



# City of Chicago



O2019-346

Office of the City Clerk

## Document Tracking Sheet

**Meeting Date:** 1/23/2019

**Sponsor(s):** Lopez (15)  
Santiago (31)  
Taliaferro (29)  
Moreno (1)  
Curtis (18)  
Reboyras (30)  
Foulkes (16)  
Scott, Jr. (24)  
Maldonado (26)  
Reilly (42)  
Napolitano (41)  
Burke (14)

**Type:** Ordinance

**Title:** Amendment of Municipal Code Chapter 4-60 by further regulating lapse of license and hours of operation for retail sale of alcoholic liquor

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

**ORDINANCE**

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

**SECTION 1.** Section 4-60-024 of the Municipal Code of Chicago is hereby amended by adding the language underscored, and by deleting the language struck through, as follows:

**4-60-024 Lapse of license – Transfer of interest.**

*(Omitted text is unaffected by this ordinance)*

Issuance of a new license under subsection (e) of this section is subject to the following conditions: If 50 or more ~~legal voters~~ people reside within a distance of ~~500~~ 1,000 feet from the licensed premises, the applicant shall first notify ~~all legal voters registered~~ all of the residents within the ~~500~~ 1,000-foot area radius by certified mail, return receipt requested, stating that application is being made for issuance of a license to a new licensee, and stating the name of the applicant and the location of the licensed premises. The applicant shall sign an affidavit verifying that ~~all legal voters registered~~ all of the residents within the ~~500~~ 1,000-foot area radius have been notified by certified mail. The applicant shall cause to be posted at the location of the premises, in a place clearly visible from the public way, notice in the form prescribed by the commissioner of business affairs and consumer protection, stating that application is being made for a license for operation of the business by a new licensee. Within 60 days before the filing of an application for the new license, the applicant shall obtain and file with the ~~department of business affairs and consumer protection~~ Department of Business Affairs and Consumer Protection the written consent of at least 51 percent of the ~~legal voters registered~~ residents living within the ~~500~~ 1,000-foot area radius, together with a list of United States Postal Service verified residential addresses within the 1,000-foot radius and the proof of residence of each of the consenters. Proof of residence may be established by a photocopy or other reproduction of a document that establishes residence, such as a government issued identification. Such measurement shall be made from the boundaries of the premises as described in the application for which the privilege is sought, to a radius of ~~500~~ 1,000 feet away. The applicant shall simultaneously deliver a copy of the filing to the alderman of the ward in which the subject premises are located. For a period of 30 days after the application is filed, any person who signed a consent may submit a written revocation of consent with the department of business affairs and consumer protection. After expiration of the 30-day period, and after the department of business affairs and consumer protection or its designee has verified the legitimacy of all signatures and addresses supplied with the application and any revocations that may have been filed, the department shall

certify whether sufficient valid signatures have been filed to proceed with the application. Issuance of the requested license will be permitted only if (i) the existing license of the subject business has not been revoked at any time from two years prior to the date of application for the new license until processing of the application of the new license is completed; and (ii) the licensed business has not been closed for a total of more than ten days during the same time period as described in clause (i) of this paragraph due to suspension of the license or voluntary closing in lieu of suspension, in any combination; and (iii) no proceedings for the revocation or suspension of the existing license are pending during the processing of the application for the new license; and (iv) the successor licensee pays to the city the sum of \$1,000.00 prior to issuance of the successor license in addition to all license fees due pursuant to Chapter 4-5 of this Code.

Notwithstanding any provision of this paragraph, the requirements of consent of voters and proof of consent shall not apply to an application for a new package goods license under subsection (e) of this section if the floor area of the licensee's business is at least 12,000 square feet and if retail sale of alcoholic liquor did not account for more than 25 percent of the gross revenue from all retail sales on the licensed premises during each of the past two tax years. The applicant for a new license under subsection (e) of this section shall bear the burden of proof of eligibility for the new license and compliance with all applicable procedures, including proof of gross sales and percentages of gross sales attributable to retail sale of alcoholic liquor. Any person who knowingly makes any false statement, submits any false information or misrepresents any information required under this paragraph shall be fined not less than ~~\$500.00~~ \$2,500.00 per offense, or incarcerated for a period not to exceed three months, or both.

