



# Office of the City Clerk



SO2013-834

Office of the City Clerk

## City Council Document Tracking Sheet

<b>Meeting Date:</b>	2/13/2013
<b>Sponsor(s):</b>	Moreno, Proco Joe (1)
<b>Type:</b>	Ordinance
<b>Title:</b>	Amendment of Chapter 4-156 of Municipal Code regarding location restrictions for issuance of amusement licenses
<b>Committee(s) Assignment:</b>	Committee on License and Consumer Protection

SUBSTITUTE  
ORDINANCE

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

**SECTION 1.** Sections 4-156-330, 4-156-270 and 17-3-0300 of the Municipal Code of the City of Chicago are hereby amended by deleting the language stricken through and by inserting the language underscored, as follows:

**4-156-330 Location restrictions.**

(a) No public place of amusement license shall be issued for any ~~place~~ establishment within 200 feet of any church, temple, synagogue or other place of worship, hospital, or building used exclusively for educational purposes (for purposes of this section, collectively "affected institution"), unless the place to be licensed has been established as a public place of amusement before the establishment of the ~~church, hospital or educational~~ affected institution. Said distance shall be measured from the nearest point of the premises for which application for a license has been made and the nearest point of the ~~church, hospital or educational~~ affected institution. This prohibition shall not apply to (1) a performing arts venue, as defined in Article V of this chapter, or (2) the Chicago History Museum, or (3) the Bronzeville Children's Museum.

(b) The commissioner may grant a reduction of the distance requirement in subsection (a) if, based on a review of relevant factors, the commissioner concludes that such a reduction would not detrimentally impact the affected institution. The grant of a distance reduction shall not exempt the applicant from any application requirement associated with issuance of a public place of amusement license.

(c) Factors which the commissioner may consider with regard to an application for a distance reduction include, by way of example and not limitation: (i) the type of amusement to be conducted and the days and times during which such activity will take place, (ii) the capacity of the venue, (iii) the availability of adequate parking for potential patrons, (iv) whether the sale or consumption of liquor will be associated with the amusement, (v) a report from the police regarding the location, as well as the history of activity conducted at or in conjunction with the venue and any associated infractions or violations of the municipal code, (vi) the relevant geography, (vii) the legal nature and history of the applicant, (viii) the measures the applicant proposes to implement to maintain quiet and security in conjunction with the amusement, and (ix) whether the affected institution supports or objects to the amusement.

(d) A person seeking a distance requirement reduction shall make a written submission to the commissioner, presenting all factors which the applicant believes to be relevant to whether a reduction is appropriate. The applicant shall provide a copy of the written submission to the affected institution. The commissioner shall review the materials and make a written determination within 60 days, which shall set forth the factors used in arriving at the determination. During the 60-day review period, the commissioner shall notify the affected

alderman and solicit a recommendation based on the alderman's analysis of relevant factors, and may seek additional information or supplementary proof from the applicant, and may also solicit information from the community, including the affected institution.

If the commissioner denies the application for a reduction, the applicant, within fourteen days of receiving the denial, may request a hearing from the commissioner. Upon receiving such a request, the commissioner shall schedule and conduct a hearing expeditiously, and shall provide the affected institution with notice of and an opportunity to appear at the hearing. At the hearing the commissioner may receive written submissions, witness testimony, argument and documents regarding the application. The commissioner shall, within thirty days of the conclusion of the hearing, render a decision, which shall constitute a final determination for purposes of judicial review.

(e) If the commissioner grants the application for a reduction, those factors that were deemed by her to be relevant to the determination shall be included in a plan of conduct. If the public place of amusement license is granted, the plan of conduct shall be deemed a part of the license, and compliance with the plan of conduct shall be a necessary condition to the continued validity of the license. Failure to comply with one or more elements of the plan of conduct shall subject the licensee to suspension or revocation of the public place of amusement license.

~~(b) — The restrictions described in subsection (a) of this section shall not prohibit the issuance of a license to operate a public place of amusement under any of the following numbered circumstances:~~

~~(1) — within a licensed hotel having accommodations for more than 150 guests, or within a restaurant with an occupancy of more than 100 persons, if the building in which the public place of amusement is to be located is at least ten stories in height, and if neither the public place of amusement nor the sale of alcoholic liquor for consumption on the premises is the principal business conducted within the licensed premises.~~

~~(2) — to an establishment that meets all of the following criteria:~~

~~(A) — the establishment is a minimum of 150 feet from any church, hospital or educational institution, measured as in subsection (a); and~~

~~(B) — the establishment has been continuously licensed to sell alcoholic liquor for a period of at least 20 years, and said license has not been suspended for cause for any portion of this period; and~~

~~(C) — at the time of application for the license, the establishment holds the music and dancing privilege set forth in Section 4 60 120 of the Code; and~~

~~(D) — each church, hospital and educational institution (for purposes of this subsection, "affected parties") located within 200 feet of the establishment, measured as in subsection (a), has provided written consent to the issuance of the license. Such consent must be a document executed by an authorized representative of the affected party and notarized, must be kept on file at the establishment and provided for inspection upon request of the department of business affairs and consumer protection, and must be re-issued by each affected party prior to the issuance of a renewal license. The department of business affairs and consumer protection may specify the form and content of the required consent. If any affected party denies consent,~~

such party shall provide to the department a statement of objective reasons supporting the denial.

