



City of Chicago



SO2017-1951

Office of the City Clerk

Document Tracking Sheet

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| Meeting Date: | 3/29/2017 |
| Sponsor(s): | Emanuel (Mayor) |
| Type: | Ordinance |
| Title: | Amendment of Municipal Code Titles 3, 4, 8 and 17 regarding licensing consolidation |
| Committee(s) Assignment: | Joint Committee: License and Consumer Protection; Zoning, Landmarks and Building Standards |

S U B S T I T U T EO R D I N A N C E

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

ARTICLE I.
LICENSE FEES

SECTION 1. Section 4-5-010 of the Municipal Code of Chicago is hereby amended by deleting the language stricken through and by inserting the language underscored, as follows:

4-5-010 Establishment of license fees.*(Omitted text is unaffected by this ordinance)*

(6) Public places of amusement (4-156)

Public place of amusement license (Article III or VI of Chapter 4-156)

The fee for each public place of amusement license issued under Article III or Article VI of Chapter 4-156 shall be graded according to the licensed establishment's occupancy in accordance with the following schedule:

(Omitted text is unaffected by this ordinance)~~Performing Arts Venue~~ arts venue (Article V of Chapter 4-156)

0 – 499 person occupancy\$110.00

500 plus person occupancy\$2.00/person

Indoor special event (Article IV of Chapter 4-156)\$100.00/day*(Omitted text is unaffected by this ordinance)*

(21) ~~Indoor special event (4-156)~~\$100.00/day
[Reserved.]

(Omitted text is unaffected by this ordinance)

(22) Liquor – Retail (4-60)

(Omitted text is unaffected by this ordinance)

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|---|-------------------|
| Liquor – Consumption on premises – incidental activity (<u>within the meaning of item (1) of the definition of a “consumption on premises – incidental activity license” in Section 4-60-010</u>) | \$4,400.00 |
| Liquor – Caterer's Liquor License | \$4,400.00 |
| Liquor – Caterer's Liquor License, incidental activity | \$2,200.00 |
| Liquor – Caterer's Registration <u>Liquor License, outside caterer</u> . . . | \$6,600.00 |
| Liquor – Not-for-Profit Club | \$1,100.00 |
| <u>Liquor – Lakefront Venue</u> | <u>\$4,400.00</u> |

(Omitted text is unaffected by this ordinance)

| | |
|---|-------------------|
| Liquor – Navy Pier Mobile | \$4,400.00 |
| Liquor – Wrigley Field | \$600.00 |
| <u>Liquor – Riverwalk Venue</u> | <u>\$4,400.00</u> |
| <u>Liquor – Airport Pushcart License (including temporary Airport Pushcart)</u> | <u>\$600.00</u> |

(Omitted text is unaffected by this ordinance)

(30) Tobacco dealer—Retail

Retail tobacco dealer

| | |
|--|-----------------|
| Per location | \$500.00 |
| Plus, per cash register | \$330.00 |
| <u>Tobacco Product Sampler</u> | <u>\$660.00</u> |

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|---|-------------------|
| <u>Tobacco product sampler</u> | <u>\$660.00</u> |
| <u>Wholesale tobacco dealer</u> | <u>\$1,100.00</u> |

(Omitted text is unaffected by this ordinance)

ARTICLE II. SEASONAL LAKEFRONT FOOD ESTABLISHMENTS

SECTION 1. Chapter 4-8 of the Municipal Code of Chicago is hereby amended by inserting a new Section 4-8-043, as follows:

4-8-043 Seasonal lakefront food establishments.

(a) No person shall engage in the business of seasonal lakefront food establishment without first having obtained a license authorizing such activity from the Department of Business Affairs and Consumer Protection. Such license shall be issued in accordance with terms and conditions established by the Department of Health in duly promulgated rules and shall be operated in accordance with such rules. The fee for such license, which shall be issued on an annual basis, shall be as set forth in Section 4-5-010.

(b) As used in this section:

“Department of Health” means the Department of Health of the City of Chicago;

“Seasonal lakefront food establishment” means a commissary or other fixed food service establishment that: (1) is located on property where a Lakefront Venue liquor license may be issued, as set forth in subsection (c) of Section 4-60-073; and (2) operates only from Memorial Day through September 30th of the applicable calendar year.