**SECTION 2.** Section 4-60-130 of the Municipal Code of Chicago is hereby amended by adding the language underscored, and by deleting the language struck through, as follows:

**4-60-130 Hours of operation.**

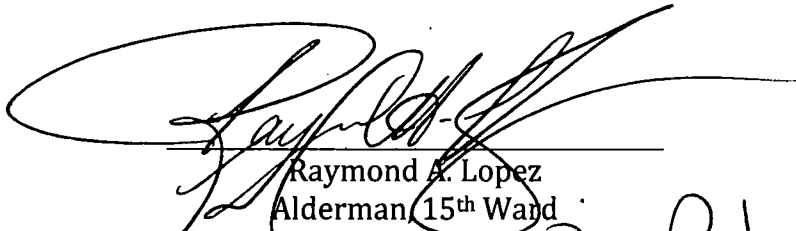
*(Omitted text is unaffected by this ordinance)*

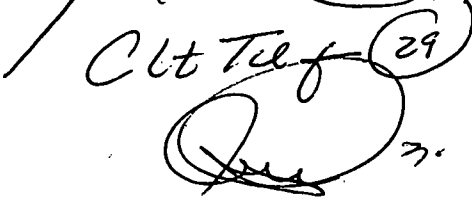
(e) All persons licensed under this chapter shall have the privilege, upon application and the payment of an additional fee of the amount specified in Section 4-5-010, of remaining open and selling alcoholic liquor on Sundays until 5:00 a.m. and on Mondays through Saturdays until 4:00 a.m.; provided, however, that, if 50 or more ~~legal voters~~ people reside within a distance of ~~500~~ 1,000 feet from the licensed premises, the applicant shall first notify all ~~legal voters registered~~ of the residents within such area by certified mail, return receipt requested, stating that application is being made for a late-hour license and stating the name of the applicant and the location of the licensed premises for which the late-hour license is sought. The applicant shall sign an affidavit verifying that all ~~legal voters registered~~ residents within such area have been notified by certified mail. The applicant shall cause to be

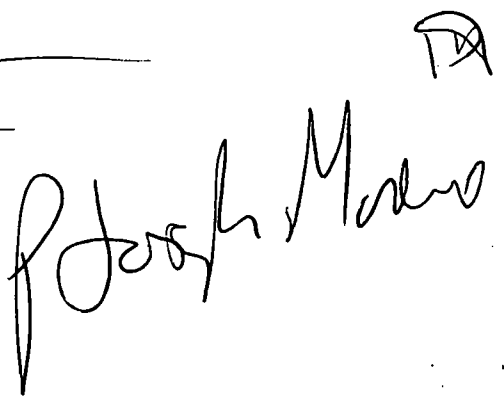
posted at the location of the premises for which the late-hour license is sought, in a place clearly visible from the public way, notice in the form prescribed by the commissioner of business affairs and consumer protection, stating that application is being made for a late-hour license and listing the name of the applicant. Within 60 days before the filing of an application for a late-hour license the applicant shall obtain and file with the department of business affairs and consumer protection the written consent of a majority of the ~~legal voters registered~~ residents within the affected area, together with a list of United States Postal Service verified residential addresses within the 1,000-foot radius and the proof of residence of each of the consenters. Proof of residence may be established by a photocopy or other reproduction of a document that establishes residence, such as a government issued identification. Such measurement shall be made from the boundaries of the premises as described in the application for which the late-hour license is sought, to a radius of ~~500~~ 1,000 feet away. No late-hour license shall be issued for any outdoor location licensed as an outdoor patio.

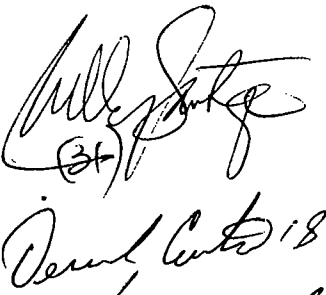
*(Omitted text is unaffected by this ordinance)*

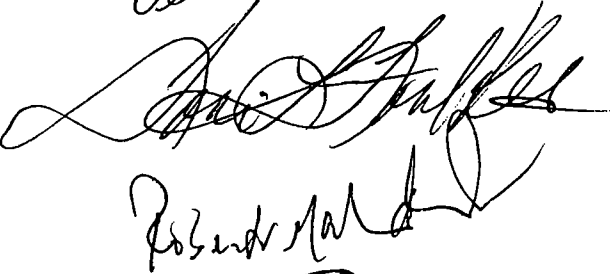
**SECTION 3.** This ordinance shall be in full force and effect upon passage and publication.

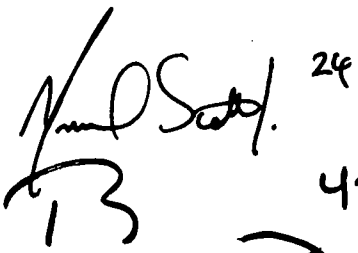
  
Raymond A. Lopez  
Alderman, 15<sup>th</sup> Ward

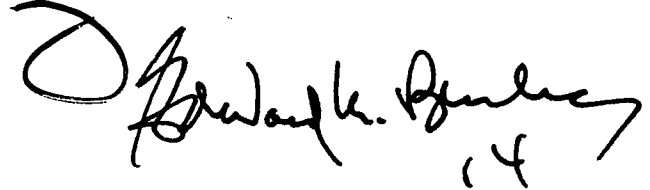
  
C. J. Taylor 29


  
Joseph Moore

  
David Carter 18

  
Robert Smith

  
James Scott 24  
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Donald H. Anderson 42  
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