



City of Chicago



SO2013-4079

Office of the City Clerk

Document Tracking Sheet

Meeting Date: 5/8/2013

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

Type: Ordinance

Title: Amendment of Chapter 4-56 of Municipal Code by
modification of Wrigley Field game schedule

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

1:20

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SUBSTITUTE
ORDINANCE
AS AMENDED

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 Alderman of the affected ward are in a continuing dialogue with the Chicago Cubs Baseball Club, LLC ("Cubs") concerning the draft framework for an agreement between the City and the Cubs in which they agree on the principles and provisions which will guide the future uses and configuration of Wrigley Field and its immediate vicinity; and

WHEREAS, this 2013 Amendatory Ordinance is the first step toward fulfilling that agreement; and

WHEREAS, this 2013 Amendatory Ordinance permits up to 40 night games in a given season, with five night games held back to satisfy an asserted national television obligation, and authorizes up to six additional night games, if required to meet an asserted national television obligation; and

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

WHEREAS, the City and the Cubs, with the input of the community surrounding Wrigley Field, will jointly work together to effectuate 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 a proposed amendment for the Planned Development for Wrigley Field and part of its environs which covers some of the matters in the draft framework agreed to by the City and the Cubs; and

WHEREAS, the process for considering any amendments to the Planned Development will include input from relevant City agencies, as well as public hearings and solicitation of public participation; and

WHEREAS, in addition, when considering any amendments to the Planned Development and the other portions of the 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 passed by the City Council of the City of Chicago ("City Council") on February 11, 2004, and published at pages 18722-18771 of Journal of the Proceedings of the City Council of that date ("2004 Night Games Ordinance") continue to be in full force and effect, unless a new comprehensive neighborhood protection plan is enacted; and

WHEREAS, the City 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 are currently addressed in existing provisions of the Municipal Code; amendments provided in this 2013 Amendatory Ordinance; and 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 and other events at such stadiums, and 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 2013 Amendatory Ordinance, in particular with respect to the capacity of stadiums and the number and times of night games and other events; and

WHEREAS, to further ensure the interests and concerns of the residents and residential neighborhood surrounding Wrigley Field are adequately protected, it is appropriate for the City to continue implementation of an enhanced neighborhood protection and improvement program as set forth in the 2004 Night Games Ordinance and this 2013 Amendatory Ordinance; and

WHEREAS, it is in the best interests of the City to continue the contract, as provided in the 2004 Night Games Ordinance, and that any future contract with respect to Wrigley Field protect the needs of the Wrigley Field neighborhood by 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. 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 language underscored, 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 a team whose regular home stadium, or a person using such stadium, is subject to this section for 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 ~~48~~ 40 regular season home baseball games of any team in each year, as designated by that team, which when such games are scheduled to begin at or after 4:10 p.m. or at or prior to 7:05 p.m., or scheduled to begin no later than 8:00 p.m. if required by an asserted national television contract obligation; provided, however,

(a) Up to 35 regular season home baseball games may be scheduled to start at the times set forth in subsection (B)(2);

(b) The remaining five games shall be used to satisfy any requirements of an asserted national television obligation that requires such team to reschedule a day game to a game starting during the times set forth in subsection (B)(2). Any games scheduled pursuant to this subparagraph shall be promptly reported to the Alderman of the affected ward and the Corporation Counsel. The Corporation Counsel shall promptly advise the City Council of the scheduling of a game under this subparagraph.

(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~~ six non-double-header baseball games scheduled to start on a Friday afternoon between 2:01 p.m. and 4:10 p.m. in per 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 such contract or any other ordinance; and

(6) Any non-major league baseball games or any baseball-related events, or any non-profit event games, contests, sports, or other Events expected to have less than approximately ~~10,000~~ 12,500 people in attendance;

(7) Up to six nationally-televised regular season home baseball games per year when such games are required to be changed, pursuant to an asserted national television obligation, from a day game to a game beginning during the times set forth in subsection (B)(2); provided that:

(a) The games allocated in subsection (B)(2)(b) have already been scheduled;

(b) The City receives a timely request, in writing, to use a game pursuant to this paragraph. Such request shall include a certification from the Office of the Commissioner of Major League Baseball indicating the game will be played at night as part of an asserted national television obligation;

(c) The request is made to, and approved by, the City Council; provided that the Corporation Counsel may approve a request under this paragraph when, after consultation with the Alderman of the affected ward and considering all relevant information, including the certification required in paragraph (b), the Corporation Counsel finds that:

(i) For reasons beyond the control of the requesting team, a timely request could not be made to the City Council because the televisor's request was made after the conclusion of the most recent City Council meeting;

(ii) The game is scheduled to be played prior to the next announced meeting of the City Council; and

(iii) The request for the change in game time by the televisor pursuant to the asserted national television obligation is in the same time frame and in the same manner as other game time change requests for other teams.

(d) If, after consultation with the Alderman of the affected ward, the Corporation Counsel grants such request, the Corporation Counsel shall, within 48 hours of granting the request, post the approval of, and reasons for, granting the request on the City's website, and send a copy to the City Council and the Alderman of the affected ward.

(e) No more than six changes shall be granted in any year under this paragraph (7).

