



City of Chicago



SO2016-3948

Office of the City Clerk

Document Tracking Sheet

Meeting Date: 5/18/2016

Sponsor(s): Tunney (44)

Type: Ordinance

Title: Amendment of Municipal Code Chapters 4-5, 4-60, 4-156 and 4-160 by further regulation of licensing for liquor at retail and sports venues

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

FINAL

02016-3948

SUBSTITUTE
ORDINANCE

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

SECTION 1. Section 4-5-010 of the Municipal Code of Chicago is hereby amended by adding the language underscored, as follows:

4-5-010 Establishment of license fees.

(Omitted text is unaffected by this ordinance)

(22) Liquor – Retail (4-60)

Fees for the whole or any portion of the license period for which the application is made shall be as set forth below:

(Omitted text is unaffected by this ordinance)

Liquor – Outdoor Patio or Sports Plaza Venue \$1,760.00

(Omitted text is unaffected by this ordinance)

SECTION 2. Chapter 4-60 of the Municipal Code of Chicago is hereby amended by adding a new section 4-60-075, by adding the language underscored, and by deleting the language struck through, as follows:

4-60-021 Ordinance prohibiting issuance of additional liquor licenses – Requirements – Procedure.

(Omitted text is unaffected by this ordinance)

(c) No ordinance to prohibit the issuance of additional liquor licenses in a specified area may:

(1) prohibit additional licenses for sale of liquor on the premises of any of the following: sports stadiums with a seating capacity of more than 3,000 persons; restaurants; hotels; banquet halls licensed for incidental service of liquor only and where the principal activity is the service of food, theaters whose premises are licensed for incidental service of liquor only, that provide live stage performances and are equipped with fixed seating; any ice rink for which a valid public place of amusement license and a valid retail food license have been issued, and where the sale of alcoholic liquor is incidental to those activities; ~~or~~ facilities operated by the metropolitan pier and exposition authority; or sports plazas, as that term is defined in section 4-60-075;

(Omitted text is unaffected by this ordinance)

4-60-050 Notice and license issuance conditions.

(a) Within five days after the license fee was paid for a liquor license, the department of business affairs and consumer protection shall serve written notice by first class, registered or certified mail on all legal voters residing within 250 feet of the location for which the license is

sought. The measurement of such area shall be made from the boundaries of the premises described in the application for which the license is sought, to a radius of 250 feet away. The notice shall state the name of the applicant, the street number and location of the premises for which the license is sought, the type of license sought by the applicant and the date on which the license fee was paid. The notice shall also state that any objection to the granting of the license sought shall be made to the local liquor control commissioner, in writing, signed by the objector and delivered to the local liquor control commissioner within 35 days after the date license fee was paid, as indicated on the notice, and shall set forth the specific grounds for the objection. The department of business affairs and consumer protection shall also serve such written notice in the manner and within such time limits as herein provided, upon the alderman of the ward in which the premises described in the notice is located.

(b) No outdoor patio liquor license shall be issued to any applicant who does not currently hold a tavern, consumption on the premises – Incidental activity or club liquor license for an indoor premises adjacent to the location for which an outdoor patio liquor license is sought.

(c) At no time may any live or recorded music be played or performed at any outdoor location licensed as an outdoor patio. This prohibition shall not apply to an outdoor patio operated in conjunction with a consumption on the premises – Incidental activity license at the Field Museum of Natural History, the Shedd Aquarium, the Adler Planetarium or the Art Institute of Chicago.

(d) This section does not require additional notice in conjunction with an application for a license to allow continuation of an existing license by a new licensee under subsection (e) of Section 4-60-024, or in conjunction with an application for a late-hour privilege under Section 4-60-130.

(e) No outdoor patio liquor license shall be issued to a location that has capacity for greater than 250 people on the outdoor patio. The aggregate outdoor patio capacity limitations in Section 4-160-130 shall also apply.

4-60-075 Sports Plaza Venue liquor licenses – Special conditions.

(a) For purposes of this section:

“Fixed point-of-sale” means a booth, kiosk, tent or other location that is stationary for the duration of an event during which the sale and service of alcohol is allowed.