SECTION 2. Section 4-8-068 of the Municipal Code of Chicago is hereby amended by deleting the language stricken through and by inserting the language underscored, as follows:

4-8-068 Violation – Penalty.

Any person who violates or who resists ~~the enforcement of any of the provisions~~ provision of this chapter or any rule duly promulgated thereunder shall be fined not less than \$200.00 nor more than \$1,000.00 for each offense, ~~and a separate and distinct offense shall be deemed to have been committed for each and every day on which any person shall be guilty of such violation.~~ Each day that a violation continues shall constitute a separate and distinct offense.

ARTICLE III. LIQUOR

SECTION 1. Section 4-60-010 of the Municipal Code of Chicago is hereby amended by deleting the language stricken through and by inserting, in correct alphabetical order, the language underscored, as follows:

4-60-010 Definitions.

(Omitted text is unaffected by this ordinance)

“Caterer” ~~includes a~~ means any person who holds or is required to obtain a caterer's liquor license pursuant to this chapter; ~~as well as~~ The term “caterer” includes an outside caterer.

“Caterer's liquor license” means a city retailer's license for the sale and service of alcoholic liquor to be dispensed within the city as part of an off-site catering business. Outside caterers seeking to obtain a caterer's liquor license shall comply with Section 4-60-045.

“Caterer's liquor license, incidental activity” means a license, available only to persons holding both a valid consumption on premises-incidental activity license or tavern license under this Chapter 4-60 and a valid retail food establishment license under Chapter 4-8 of this Code, for the sale and service of alcoholic liquor to be dispensed within the city as part of an off-site catering business.

(Omitted text is unaffected by this ordinance)

“Club” or “not-for-profit club” means a corporation organized under the laws of the state State of Illinois that; (1) is not operated for pecuniary profit; (2) is operated solely for the promotion of some common object other than the sale or consumption of alcoholic liquors; ~~which~~ (3) has been in active and continuous existence for at least three years; and having (4) has a membership roll of more than 50 members with dues paid to date; (5) is kept, used and maintained by its members through the payment of annual dues; and owning or leasing (6) owns or leases a building or a space in a building for the use of its members; ~~and provided~~ (7) is equipped with a suitable and adequate kitchen and dining room for cooking, preparing meals and serving meals ~~for to~~ its members and their guests; and (8) is operated solely for objects of national or state-wide statewide social, patriotic, recreational, benevolent or like purpose.

“Consumption on premises – incidental activity license” means a city license for the: (1) retail sale of alcoholic liquor for consumption on the premises at a fixed place of business where

the sale of alcoholic liquor is incidental or secondary to the primary activity of such place of business, including but not limited to restaurants, hotels, theaters providing live stage performances, bowling alleys and not-for-profit clubs; or (2) retail sale of alcoholic liquor from an airport pushcart in accordance with Section 4-60-077; or (3) service and sale of alcoholic liquor from an outdoor/non-fixed seating/mobile pushcart on Navy Pier in accordance with Section 4-60-071(a)(2); or (4) service and sale of alcoholic liquor in a Lakefront Venue in accordance with Section 4-60-073; or (5) service and sale of alcoholic liquor in a Riverwalk Venue in accordance with Section 4-60-074. ~~Places of business within this license classification include, but are not limited to, restaurants, hotels, theaters providing live stage performances, and bowling alleys.~~ The holder of a consumption on premises – incidental activity license within the meaning of this item (1) of this definition may sell package goods in the licensed premises if such sales are incidental or secondary to the primary activity of such business.