(3) — to an establishment that meets all of the following criteria:

(A) — the activity for which the license is sought has taken place over the course of 80 years without community complaint in a structure that is at least 80 years old, and will continue to take place in that pre-existing structure; and

(B) — the establishment is owned by an accredited educational institution; and

(C) — the establishment will not seek a license to sell or serve alcoholic liquor on the business premises; and

(D) — each church, hospital and educational institution (for purposes of this subsection, "affected parties") located within 200 feet of the establishment, measured as in subsection (a), has provided written consent to the issuance of the license. Such consent must be a document executed by an authorized representative of the affected party and notarized, must be kept on file at the establishment and provided for inspection upon request of the department of business affairs and consumer protection, and must be re-issued by each affected party prior to the issuance of a renewal license. The department of business affairs and consumer protection may specify the form and content of the required consent. If any affected party denies consent, such party shall provide to the department a statement of objective reasons supporting the denial.

(e) — No public place of amusement license shall be granted to any establishment that is located within 125 feet of any RS Zoning District, as defined in Title 17 of this Code, except for a renewal license for property that was duly licensed as a public place of amusement on the effective date of this amendatory ordinance and except as permitted as an authorized variation pursuant to Article 11 of Title 17 of this Code. The 125-foot distance shall be measured from the nearest property line of the public place of amusement to the nearest property line of the RS Zoning District. The restriction imposed by this subsection shall not apply to a performing arts venue, as defined in Article V of this chapter. The restriction imposed by this subsection shall also not apply to any bona fide fraternal or veterans' organization and operating on a not-for-profit basis which meets all of the following requirements:

(1) — the organization has been in existence continuously for a period of at least fifteen years immediately before applying for such license; and

(2) — during said fifteen-year period the organization has maintained a bona-fide membership engaged in carrying out its objects; and

(3) — during the one-year period preceding such application the organization has not been found to be in violation for operating without a business license at the location.

(4) — Prior to the establishment of the restriction imposed by this subsection (e) on July 2, 1997, the organization was carrying out the activities sought to be engaged in under the license.

#### **4-156-270 Restrictions on use by minors.**

(a) No person, firm, corporation, organization or other legal entity shall permit, and it shall be unlawful for, any person under 17 years of age, who is not accompanied by a parent or legal guardian, to operate any automatic amusement device, except upon the premises of the city airports, between the hours of 8:00 a.m. and 3:00 p.m. on days in which the city's public schools

are in session.

(b) No person, firm, corporation, organization or other legal entity shall permit, and it shall be unlawful for, any person under the age of 21 to play an automatic amusement device located at an establishment which sells alcoholic liquor for consumption on the premises.

The prohibition described in this subsection (b) shall not prohibit any person or legal entity to permit any person under the age of 21 to play an automatic amusement device located at an establishment validly licensed as a restaurant which sells alcoholic liquor for consumption on the premises, if ~~the:~~

~~(1) The minor is accompanied by a parent or legal guardian, and~~

~~(2) The establishment is a restaurant holding a valid license issued under subsection (b) of Section 4-156-240, subsection (b) of Section 4-156-260 or subsection (b) of Section 4-156-330.~~

**17-3-0300 General district standards.**

17-3-0301 Establishments Requiring Public Place of Amusement (PPA) Licenses. In all B and C districts, establishments that require a public place of amusement (PPA) license may not be located within 125 feet of any RS1, RS2 or RS3 district. This required distance must be measured from the nearest property line of the lot containing the establishment requiring the PPA license to the nearest RS1, RS2 or RS3 zoning district boundary. Establishments holding a valid PPA license that were lawfully established before ~~July 2~~ August 16, 1997 may continue in operation as long as they maintain a valid PPA license. The restriction imposed by this section shall not apply to a performing arts venue, as defined by Section ~~4-156-530~~ 4-156-710 of the municipal code.

**SECTION 2.** Passage of this ordinance shall not affect the validity of any public place of amusement license issued pursuant to portions of Section 4-156-330 of the Municipal Code that were stricken by this ordinance. However, upon the expiration of any such license, its renewal shall be subject to the Municipal Code currently in effect.

**SECTION 3.** This ordinance shall be effective upon passage and publication.

---

Proco Joe Moreno  
Alderman, 1<sup>st</sup> Ward

---

Daniel Solis  
Alderman, 25<sup>th</sup> Ward

Chicago, April 10, 2013

To the President and Members of the City Council:

Your Committee on License and Consumer Protection, having under consideration a substitute ordinance introduced by Aldermen Moreno and Solis (which was referred on February 13, 2013), to amend the Municipal Code of Chicago to regulate Public Places of Amusement, 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 April 3, 2013.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Emma Mitts". The signature is written in a cursive style with a large initial "E" and a long, sweeping underline.

EMMA MITTS  
CHAIRMAN, COMMITTEE ON  
LICENSE AND CONSUMER  
PROTECTION