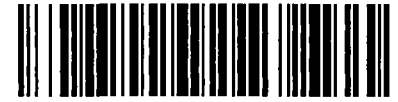




City of Chicago



O2016-7589

Office of the City Clerk

Document Tracking Sheet

Meeting Date: 10/5/2016

Sponsor(s): Hopkins (2)
Reilly (42)
Moreno (1)
Cappleman (46)

Type: Ordinance

Title: Amendment of Municipal Code Section 4-60-140 concerning package goods license holders' inability to sell or allow consumption of alcoholic liquor on or adjacent to licensee's premises during business hours

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

Whereas, The City of Chicago is a home-rule unit of government under Article VII, Section 6(a) of the 1970 Constitution of the State of Illinois and, as such, may exercise any power and perform any function pertaining to its government and affairs;

Whereas, Promoting the safety, health, and welfare of those who work, visit, and reside within the City's borders plain meets this criterion; and

Whereas, encouraging the responsible sales and consumption of alcohol is a reasonable means to promote and enhance public safety and welfare of residents and visitors within Chicago; and

Whereas, reasonable and limited restrictions on the hours, size, and type of containers that spirits, wine, beer, and malt beverages already exist within the Municipal Code of Chicago to promote civic safety and public health; now, therefore.

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

SECTION 1. The foregoing recitals, are hereby incorporated as the findings of the City City Council.

SECTION 2. Section 4-60-140 of the Municipal Code of Chicago is hereby amended by inserting the language underscored, as follows:

4-60-140 Prohibited activities.

(a) It shall be unlawful for any licensee or any officer, associate, member, representative, agent or employee of such licensee to sell, give or deliver alcoholic liquor to any person under the age of 21 years. It shall be unlawful for any person licensed to operate a tavern to permit any person under 21 years of age to enter or remain within the licensed premises unless such person is accompanied by a parent or legal guardian. It shall also be unlawful for any such person licensed pursuant to this chapter to engage or employ or permit any person under the age of 21 years to work or to entertain, or to act as host or hostess in or upon the licensed premises where the principal business is the sale of alcoholic liquor, while such premises are open for the sale at retail of alcoholic liquor. Except to the limited extent allowed by Section 4-60-143, a person under the age of 21 years, engaged or employed or permitted to work in or upon the licensed premises where the sale of alcoholic liquor is not the main or principal business may not work as an entertainer, host or hostess or in connection with the handling, selling, serving or delivering of alcoholic liquor.

(b) No licensee or employee of a licensee shall:

(1) Solicit, induce or request any patron of the licensed establishment to purchase any alcoholic or nonalcoholic beverage for himself or any other employee of the licensed establishment; or

(2) Knowingly serve to any employee any alcoholic or nonalcoholic beverage which was purchased by any patron.

(c) No licensee, manager or barkeeper of a licensed establishment shall permit any employee to remain on the premises of the licensed establishment who solicits, induces or requests a patron to purchase an alcoholic or nonalcoholic beverage for any employee.

Nothing in this subsection prohibits the above activities where the patron and employee are related by blood or marriage.

(d) No person licensed under this chapter shall permit any employee, entertainer or patron to engage in any live act, demonstration, dance or exhibition on the licensed premises which exposes to public view:

(1) His or her genitals, pubic hair, buttocks, perineum and anal region or pubic hair region; or

(2) Any device, costume or covering which gives the appearance of or simulates the genitals, pubic hair, buttocks, perineum, anal region or pubic hair region; or

(3) Any portion of the female breast at or below the areola thereof.

For purposes of this section, any of the items described in subsections (d)(1) through (d)(3) shall be considered exposed to public view if it is uncovered or is less than completely and opaquely covered.

(e) No licensee, or employee or agent of a licensee, shall sell, expose or offer for sale alcoholic liquor whose alcohol content determined by volume exceeds 76 percent, or grain alcohol regardless of proof, in any container with a capacity of less than eight ounces.

(f) No holder of a package goods license shall give, sell, offer for sale or expose for sale any alcoholic liquor in a container having a capacity less than four ounces. No holder of a package goods license shall sell, or permit to be sold, offer for sale, give away or permit to be consumed on or adjacent to the licensee's premises, single containers of wine or liquor less than 25 fluid ounces, or single servings of beer or malt liquor or ale of any size, as defined in this Chapter, between 12:01 A.M. and the legally established hour of opening, as provided for in this Chapter. No holder of a consumption on the premises license shall give or sell any alcoholic liquor in a container having a capacity less than four ounces, except for consumption on the licensed premises.

(g) At no time may any live or recorded music be played or performed at any outdoor location licensed as an outdoor patio. This prohibition shall not apply to an outdoor patio operated in conjunction with a consumption on the premises – Incidental activity license at the Field Museum of Natural History, the Shedd Aquarium, the Adler Planetarium or the Art Institute of Chicago or the Chicago History Museum or the Bronzeville Children's Museum.

(h) It shall be unlawful for any licensee or any officer, associate, member, representative, agent or employee of a licensee to divide a manufacturer's package containing more than one container of beer, malt liquor or ale, if the capacity of an individual container is 16 ounces or less, in order to sell an individual container, except for consumption on the licensed premises.

(i) It shall be unlawful for any licensee or any officer, associate, member, representative, agent or employee of a licensee to sell, give, offer or expose for sale, or deliver an individual

container of beer, malt liquor or ale with a capacity of 16 ounces or less, except for consumption on the licensed premises.

(j) It shall be unlawful for any licensee or any officer, associate, member, representative, agent or employee of a licensee to sell, give, offer or expose for sale, or deliver any novelty-type alcoholic liquor container that, by virtue of the material from which it is composed or by its shape or design, or that by its ordinary and customary use is likely to mislead the consumer as to the alcoholic character of the product, except for consumption on the licensed premises. A "novelty-type" container is an alcoholic liquor container which uses the same shape or design as another non-alcoholic food product, but does not include cans or bottles or other containers as allowed by this section. The local liquor control commissioner shall have the authority to publish regulations for implementation of this subsection, including identifying specific products and categories of products falling within the prohibition.

(k) No licensee or any officer, associate, member, representative, agent or employee of such licensee shall permit any person to carry a concealed firearm on the licensed premises.

(1) The owner of the premises or place of business operating under a city retailer's license for the sale of alcoholic liquor shall post a sign indicating that firearms are prohibited on the property. Signs stating that the carrying of firearms is prohibited shall be clearly and conspicuously posted at the entrance of a building, premises, or real property in accordance with Illinois Public Act 098-0063, entitled the "Firearm Concealed Carry Act". Signs shall be of a uniform design as established by the Illinois Department of State Police and shall be 4 inches by 6 inches in size.

(2) The prohibition against the carrying of a concealed firearm on the licensed premises shall not apply to:

(a) persons holding a package goods license; or

(b) premises on which the carrying of concealed firearms is permitted by:

(i) individuals authorized to carry a firearm under Section 24-2 of the Illinois Criminal Code of 2012;

(ii) retired law enforcement officers qualified under federal law to carry a concealed firearm; or

(iii) the owner, lessee, tenant or operator of the licensed premises or the agents thereof.

SECTION 3. This ordinance shall take effect upon passage and publication.

B 42
James Appleson 46
B. Hopkins
BRIAN HOPKINS
Alderman, 2nd Ward