(Omitted text is unaffected by this ordinance)

~~“Navy Pier liquor consumption on premises – incidental activity license” means, as applicable: (1) a license for authorizing the retail sale of alcoholic liquor for consumption a restaurant or tavern to provide outdoor/fixed seating service of alcoholic liquor at such tavern or restaurant in accordance with subsection (a)(1) of Section 4-60-071 on the former municipal pier extending into Lake Michigan from the foot of East Grand Avenue (“Navy Pier”) other than within an enclosed, permanent structure having a tavern license or consumption on premises – incidental activity license; or (2) a license authorizing the service and sale of alcoholic liquor from an outdoor/non-fixed seating/mobile pushcart operating on Navy Pier, in accordance with subsection (a)(2) of Section 4-60-071, in areas that are not part of a restaurant or tavern. Navy Pier liquor licenses shall be in two classes: (a) mobile/temporary, which shall include all instances where the sale occurs at a stall, kiosk, pushcart or other temporary or mobile structure located on Navy Pier; and (b) outdoor/fixed seating, which shall include all service at outdoor seating areas of restaurants and taverns located on Navy Pier and all service at outdoor patios on Navy Pier.~~

(Omitted text is unaffected by this ordinance)

“Outside caterer” means a any person who: (1) performs off-site catering by preparing food at a location outside the city for service at a location within the city; and (2) sells, serves or otherwise dispenses liquor at a location within the city.

“Outdoor patio” means the privately owned outdoor location adjacent to a premises licensed ~~holding a tavern license for or a consumption on the premises – incidental activity or as a tavern or club license within the meaning of item (1) of the definition of a “consumption on premises – incidental activity license” in Section 4-60-010, where alcoholic liquor may be sold and consumed subject to the provisions governing outdoor patio licenses.~~

(Omitted text is unaffected by this ordinance)

SECTION 2. Section 4-60-042 of the Municipal Code of Chicago is hereby amended by inserting the language underscored, as follows:

4-60-042 Conditional approval.

A person may seek conditional approval for a consumption on premises – incidental activity license within the meaning of item (1) of the definition of a “consumption on premises – incidental activity license” in Section 4-60-010, package goods license, tavern license, or for an expanded establishment amended liquor license, at a premises to be constructed, reconstructed or substantially rehabilitated.

(Omitted text is unaffected by this ordinance)

SECTION 3. Section 4-60-045 of the Municipal Code of Chicago is hereby amended by deleting the language stricken through and by inserting the language underscored, as follows:

4-60-045 ~~Registration of outside caterers~~ Outside caterers.

(a) An outside caterer may ~~register with~~ obtain a caterer’s liquor license under this chapter by submitting to the department of business affairs and consumer protection Department of Business Affairs and Consumer Protection by: (1) ~~presenting~~ proof of a valid license for the preparation of food for service off the licensed premises, issued by the appropriate licensing authority of the jurisdiction in which the applicant's catering business is located; (2) ~~presenting~~ proof of its ability to store, handle, prepare, transport, and serve food in a safe and sanitary manner, in accordance with standards no less stringent than those imposed by this ~~code~~ Code; (3) ~~presenting~~ proof of a valid license for the sale of alcoholic liquor, issued by the appropriate licensing authority of the jurisdiction in which the applicant's catering business is located; (4) ~~presenting~~ proof of dramshop insurance in an amount equal to that required of a licensee under this chapter; and (5) ~~payment of a fee per registration period, in an amount equal to 150 percent of the fee for a caterer's liquor license under this chapter~~ the license fee applicable to outside caterers, as set forth in Section 4-5-010. Notwithstanding ~~the provisions of~~ subsection (a) of Section 4-60-020, ~~a registered an~~ an outside caterer who has obtained a caterer’s liquor license in accordance with this subsection may engage in the sale and service of alcoholic liquor on the same terms and conditions as ~~a holder of~~ any other licensee holding a caterer’s liquor license under this chapter.

