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City Council Document Tracking Sheet

Meeting Date:	9/8/2011
Sponsor(s):	Tunney, Thomas (44)
Type:	Ordinance
Title:	One Time Exception to Night Game Ordinance
Committee(s) Assignment:	Committee on License and Consumer Protection

SUBSTITUTE
ORDINANCE

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, JOURNAL OF THE PROCEEDINGS OF THE CITY COUNCIL OF THE CITY OF CHICAGO, ILLINOIS, pages 3031 through 3038, inclusive (July 6, 2011), and it is willing to consider a further such experiment; and

WHEREAS, the City of Chicago is interested in enhancing the opportunities of its citizens and visitors to the City to enjoy types of outdoor entertainments such as the display of motion pictures in addition to 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, 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, in conjunction with the smaller attendance expected for a motion picture event than for an outdoor concert or a baseball game, 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 motion picture exhibition after the hour of 7:00 P.M. that starts not earlier than 5:00 p.m. and concludes not later than 11:00 P.M. on Saturday, October 1, 2011, or, in the event of inclement weather on Saturday, October 1, 2011, on Sunday, October 2, 2011, 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. Neighborhood Protections and Requirements. No motion picture exhibition permitted under this Ordinance shall be lawful unless the owner, lessee, or manager of any stadium at which the motion picture exhibition is held undertakes to.

(A) Provide to the Budget Director and the Chicago Fire Department at least two (2) days prior to the motion picture event allowed in Section 2 of this Ordinance, a site plan/diagram for the motion picture exhibition depicting the configuration of the premises with the stage/screen and seating to be employed along with any available information on patron evacuation and shall adhere to any directives set forth by the Budget Director, the Chicago Fire Department, the Office of Emergency Management and Control, the Chicago Police Department, and any other applicable City agency to operate the event in accordance with applicable laws, rules, regulations, or generally applicable standards;

(B) 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,

(C) 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

(D) Limit total attendance (paid and unpaid) to any motion picture event under this Ordinance to not more than fifteen thousand (15,000) patrons, *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.

SECTION 4. Reservation of Authority. Nothing in this Ordinance shall be construed to constitute acceptance or approval by the City of Chicago of a motion picture exhibition 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 motion picture exhibition permissible under the terms of this Ordinance, and all other rights, including cost-reimbursement, are unimpaired

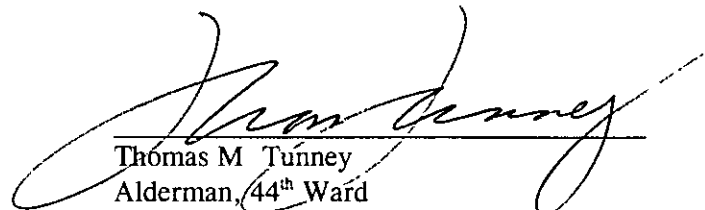
SECTION 5. No Precedent Set. Nothing in this Ordinance, nor the fact of its enactment, nor in the use of any stadium for a motion picture exhibition, shall be construed or taken as a precedent for any purpose.

SECTION 6. Ordinance Does Not Supersede Any Other Law. Nothing in this Ordinance, nor the fact of its enactment, shall be construed or taken to supersede any other applicable laws, rules, regulations, or generally applicable standards or requirements except as specifically stated in this Ordinance

SECTION 7. 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

SECTION 8. Additional Authority. The Budget Director, in consultation with the Superintendent of the Police Department, the Commissioner of the Fire Department, the Director of the Office of Emergency Management 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 motion picture exhibition pursuant to this Ordinance. This authority includes the ability to close or limit access 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 9. Effective Date. This Ordinance shall be in full force and effect following passage and approval, and retroactive to Friday, September 30, 2011, and shall expire either on December 31, 2011


Thomas M. Tunney
Alderman, 44th Ward