(8) Up to four concerts or other non-baseball Events expected to have more than 12,500 people in attendance, to be determined by the owner or operator of a stadium, or a promoter of a concert to be held at such stadium, subject to the following;

(a) The owner, operator or promoter, whichever is applicable, shall notify the City, in writing, of the proposed date and time of such concert or Event;

(b) Such concert or Event shall be allowed at the date and time specified in the notice, unless the Corporation Counsel, in consultation with the Alderman of the affected ward, requires that the concert or Event be rescheduled to a mutually agreed upon date because it interferes with other previously scheduled activities, City resources, public safety, or other similar good reasons;

(c) Unless otherwise authorized by ordinance, such event shall end no later than 11:00 p.m. Such concerts or Events may be held on a Friday or Saturday night; and

(d) The owner, operator or promoter shall comply with the neighborhood protection provisions found in the ordinance adopted by the City Council on February 11, 2004, and appearing in the City Council Journal of Proceedings of such date at pages 18722-18772; and all provisions imposing obligations and protections enumerated in Sections 3,4,5,6 and 7(A) of the ordinance adopted by the City Council on March 13, 2013, and published at pages 48631-48638 of the Journal of Proceedings of the City Council of such date, except that all reports required to be made to the Budget Director shall be made to the Corporation Counsel. All such provisions are hereby incorporated as if fully set forth, except to the extent there are any inconsistencies, then the provisions of this section shall apply.

(9) Any concerts or other Events in excess of the four concerts or non-baseball Events permitted in paragraph (8) which are authorized by the City Council and start during the times set forth in subsection (B)(2) shall be 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, shall be counted toward the permissible number of night games in the following year. Such concerts or other Events shall be subject to the provisions of Paragraph (8)(a)-(d);

(10) To any Event which take place between October 1 and March 31, however, non-sporting events must end no later than 11:00 p.m.

(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) Except as otherwise provided in this section, no regular season baseball 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) 1) An asserted national National television obligation, 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 on the same day 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.~~

(F) Notwithstanding Subsections (B)(2) and (B)(8), baseball games and other Events, regardless of the originally scheduled start time, which are postponed for the reasons listed in Subsection (D), may be re-scheduled to a different date to begin during the times set forth in Subsection (B)(2) in the same calendar year, and the rescheduled game shall not be counted against the limitation on night baseball games or Events for purposes of this Section, provided that

(1) If a game or Event originally scheduled to take place during the day is rescheduled to take place during the times set forth in Subsection (B)(2), the person requesting such rescheduling shall certify to the satisfaction of the Corporation Counsel that the game or Event cannot reasonably or practicably be rescheduled as a day game or Event;

(2) The Corporation Counsel, in consultation with the Alderman of the affected ward, may require the game or Event to be rescheduled to a mutually agreed upon date because it interferes with other previously scheduled activities, City resources, public safety, or other similar good reasons; and

(3) Any baseball game or Event rescheduled pursuant to this provision shall result in a reduction of permitted baseball games or Events under Subsection (B)(2) or Subsection (B)(8), as applicable, in the following calendar year, if the games or Events allocated in subsection (B)(2) or (B)(8) have already been scheduled.

(G) The owners, operators of any stadium, or any person promoting any Event, subject to this section, or the owners, operator of any stadium, or person promoting any Event, which is expected to have more than 12,500 people in attendance shall provide not less than 21 days notice to the Alderman of the affected ward, to the City Council and to a designated official of the City, or if 21 days notice is not possible, then notice to the Alderman of the affected ward, to the City Council and to a designated official of the City shall be provided reasonably promptly after such Event is scheduled.

(H) Subsections (B)(2) and (B)(7) of this Section shall not be subject to amendment with regard to any game included in the schedule proposed by Major League Baseball for the following calendar year.

(I) The owners or operators of any stadium where any baseball game is held that is subject to the provisions of the ordinance adopted by the City Council on February 11, 2004, and appearing in the City Council Journal of Proceedings of such date at pages 18722-18772 shall comply with the neighborhood protection provisions found in the ordinance. All such provisions are hereby incorporated as if fully set forth, except to the extent there is any inconsistency, then the provisions of this section shall apply.

(J) The owner or operator of a stadium subject to this section, or promoter of a concert held at such stadium, whichever is applicable, shall be responsible for the costs of City services supporting the concert or non-baseball Event. The determination of the need and cost for the City services shall be based on such factors as the expected pedestrian and vehicular traffic and congestion, estimated attendance, density of area, number of street closures, street cleaning or refuse disposal, and other such similar factors.

(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 2. Nothing in this Ordinance shall be construed as constituting 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.

SECTION 3. 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 on February 1, 2014.

Chicago, June 5, 2013

To the President and Members of the City Council:

Your Committee on License and Consumer Protection, having under consideration an amended substitute ordinance introduced by Mayor Emanuel and Alderman Tunney (which was referred on May 8, 2013), to amend the Municipal Code of Chicago regarding modification of the Wrigley Field game schedule, begs leave to recommend that Your Honorable Body *p a s s* the amended substitute ordinance which is transmitted herewith.

This recommendation was concurred in by a viva voce vote of the members of the committee on June 4, 2013.

Respectfully submitted,

EMMA MITTS
CHAIRMAN, COMMITTEE ON
LICENSE AND CONSUMER
PROTECTION