(b) ~~The registration periods for A caterer's liquor license issued to an~~ each outside caterer shall be ~~as required by the department~~ valid for two years, and shall expire on the date indicated on the face of the license. ~~The local liquor control commissioner~~ Local Liquor Control Commissioner may revoke ~~an any caterer's liquor license issued to an~~ outside eaterer's registration caterer for violation of any applicable ordinance or law. Procedures for revocation shall be in accordance with the procedures for revocation of a business license under Chapter 4-4 of this Code. Revocation or suspension of an outside caterer's license for the sale of alcoholic liquor or for the preparation and sale of food, issued by another jurisdiction, shall ~~act as~~ constitute a legal basis for revocation or suspension of such person's the outside eaterer's registration caterer's liquor license under this chapter. ~~A registered~~ An outside caterer ~~must~~ licensed pursuant to this section shall notify the ~~local liquor control commissioner~~ Local Liquor Control Commissioner of each suspension or revocation of any such license by another jurisdiction, no later than the business day following the suspension or revocation. ~~For purposes of this section, Saturday is a business day. Notification must~~ Such notification shall be in writing, and shall be delivered to the Local Liquor Control Commissioner by the outside caterer, or by messenger ~~or transmitted by facsimile to a telephone number designated by the local liquor control commissioner.~~

SECTION 4. Section 4-60-050 of the Municipal Code of Chicago is hereby amended by deleting the language stricken through and by inserting the language underscored, as follows:

4-60-050 Notice and license issuance conditions.

(Omitted text is unaffected by this ordinance)

(b) No outdoor patio liquor license shall be issued to any applicant who does not currently hold a tavern license, ~~or a consumption on the premises – Incidental incidental~~ activity license within the meaning of item (1) of the definition of a “consumption on premises – incidental activity license” in Section 4-60-010, ~~or club liquor license~~ for an indoor premises adjacent to the location for which an outdoor patio liquor license is sought.

(Omitted text is unaffected by this ordinance)

SECTION 5. Section 4-60-071 of the Municipal Code of Chicago is hereby amended by deleting the language stricken through and by inserting the language underscored, as follows:

4-60-071 ~~Sale of liquor at Navy Pier~~ liquor licenses— Special conditions.

(a) (1) If a restaurant or tavern located on Navy Pier holds a valid ~~consumption on premises—incidental activity~~ license under this chapter, such license shall authorize the licensee to provide outdoor/fixed seating service of alcoholic liquor at such tavern or restaurant if all of the following requirements are met: (1) the restaurant's or tavern's application for a ~~consumption on premises—incidental activity~~ license under this chapter identifies the specific site or site area on Navy Pier from which the applicant desires to provide outdoor/fixed seating service and sale of alcoholic liquor; and (2) except as otherwise provided in subsection (e) of this section, such outdoor/fixed seating site or site area is either a direct extension of, or an immediately adjacent part of, a properly licensed restaurant or tavern; and (3) the applicant obtains from the Metropolitan Pier and Exposition Authority written consent to allow outdoor/fixed seating service and sale of alcoholic liquor at the specific Navy Pier site or site area identified in the license application; and (4) the local liquor control commissioner determines that the number of restaurants or taverns authorized ~~under a consumption on premises—incidental activity~~ license to provide outdoor/fixed-seating service and sale of alcoholic liquor at Navy Pier does not violate the prohibition set forth in subsection (e) of this section. The business activity authorized under this subsection (a)(1) shall be stated on the face of the license.

(2) The local liquor control commissioner may issue consumption on premises – incidental activity licenses authorizing at Navy Pier the service and sale of alcoholic liquor from outdoor/non-fixed seating/mobile pushcarts operating in areas that are not part of a restaurant or tavern if all of the following requirements are met: (1) the applicant for such ~~outdoor/non-fixed seating/mobile pusheart~~ license obtains from the Metropolitan Pier and Exposition Authority written consent to allow such outdoor/non-fixed seating/mobile pushcart to serve and sell alcoholic liquor at a designated location(s) or designated area(s) at Navy Pier; and (2) the application for such ~~outdoor/non-fixed seating/mobile pusheart~~ license designates the location at which the licensee will clean glasses and utensils used in the service of alcoholic liquor; and (3) the local liquor control commissioner determines that the number of ~~outdoor/non-fixed seating/mobile pusheart~~ such licenses issued for Navy Pier does not violate the prohibition set forth in subsection (d) of this section. A separate ~~outdoor/non-fixed seating/mobile pusheart~~ consumption on premises – incidental activity license under this subsection (a)(2) shall be required for each mobile pushcart from which sales of alcoholic liquor are made. The fee for such ~~outdoor/non-fixed seating/mobile pusheart~~ license at Navy Pier shall be ~~the same as the fee for a consumption on premises—incidental activity license~~ as set forth in Section 4-5-010. The business activity authorized under this subsection (a)(2) shall be stated on the face of the license.

