



City of Chicago



O2014-2401

Office of the City Clerk

Document Tracking Sheet

Meeting Date: 4/2/2014

Sponsor(s): Thomas (17)
Lane (18)
Brookins (21)
Beale (9)
Harris (8)
Sawyer (6)
Cochran (20)
Austin (34)

Type: Ordinance

Title: Amendment of Municipal Code Chapter 4-4 by inserting new Section 4-4-284 concerning partial suspension and revocation of licenses of specific businesses

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

ORDINANCE

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

SECTION 1. After due inquiry and examination, the City Council of the City of Chicago finds as follows:

- (1) The gathering of groups of people in and around certain businesses in the City of Chicago, when not actually transacting business, has caused problems within affected communities.
- (2) The businesses that appear to be most severely affected are filling stations, convenience stores, and retail tobacco dealers. These license categories are sometimes combined in a single location: a filling station with a connected or adjacent convenience store, with one or both of those offering retail tobacco sales.
- (3) Among the problems caused by the described gatherings are interference with pedestrian access to the entries of the business; difficulty in making egress from the business; interference with vehicular movement within the off-street parking area of a filling station or convenience store.
- (4) Interference with vehicular movement within off-street parking areas increases the risk of damage to vehicles and injuries to patrons.
- (5) Interference with the movement of actual and potential customers is more than an inconvenience: it discourages people from patronizing the affected business, thus depriving a community of economic activity and potentially reducing municipal revenues.
- (6) Interference with the movement of potential customers can also create a climate of apprehension about public safety in and near the affected business, further discouraging people from even visiting the same block where the affected business is located.
- (7) Loss of customer base through actual or perceived intimidation can discourage new businesses from locating within affected areas, can discourage reinvestment and expansion, increase commercial vacancies and depress values of rental properties.
- (8) For all of these reasons, it is appropriate that the City Council act to define inappropriate gatherings and to discourage them, in partnership with affected businesses.

SECTION 2. Chapter 4-4 of the Municipal Code of the City of Chicago is hereby amended by inserting a new Section 4-4-284, as follows:

4-4-284 Specific businesses – Partial suspension and partial revocation of license.

- (a) As used in this section, the following terms shall have the following meanings:

- (1) "Retail tobacco dealer" means any person or business requiring a license under chapter 4-64 of this code.
- (2) "Filling station" means any person or business requiring a license under chapter 4-108 of this code.
- (3) "Convenience store" means any person or business requiring a license under chapter 4-8 of this code and either (A) is physically attached to a filling station; or (B) shares one or more curb cuts, driveways or off-street parking spaces with a filling station; or (C) is a retail sales business characterized predominantly by the sale of a product line including dairy, bakery, snack foods, beverages, tobacco, grocery, health and beauty aids, confectionery, limited fresh or frozen meats, and limited fresh produce items, and has a retail sales area of less than 10,000 square feet.
- (4) "Loitering" means (A) lingering within the premises of a filling station or convenience store, or on the off-street parking area of either, after having completed one's purchase, regardless of whether in a vehicle; and (B) lingering on the sidewalk within 25 feet of the entry of a retail tobacco dealer or convenience store, in a manner that restricts or discourages other potential clients from patronizing the business.
- (5) "Pattern of loitering" means at least ____ incidences of loitering as described in paragraph (a)(4) of this subsection (a) if those instances were related to the same business location, within a period of ____ consecutive months.
- (6) "Partial suspension" means (A) suspension of a license for sequential hours and for a specified number of days, while allowing the subject business to remain in operation at other times; or (B) suspension of a license for a number of non-sequential days; or (C) a combination of (A) and (B). For example, suspension of a license between the hours of 9:00 p.m. and midnight, while allowing the subject business to remain in operation at other times of day, would constitute a "partial suspension." The days for a partial suspension may be sequential or may be on the same day of the week in consecutive weeks, such as 5 consecutive Tuesdays. A partial suspension not completed during the license term of imposition shall extend to the following license term, until the suspension is completed.
- (7) "Partial revocation" means permanent prohibition against operation of the subject business (A) during specified sequential hours, while allowing the subject business to remain in operation at other times; or (B) on a specified day or days of the week, while allowing the subject business to remain in operation on other days; or (C) a combination of (A) and (B), while allowing the subject business to remain in operation during other hours and on other days. A permanent prohibition against operation between the hours of 9:00 and midnight would constitute a "partial revocation." A permanent prohibition against operation on Tuesdays would constitute a "partial revocation." A license that is subject to a partial revocation may be renewed; the partial revocation shall remain in effect in subsequent license terms.

