNICIPAL CODE OF THE CITY OF CHICAGO.

SECTION 3. Night Game Ordinance Neighborhood Protections. No musical performance permitted under this Ordinance shall be lawful unless the owner, lessee, or manager of any stadium at which the musical performance is held fully complies with, and fully provides, all neighborhood protections set forth in the Ordinance adopted by the City Council of the City of Chicago on February 11, 2004, and published in the JOURNAL OF THE CITY COUNCIL OF THE CITY OF CHICAGO, ILLINOIS for such date at pages 18722 through 18772, inclusive ("**Night Game Ordinance**"). If any condition or restriction set forth in the Night Game Ordinance does not, on its face, apply to the stadium at which a musical performance is held pursuant to this Ordinance or to a person, or organization owning, leasing or managing such stadium, then no musical performance is permitted unless appropriate neighborhood protections of a similar kind, scope, and nature are agreed to by the Budget Director of the City of Chicago or her designee.

SECTION 4. Additional Neighborhood Protections: Reporting Requirements. In addition to the Neighborhood protections specified in Section 3 of this Ordinance, no musical performance permitted under this Ordinance shall be lawful unless the owner, lessee, or manager of any stadium at which the musical performance is held undertakes, not less than sixty (60) days prior to the musical performance under this Ordinance to:

(A) Provide the identity of the performer(s) and/or act(s) that will be appearing at any musical performance held under this Ordinance to the Budget Director of the City of Chicago or her designee and to the Relevant Aldermen (as defined in Section 10(A) of the Night Game Ordinance) ("**Relevant Aldermen**");

(B) Provide to the Budget Director and to the Chicago Fire Department a fire safety evacuation/Occupational Plan, highlighting any changes from the similar documents filed pursuant to the 2010 Concert Ordinance, the 2011 Concert Ordinance, and the 2012 Concert Ordinances as defined above, and shall adhere to any directives set forth by the Budget Director or the Chicago Fire Department

to operate the event in accordance with applicable laws, rules, regulations, or generally applicable standards;

(C) Provide to the Budget Director, the Relevant Aldermen, the Office of Emergency Management and Communications, and the Chicago Police Department a comprehensive traffic management plan addressing issues pertaining to the arrival and dispersal of patrons, and issues of enforcement, parking, vehicular traffic, and related issues, highlighting any changes from the similar document filed pursuant to the 2010 Concert Ordinance, the 2011 Concert Ordinance, and the 2012 Concert Ordinances as defined above, and shall adhere to any directives set forth by the Budget Director, the Chicago Police Department or the Office of Emergency Management and Communications to operate the event in accordance with applicable laws, rules, regulations, or generally applicable standards;

(D) Provide to the Budget Director, the Relevant Aldermen, the Office of Emergency Management and Communications, and the Chicago Police Department a comprehensive security management plan relating to the maintaining of the premises in a state of safety before, during, and after the musical performance, highlighting any changes from the similar document filed pursuant to the 2010 Concert Ordinance, the 2011 Concert Ordinance, and the 2012 Concert Ordinances as defined above, and shall adhere to any directives set forth by the Budget Director, the Chicago Police Department or the Office of Emergency Management and Communications to operate the event in accordance with applicable laws, rules, regulations, or generally applicable standards;

(E) Provide to the Budget Director and the Relevant Aldermen a written noise abatement plan setting forth a detailed description of all measures that will be taken to address the issue of excess noise (and steps to contain such excess noise) to the surrounding area resulting from the musical performance, including, but not limited to, contemplated sound levels inside and outside the stadium (and who will be in charge of maintaining such levels), and highlighting any changes from the similar document filed pursuant to the 2010 Concert Ordinance, the 2011 Concert Ordinance, and the 2012 Concert Ordinances as defined above;

(F) Provide to the Budget Director, the Relevant Aldermen, the Office of Emergency Management and Communications, the Chicago Fire Department, and the Chicago Police Department a site plan/diagram for the musical performance depicting the configuration of the premises with the stage and concert seating to be employed highlighting any changes from the similar document filed pursuant to the 2010 Concert Ordinance, the 2011 Concert Ordinance, and the 2012 Concert Ordinances as defined above; and

SECTION 5. Additional Neighborhood Protections: Required Activities. In addition to the Neighborhood protections specified in Sections 3 and 4 of this Ordinance, no musical performance permitted under this Ordinance shall be lawful unless the owner, lessee, or manager of any stadium at which the musical performance is held undertakes to:

(A) Work diligently to minimize congestion or blockage due to patrons in (and adjacent to) the area described in Section 4(F)(6)(a) and (F)(6)(C) of the Night Game Ordinance;

(B) Engage an independent service to monitor and report on (with review and input by the Chicago Police Department as necessary) sound levels before, during, and after the musical performance in at least eight (8) spots in the surrounding neighborhood as defined in Section 10(B) of the Night Game Ordinance "surrounding neighborhood"), at least three (3) of which shall be within one-

quarter mile, and five (5) of which shall be within one-half mile, of the east side of Clark Street, the north side of Addison Street, the south side of Waveland Avenue and the west side of Sheffield Avenue;

(C) Make commercially reasonable efforts for advertising and promotion about public transportation;

(D) End beer, and any other alcohol sales in no later than 9:30 p.m. in the open public seating areas (including any seats on the field) and related concourses (including areas in and around the field if there is any field seating); and

(E) Provide security, to be detailed in the Plan required under Section 4(C) and Section 4(D) of this Ordinance in the stadium and in the surrounding neighborhood until the later of three (3) hours after the musical performance has ended or two-thirty A.M. (2:30 A.M.) of the day following the musical performance.