“Residential building” has the meaning ascribed to that term in section 17-17-02146.

“Retail food establishment license” means a license issued under Chapter 4-8 of this code.

“Sports Plaza” has the meaning ascribed to that term in section 4-160-010.

(b) In addition to the other categories of licenses authorized under this chapter, the local liquor control commissioner is authorized to issue Sports Plaza Venue liquor licenses. Eligibility for the Sports Plaza Venue liquor license shall be limited to applicants who hold a valid retail food establishment license and a valid retail consumption-on-premises liquor license for an indoor location that is adjacent to a Sports Plaza. A Sports Plaza Venue liquor licensee may serve, in compliance with this section, alcoholic liquor within the Sports Plaza.

(c) A separate Sports Plaza Venue liquor license shall be required for each licensee selling, serving or offering for sale alcoholic liquor for consumption in the Sports Plaza. In addition to the information required by section 4-60-040, an application for a Sports Plaza Venue liquor license shall: (1) designate the specific Sports Plaza at which the applicant intends to sell or serve alcoholic liquor; and (2) designate the fixed point-of-sale located in the Sports Plaza. The fee for a Sports Plaza Venue liquor license shall be as set forth in section 4-5-010.

(d) A Sports Plaza Venue liquor licensee shall be subject to all provisions of this chapter, except for subsections (e) and (f) of section 4-60-040; the 35-day review period of subsection (h) of section 4-60-040; and section 4-60-050.

(e) No Sports Plaza Venue liquor licensee shall sell, offer for sale, or serve alcoholic liquor in the Sports Plaza:

- (1) at any time when a caterer is dispensing or serving alcoholic liquor at a catered event within the Sports Plaza, pursuant to a caterer's liquor license; or
- (2) unless regular food service is also available in the Sports Plaza to patrons at all times that alcoholic liquor is available for sale.

(f) No Sports Plaza Venue liquor license shall be issued for any sports plaza within 125 feet of any existing residential building, measured from the nearest property line of the residential building to the nearest boundary of the Sports Plaza.

SECTION 3. Chapter 4-156 of the Municipal Code of Chicago is hereby amended by adding a new section 4-156-500, adding the language underscored, and deleting the language struck through as follows:

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

(Omitted text is unaffected by this ordinance)

(A) (1) It shall be unlawful for any licensee or other person, firm, corporation or other legal entity to produce or present or permit any Event or ~~major league baseball~~ Major League Baseball game that 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.

(2) For purposes of this section, the following definitions apply:

"Dwelling unit" shall mean a room designed or used for sleeping accommodations, including hotel and dormitory rooms.

"Event" means an amusement, as that term is defined in section 4-156-010, other than a ~~major league baseball~~ Major League Baseball game.

(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:

(Omitted text is unaffected by this ordinance)

(8) Up to four Events scheduled to take place between the hours of 8 p.m. and 8 a.m. 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 the Event 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 Event;

(b) Such Event shall be allowed at the date and time specified in the notice; provided that the Event shall not be scheduled on any night Sunday through and including Thursday between Labor Day and June 15, nor for the last Sunday in June;

(c) Unless otherwise authorized by ordinance, an Event authorized under this paragraph (8) shall end no later than 11:00 P.M. Events may be held on any day of the week, including on a Friday or Saturday night; and

(Omitted text is unaffected by this ordinance)

4-156-500 Reserved Sports Plaza- additional requirements.

(a) For purposes of this section, "Sports Plaza" has the same meaning ascribed to that term in section 4-160-010.

(b) If a Sports Plaza, or any portion thereof, is used or intended for use for any amusement, a public place of amusement license shall be required, regardless of whether the use is incidental to the Sports Plaza's principal use. Application for the public place of amusement license shall be made pursuant to this Article.

(c) The licensee shall enter into a plan of operation with the commissioner for amusements to be held on the Sports Plaza. The plan shall include provisions that are useful or necessary to mitigate any adverse effects on the surrounding community and shall include specific provisions for amusements as to which the attendance is expected to be greater than 500 people. Such provisions shall include, but are not limited to, providing additional security personnel, restricting hours of operation, providing trash pickup services, or any other reasonable restrictions. It shall be a violation if a licensee fails to comply with all requirements of the approved written plan of operation and shall subject the licensee to a fine or license suspension or revocation.

