



# City of Chicago



O2013-7858

Office of the City Clerk

## Document Tracking Sheet

<b>Meeting Date:</b>	10/16/2013
<b>Sponsor(s):</b>	Emanuel (Mayor)
<b>Type:</b>	Ordinance
<b>Title:</b>	Amendment of Section 4-156-430 of Municipal Code regarding scheduled games at night and weekday afternoon
<b>Committee(s) Assignment:</b>	Committee on License and Consumer Protection



OFFICE OF THE MAYOR  
CITY OF CHICAGO

RAHM EMANUEL  
MAYOR

October 16, 2013

TO THE HONORABLE, THE CITY COUNCIL  
OF THE CITY OF CHICAGO

Ladies and Gentlemen:

At the request of the Commissioner of Business Affairs and Consumer protection, I transmit herewith an ordinance amending provisions of Section 4-156-430 the Municipal Code and associated provisions.

Your favorable consideration of this ordinance will be appreciated.

Very truly yours,

Mayor

ORDINANCE

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

SECTION 1. Section 4-156-430 of the Municipal Code of Chicago is hereby amended by adding the language underscored and by 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)*

(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)*

(2) Up to ~~40~~ 43 regular season home baseball games of any team in each year, as designated by that team, 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 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~~ eight 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 (8)(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.

*(Omitted text is unaffected by this ordinance)*

(7) Out of the 43 games referenced in subsection (B)(2), ~~Up to six up to eight~~ 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:

*(Omitted text is unaffected by this ordinance)*

~~(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.~~

*(Omitted text is unaffected by this ordinance)*

~~(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) (d) No more than six eight changes shall be granted in any one 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; provided that such Event shall not be~~ scheduled for the last Sunday in June;

(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) Subject to subsection (B)(9), any 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 43 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. Such Event shall not be counted for purposes of the limit of 43 night baseball games in a season.

(C) 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~~ three regular season games per year may be scheduled on ~~a Friday or a Saturday~~ after 4:10 p.m. if required by:

(1) An asserted national television obligation, or

(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.

*(Omitted text is unaffected by this ordinance)*

(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) for any baseball game rescheduled under this subsection, the owners or operators of the stadium shall request that Major League Baseball not reschedule such game to the day of the Pride Parade if the City has provided notice to such owners or operators of the dates when the Pride Parade will be held no later than June 30 of the year preceding such event, and if no notice was provided, then request the game not be rescheduled for the last Sunday in June. A game or Event originally scheduled to take place during the day can be rescheduled, provided however, if 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; it counts towards the total number of night games allowed in this section.

~~(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.

*(Omitted text is unaffected by this ordinance)*

(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 only the reasonable costs incurred by the City for of City services supporting the concert or non-baseball Event, consistent with the costs paid by other similarly situated venues. 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.

*(Omitted text is unaffected by this ordinance)*

(L) Notwithstanding section 3(I) 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, and Section (5(D) 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 on such date, the sale of beer and alcohol at: (1) baseball games shall end no later than 10:30 p.m., or the end of the 7<sup>th</sup> inning, whichever is sooner, and (2) Events shall end no later than 11:00 p.m. All other provisions of those sections apply.

**SECTION 2.** This ordinance shall take effect after its passage and publication.