SECTION 6. Limitation on Attendance.

(A) Any musical performance permitted under this Ordinance shall be limited in total attendance (paid and unpaid) for each performance to not more than the amount of persons permitted on the 2013 certificate of occupancy for the stadium at which the musical entertainment is held, *provided, however,* nothing in this Ordinance affects, or shall be construed to affect, the legal authority of any agency to exercise its discretion in executing its responsibilities and authority, including, but not limited to, the authority of any safety agencies to limit attendance under applicable laws, rules, regulations, or generally applicable standards.

(B) Any owner, lessee, or manager of any stadium at which a musical event is held pursuant to this Ordinance shall use commercially reasonable efforts to cause a minimum of three thousand (3,000) tickets combined for all musical events if more than one musical event is held pursuant to this ordinance, and at least one thousand five hundred (1,500) tickets per musical event held pursuant to this Ordinance to be made available for sale to persons residing within United States Postal Service Zip Codes 60613, 60614, 60640, or 60657.

SECTION 7. Post-Musical Performance Activities.

(A) The owner, lessee, or manager of any stadium at which the musical performance is held pursuant to this Ordinance shall

(1) Within sixty (60) days of the last musical performance allowed by Section 2 of this Ordinance provide a written report to the Budget Director and the Relevant Aldermen of all activities that the owner, lessee, or manager of any stadium at which the musical performance undertakes pursuant to this Ordinance, including, but limited to, all relevant data information on compliance with those requirements and the plans specified in this Ordinance; and

(2) Host a public meeting in conjunction with the Relevant Aldermen and the Budget Director, which may be combined with the next Wrigley Field Advisory Meeting that is held pursuant to Sections 4(G)(3) and 9(B) of the Night Game Ordinance after the date of the last musical performance allowed under Section 2 of this Ordinance, to discuss the written reports called for under this Section 7 and to assess compliance with this Ordinance and the plans required under this Ordinance, as

well as the impact of the concert on the public health, safety, convenience, and on the surrounding neighborhood.

(B) The Chicago Police Department shall

(1) Within sixty (60) days of the last musical performance allowed by this Ordinance provide to the Budget Director and the Relevant Alderman reporting on their activities at the musical performances, including, but not limited to:

(a) The resources employed, including the number of officers used and their general disposition;

(b) The source of the officers;

(c) Any information on noise that they have collected;

(d) Crime data; and

(e) Other information such as, but not limited to:

(i) Tickets

(ii) vehicles towed;

(iii) administrative notices of violations;

(iv) arrests to the extent not included in subparagraph (d); and

(v) calls and complaints with categories of responses and response times.

(2) Participate in the public meeting required by this Section 7.

SECTION 8. Reservation of Authority. Nothing in this Ordinance shall be construed to constitute acceptance or approval by the City of Chicago of a musical performance except as permissible under the terms of this Ordinance, and all regulatory and review authority of the City of Chicago and its departments, even if they may affect the ability to hold a musical performance permissible under the terms of this Ordinance, and all other rights, including cost-reimbursement, are unimpaired.

SECTION 9. No Precedent Set. Nothing in this Ordinance, nor the fact of its enactment, nor in the use of any stadium for a musical event, shall be construed or taken as a precedent for any purpose.

SECTION 10. Ordinance Does Not Supercede Any Other Law. Nothing in this Ordinance, nor the fact of its enactment, shall be construed or taken to supercede any other applicable laws, rules, regulations, or generally applicable standards or requirements except as specifically stated in this Ordinance.

SECTION 11. No Contract Express or Implied. Nothing in this Ordinance, nor the fact of its enactment, shall be construed or taken as constituting or creating a contract by, or any contractual obligation of, the City of Chicago, nor shall it create any rights or any legal interests of any kind in any person, group, organization, association, firm, corporation, or other entity, except as specifically provided in this Ordinance, *provided, however,* that a musical performance presented at any stadium subject to this Ordinance or the Night Game Ordinance shall constitute acceptance of amendment of any contractual

obligation under the Night Game Ordinance pursuant to this Ordinance for the purposes of fulfilling the terms and intent of this Ordinance.

SECTION 12. Additional Authority. The Budget Director, in consultation with the Superintendent of the Police Department, the Commissioner of the Fire Department, the Executive Director of the Office of Emergency Management and Communications, and any other Commissioner or equivalent or their designees, shall also have authority to enter into, execute, and deliver such ancillary agreements and establish such additional rules and guidelines as may be reasonably necessary, consistent with law, to implement the terms of this Ordinance and to protect the community surrounding any stadium used for a musical event pursuant to this Ordinance. This authority includes the ability to the public way to vehicle or pedestrian traffic wherever necessary consistent with the public safety and convenience, and shall give special attention to closing westbound vehicle traffic on Waveland Avenue and on Grace Street.

SECTION 13. Effective Date. This Ordinance shall be in full force and effect following passage and approval, and shall expire either on Tuesday, December 31, 2013, or if the requirements of Sections 3 through 7 of this Ordinance either are not met or if there are any changes without the consent of the Budget Director or her designee.

Alderman
44th Ward