(d) All other applicable provisions of this chapter apply.

(e) Except where otherwise specifically provided, any person who violates this section shall be fined not less than \$300 nor more than \$5000 for each offense. A separate and distinct offense shall be held to have been committed each day any person continues to violate any of the provisions hereof.

SECTION 4. Title 4 of the Municipal Code of Chicago is hereby amended by adding a new Chapter 4-160, as follows:

CHAPTER 4-160

RESERVED ARTICLE I - SPORTS PLAZAS - GENERAL

4-160-010 Definitions.

For purposes of this chapter, the following definitions apply:

"Adjacent" means contiguous physical proximity, with no separation by the public way or any other property or structure.

"Fixed point-of-sale" has the meaning ascribed to the term in Section 4-60-075.

"Sports Plaza" means an outdoor open area which is: (1) not on the public way; (2) used for the service of alcohol regulated by Chapter 4-60 and/or the conduct of amusements regulated by Chapter 4-156; and (3) adjacent to a sports stadium with a minimum capacity of 15,000 people.

4-160-020 General requirements.

(a) A Sports Plaza shall be licensed in conformity with Chapter 4-60 and/or Chapter 4-156, as applicable. In addition, each Sports Plaza shall be subject to requirements appropriate to the unique or particular circumstances associated with it. Those requirements shall be set forth in a separate article of this Chapter.

(b) It shall be a mandatory prerequisite to operation of a Sports Plaza that the City Council pass an ordinance establishing within this Chapter a separate article which sets forth requirements and restrictions that are specifically applicable to that Sports Plaza in addition to the requirements and restrictions in this Article.

(c) A Sports Plaza shall be clearly demarcated to distinguish it from the public way and have the ability to limit guest access to Sports Plaza patrons only and not passersby.

(d) The owner, lessee or manager of a Sports Plaza shall:

(1) have an adequate number of indoor toilet facilities available for the patrons of the Sports Plaza in compliance with section 4-60-100. Toilet facilities located within the stadium adjacent to the Sports Plaza or in a building adjacent to the Sports Plaza shall count towards compliance with this requirement if, with the written consent of the stadium or building owner, such toilet facilities are available to the patrons of the Sports Plaza at all times that the Sports Plaza is in use;

(2) include in any contract with a private entity which permits the entity to conduct an amusement or other event in the Sports Plaza the applicable requirements and restrictions in this Chapter;

(3) during an amusement or other event taking place on the sports plaza, have security measures in place that are adequate to maintain order and safety in light of the size and nature of that amusement or other event; and

(4) comply with section 8-32-080.

(e) This chapter shall be administered and enforced by the commissioner of business affairs and consumer protection and the local liquor control commissioner. Liquor-related violations shall be subject to the applicable penalties in Chapter 4-60. Amusement-related violations shall be subject to the applicable penalties in Chapter 4-156. Except where otherwise specifically provided, any owner, lessee or manager of a Sports Plaza who violates this chapter shall be jointly and severally liable, and subject to a fine not less than \$300 nor more than \$5000 for each offense. A separate and distinct offense shall be held to have been committed each day any person continues to violate any of the provisions hereof.

ARTICLE II. WRIGLEY FIELD SPORTS PLAZA

4-160-100 Scope.

Subject to compliance with the Code, Wrigley Plaza is hereby established. This Article II provides requirements and restrictions that are specifically applicable to Wrigley Plaza in addition to those in Article I. This Article II shall be repealed of its own accord, without further action of the City Council, on November 30, 2019. Any licenses, permits, or other authorizations granted in conjunction with Wrigley Plaza shall be rendered void simultaneously with this repeal.

4-160-110 Definitions.

"Event" with the initial "E" capitalized has the meaning ascribed to the term in Section 4-156-430.

"Special event" has the meaning ascribed to the term in Section 10-8-335. The permit required pursuant to that section shall be required for any Special event at Wrigley Plaza with an expected daily attendance of 1000 people or more.