(b) A Navy Pier liquor licensee holding a Navy Pier consumption on premises – incidental activity license under this section shall be subject to all provisions of this chapter with the following exceptions:

(1) Subsections (e) and (f) of Section 4-60-040.

(2) Toilet facilities available for public use at Navy Pier shall be ~~considered as compliance deemed to comply~~ with the toilet facilities requirement of in subsection (a) of Section 4-60-100 by an outdoor/non-fixed seating/mobile pushcart licensee or by an outdoor/fixed seating licensee who operates an ~~outdoor patio~~ outdoor/fixed seating site or site area that is not an extension of a licensed tavern or restaurant.

(3) An outdoor/non-fixed seating/mobile pushcart licensee shall not be required to maintain facilities for the cleaning of glasses and utensils at the point of sale as otherwise required ~~under~~ in subsection (a) of Section 4-60-100, if such licensee serves alcoholic liquor only in disposable containers.

(c) Only beer and wine served in a disposable cup that clearly identifies the name of the serving licensee may be sold from a pushcart or other mobile point of sale by an outdoor/non-fixed seating/mobile pushcart licensee. No package goods shall be sold or offered for sale from any pushcart or other mobile point of sale.

(d) No more than six ~~mobile pushcart~~ Navy Pier mobile liquor licenses shall be issued at Navy Pier for pushcarts or other mobile points of sale during any license period.

(e) No more than ten licensed restaurants or taverns, in any combination, shall be authorized, pursuant to a ~~consumption on premises—incidental activity~~ license issued under subsection (a)(1) of this section, to serve and sell alcoholic liquor at an outdoor/fixed seating site or site area at Navy Pier during any license period. ~~Of the ten consumption on premises—incidental activity licenses that do authorize the holder of such license to serve and sell alcoholic liquor at an outdoor/fixed seating site or site area at Navy Pier~~ these ten licensed restaurant or taverns, only one such license may be issued for ~~the sale and service of alcoholic liquor at an outdoor location on Navy Pier that is not adjacent to any a premises licensed for consumption on the premises – incidental activity or as a tavern~~ under subsection (a)(1) of this section.

(f) No ~~Navy Pier liquor~~ licensee holding a license under subsection (a)(1) or (a)(2) of this section may serve or permit the service of alcoholic liquor outdoors between the hours of 12:00 midnight and 12:00 noon.

(g) No outdoor patio license or sidewalk café permit shall be issued for any outdoor location on Navy Pier.

(h) Persons shall be permitted to carry and consume an open container of alcoholic liquor throughout Navy Pier, if: (i) such alcoholic liquor has been lawfully served to such person in any portion of a at a restaurant or licensed tavern or at Navy Pier, or in any portion of restaurant at Navy Pier holding a valid Navy Pier consumption on premises – incidental activity

license under subsection (a)(1) of this section, or at any outdoor/non-fixed seating/mobile pushcart holding a valid Navy Pier liquor consumption on premises – incidental activity license under subsection (a)(2) of this section; and (ii) the open container of alcoholic liquor is a disposable cup that clearly identifies the name of the serving establishment; and (iii) the open container of alcoholic liquor is not brought into or consumed in any Navy Pier parking garage or in any other prohibited area designated as such by the Metropolitan Pier and Exposition Authority. Such prohibited areas shall be designated by signage and monitored for compliance with this subsection.

(i) The local liquor control commissioner is authorized to promulgate rules and ~~regulations~~ to implement the requirements of this section, including, but not limited to, rules and ~~regulations~~ to create a neutral process to allocate licenses under this section in the event that the demand for such licenses exceeds the availability of such licenses under subsections (d) or (e) of this section.

(j) As used in this section:

“Outdoor/fixed seating licensee” means any person holding a valid license under this chapter for a restaurant or tavern located at Navy Pier and meeting the requirements in items (1) through (4), inclusive, of subsection (a)(1) of this section.