(b) No licensee of a filling station or convenience store shall allow loitering on the indoor or outdoor portion of the licensed premises. A complaint or report by the licensee to the police department or to the office of emergency management and communications shall constitute a defense to a charge of violating this subsection.

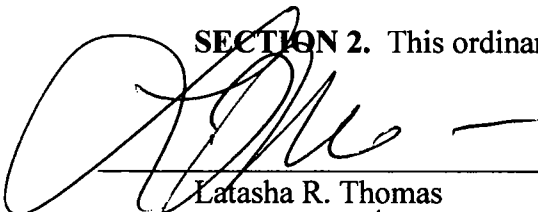
(c-1) It is the duty of every operator of a filling station and of every operator of a convenience store to report loitering at his or her business location.

(c-2) It is the duty of every retail tobacco dealer and every convenience store operator to report loitering on the sidewalk within 25 feet of the entry to the business.

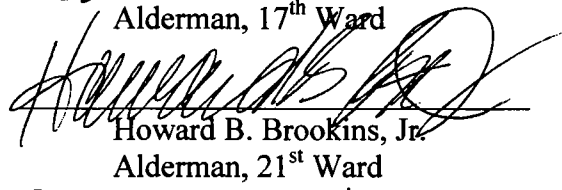
(d) The mayor may impose a partial suspension or a partial revocation of a license for multiple violations of subsection (c-1) or subsection (c-2) of this section, subject to the notice and procedural requirements of section 4-4-280, if the evidence produced at the hearing indicates a pattern of loitering. If the pattern of loitering does not exceed ___ events, partial revocation shall not be imposed. Partial suspensions and partial revocations shall be imposed in a manner that reflects generally the times of day or days of the week or both, as the case may be, of the violations giving rise to the suspension or revocation. For example violations based on a pattern of loitering occurring on different days of the week, but all within the time period of 2:00 a.m. and 4:00 a.m., may be grounds for suspension during those hours; a pattern of violations occurring at various times on Tuesdays only may be grounds for suspension of the license on one or more consecutive Tuesdays. Violations based on a pattern of both hours and days may be grounds for suspension during the appropriate hours on the days or days reflected in the pattern. Violations involving more than ___ events shall be grounds for partial revocation, as described in the foregoing examples.

(e) Nothing in this section is intended to deprive the mayor of any power conferred by section 4-4-280.

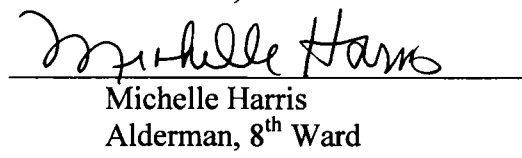
SECTION 2. This ordinance shall take effect 30 days after its passage and approval.



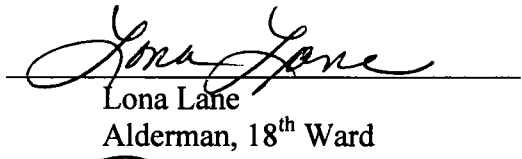
Latasha R. Thomas
Alderman, 17th Ward



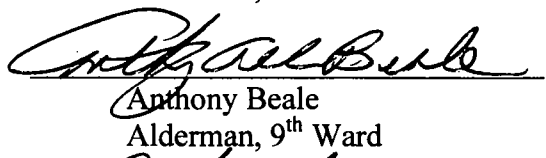
Howard B. Brookins, Jr.
Alderman, 21st Ward



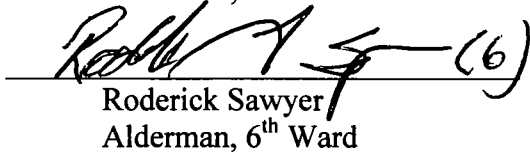
Michelle Harris
Alderman, 8th Ward



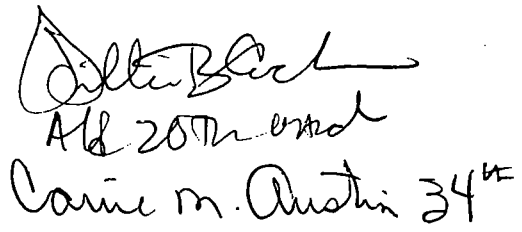
Lona Lane
Alderman, 18th Ward



Anthony Beale
Alderman, 9th Ward



Roderick Sawyer
Alderman, 6th Ward



Carrie M. Austin 34th