"Stadium event" means a Major League Baseball game or Event taking place in Wrigley Field.

"Wrigley Plaza" means the Wrigley Field Sports Plaza.

4-160-120 Hours of Operation.

(a) Except as provided in subsection (b), Wrigley Plaza shall be closed and no amusement or other activity of any kind shall take place therein between 10 p.m. and 7 a.m. on Sundays through Thursdays, or between 11 p.m. and 7 a.m. on Friday and Saturdays.

(b) For stadium events that end after sunset, Wrigley Plaza shall close no later than 45 minutes after the end of the Stadium event.

(c) Except as provided in subsection (d), no sale or service of alcoholic liquor shall take place in Wrigley Plaza:

- (1) between 9 p.m. and 9 a.m. on Sundays through Thursdays; nor
- (2) between 10 p.m. and 9 a.m. on Friday and Saturdays.

(d) The sale of alcoholic liquor may take place in Wrigley Plaza only from two hours prior to the start time of a Stadium event until:

- (1) one hour after the end of a baseball game that begins before 5:00 p.m.; or
- (2) the end of a baseball game that begins after 5:00 p.m.; or
- (3) if a baseball game continues past 11:00 p.m., alcohol sales shall cease at 11:00 p.m.; or
- (4) in the case of all other Events, one hour prior to the expected end of the Event.

4-160-130 General Provisions.

(a) A maximum of four fixed points-of-sale for alcoholic liquor is authorized.

(b) Alcoholic liquor may be sold at Wrigley Plaza only during Stadium events or Special events. Alcoholic liquor sold in the Sports Plaza must remain in, and be consumed in, either the Sports Plaza or in the adjacent stadium. Alcoholic liquor sold in the stadium may be carried into the Sports Plaza only during times when alcoholic liquor is offered for sale in the Sports Plaza. Patrons may carry alcoholic liquor from the Sports Plaza into the stadium, and vice versa, only in disposable cups, and only while entering or exiting a stadium entrance that directly connects to the Sports Plaza. Patrons may not carry alcoholic liquor from Wrigley Plaza into the stadium after the end of the seventh inning of a baseball game.

(c) A Wrigley Plaza Venue liquor licensee shall:

- (1) sell only beer and wine from a fixed point-of-sale;
- (2) serve beer and wine only in plastic cups which: (i) do not exceed a capacity of 16 fluid ounces; and (ii) clearly identify the Wrigley Plaza Venue liquor licensee from which the alcoholic liquor was purchased; and
- (3) not sell or offer for sale any package goods.

(d) The combined occupancy of all locations that are immediately adjacent to Wrigley Plaza, either at or above grade, and are subject to the outdoor patio liquor license shall not exceed 1,000. All such locations must have the greatest frontage facing south.

(e) During Stadium events, access to Wrigley Plaza is limited to Stadium event ticketholders.

4-160-140 Special events.

(a) A maximum of twelve Special events is authorized at Wrigley Plaza each calendar year. Of these, only five Special events may be concerts.

(b) Alcohol may be sold at Wrigley Plaza Special events only from the beginning of the Special event to one hour prior to the end of the Special event.

(c) Between Labor Day and June 15, Wrigley Plaza Special events shall end before 9:00 p.m. on Sundays through Thursdays.

SECTION 6. This ordinance shall be in full force and effect following due passage and publication.

Thomas M. Tunney
Alderman, 44th Ward

Chicago, March 16, 2016

To the President and Members of the City Council:

Your Committee on License and Consumer Protection, having under consideration a substitute ordinance introduced by Alderman Thomas Tunney (which was referred on May 18, 2016), to amend Chapter 4 of the Municipal Code of Chicago concerning further regulation of licensing for liquor at retail and sports venues, begs leave to recommend that Your Honorable Body **p a s s** the ordinance which is transmitted herewith.

This recommendation was concurred in by a viva voce vote of the members of the committee on June 21, 2016.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Emma Mitts", written in a cursive style.

EMMA MITTS
CHAIRMAN, COMMITTEE ON
LICENSE AND CONSUMER
PROTECTION