“Outdoor/non-fixed seating/mobile pushcart licensee” or “Navy Pier mobile” means any person holding a valid Navy Pier consumption on premises – incidental activity license under subsection (a)(2) of this section.

SECTION 6. Section 4-60-073 of the Municipal Code of Chicago is hereby amended by deleting the language stricken through and by inserting the language underscored, as follows:

4-60-073 Lakefront ~~venue~~ Venue liquor licenses – Special conditions.

(a) In addition to the other categories of licenses authorized under this chapter, the local liquor control commissioner may issue ~~Lakefront Venue liquor licenses~~ consumption on premises – incidental activity licenses authorizing the sale or service of alcoholic liquor at Lakefront Venues in accordance with this section. Such consumption on premises – incidental activity license shall be known as a Lakefront Venue liquor license, and any person holding such a license shall be known as a Lakefront Venue liquor licensee. A separate license shall be necessary for each outdoor location from which sales of alcoholic liquor are made on Chicago Park District property. In addition to the information required under Section 4-60-040, an application for a Lakefront Venue liquor license shall include: (1) the written consent of the Chicago Park District, (2) designation of the specific site at which the applicant intends to sell

alcoholic liquor; (3) areas that are not part of a restaurant or tavern, (4) designation of the location at which the licensee will clean glasses and utensils used in the service of alcoholic liquor. The fee for a Lakefront Venue liquor license shall be ~~the same as the fee for a consumption on the premises—incidental activity license~~ as set forth in Section 4-5-010. A Lakefront Venue license may be issued notwithstanding the underlying zoning of the park property of the location for which a license is sought.

(b) A Lakefront Venue liquor license shall be subject to all provisions of this chapter with the following exceptions:

(1) Subsections (e) and (f) and the 35-day review period ~~of~~ in subsection (h) of Section 4-60-040.

(2) Toilet facilities on Chicago Park District property available for public use within the same park area of the proposed location of the Lakefront Venue license shall be ~~considered as compliance~~ deemed to comply with the toilet facilities requirement ~~of~~ in subsection (a) of Section 4-60-100.

(3) A Lakefront Venue liquor licensee shall not be required to maintain facilities for the cleaning of glasses and utensils at the point of sale as otherwise required under subsection (Aa) of Section 4-60-100, if the licensee serves food and alcoholic liquor only in disposable containers.

(Omitted text is unaffected by this ordinance)

(d) No Lakefront Venue liquor licensee may serve or permit the service of alcoholic liquor outdoors between the hours of 10:00 p.m. and 11:00 a.m.; provided, however, that a Lakefront Venue liquor licensee whose license allows sale of alcoholic liquor within Millennium Park and Northerly Island may not serve or permit the service of alcoholic liquor between the hours of 12:00 midnight and 11:00 a.m.

(e) No Lakefront Venue ~~licensees~~ liquor licensee shall sell or offer for sale any package goods.

(Omitted text is unaffected by this ordinance)

SECTION 7. Section 4-60-074 of the Municipal Code of Chicago is hereby amended by deleting the language stricken through and by inserting the language underscored, as follows:

4-60-074 Riverwalk Venue liquor licenses – Special conditions.

(a) In addition to the other categories of licenses authorized under this chapter, the local liquor control commissioner may issue ~~Riverwalk Venue liquor licenses~~ consumption on premises – incidental activity licenses authorizing the sale or service of alcoholic liquor at Chicago Riverwalk venues in accordance with this section. Such consumption on premises – incidental activity license shall be known as a Riverwalk Venue liquor license, and any person holding such a license shall be known as a Riverwalk Venue liquor licensee. Provided, however, that no Riverwalk Venue liquor license shall be issued under this section unless: (1) the applicant holds a valid retail food establishment license and a valid retail consumption on premises liquor license at another location within the city; or (2) if the applicant does not hold a valid retail food establishment license and a valid retail consumption on premises liquor license at another location within the city, the location identified in the liquor license application has adequate plumbing facilities within the meaning of Section 7-38-030 and otherwise complies with all requirements of this ~~code~~ Code applicable to retail food establishments under Article I of Chapter 7-38 of this ~~code~~ Code, including all rules and regulations promulgated thereunder by the board of health.

(b) A separate Riverwalk Venue liquor license shall be required for each outdoor location from which sales of alcoholic liquor are made on the Chicago Riverwalk. In addition to the information required under Section 4-60-040, an application for a Riverwalk Venue liquor license shall: (1) designate the specific site at which the applicant intends to sell alcoholic liquor; (2) designate any area where liquor will be sold, if such area is not part of a restaurant or tavern; and (3) designate the location at which the licensee will clean glasses and utensils used in the service of alcoholic liquor. The fee for a Riverwalk Venue liquor license shall be ~~the same as the fee for a consumption on the premises incidental activity license~~ as set forth in Section 4-5-010.

(Omitted text is unaffected by this ordinance)

(d) A Riverwalk Venue liquor licensee shall be subject to all provisions of this chapter with the following exceptions:

(1) Subsections (e) and (f) of Section 4-60-040; the 35-day review period ~~of~~ in subsection (h) of Section 4-60-040; and Section 4-60-050.

(2) A Riverwalk Venue liquor licensee shall not be required to maintain facilities for the cleaning of glasses and utensils at the point of sale as otherwise required under subsection (a) of Section 4-60-100, if the licensee serves food and alcoholic liquor in disposable containers only.

(e) A Riverwalk Venue liquor licensee shall: (1) maintain at the licensed venue adequate handicap-accessible portable toilet and hand-washing facilities distributed equally

between genders and consisting of water closets or chemical closets equipped with a sink or hand-sanitizer-gel-dispensers; and (2) comply with all the health, sanitary and inspection requirements of Chapter 4-8 of this code. Provided, however, that item (1) of this subsection shall not apply if the licensed venue has toilet and hand-washing facilities meeting the applicable requirements of Sections 18-29-403.1 through 18-29-403.6 and Section 18-29-404.

(f) No Riverwalk Venue liquor licensee shall serve or permit the service of alcoholic liquor outdoors between the hours of 11:00 P.M. and 11:00A.M.

(g) (1) Except as otherwise provided in paragraph (2) of this subsection (g), no Riverwalk Venue liquor licensee shall sell or offer for sale any package goods.

(2) A Riverwalk Venue liquor licensee shall be permitted to sell or offer for sale packaged wine if the packaged wine is: (i) produced or manufactured by the licensee only, at a properly licensed location in Chicago other than the Chicago Riverwalk, by a business licensed to sell food and alcohol on the Chicago Riverwalk; and (ii) available only for purchase at the business location in Chicago where the packaged wine was produced or manufactured, or at any of the business's other Chicago locations, including its licensed location on the Chicago Riverwalk; and (iii) sold in a corked, unbroken and sealed 750 milliliter ("ml") glass bottle with an alcohol concentration between 5 percent and 20 percent; and (iv) affixed with a federally approved label; and (v) sold or offered for sale in compliance with all applicable Federal, State and local laws pertaining to such sales or offers; and (vi) purchased during the Riverwalk Venue liquor licensee's normal business hours, but, in no event, before 11:00 A.M. or after 9:00 P.M.; and (vii) before completion of any sale, placed for transport in an opaque carryout bag provided by the licensee; and (viii) not accompanied by the sale, giveaway or distribution of any drinking container or corkscrew or other opening device. It shall be unlawful for any Riverwalk Venue liquor licensee to sell or to offer for sale packaged wine in violation of any requirement set forth in items (i) through (viii), inclusive, of this paragraph (2). In addition, Riverwalk Venue liquor licensees who sell or offer for sale packaged wine at their licensed venue shall have an affirmative duty to: (A) train their service staff to inform customers that it is illegal to drink alcoholic liquor on the Chicago Riverwalk, and (B) to post legible and clearly visible signage, in a conspicuous place on all venue exits and in each bay of operation, stating that: "All retail wine purchases are for off-site consumption only - No open containers beyond this point."

(h) No Riverwalk Venue liquor licensee shall sell or offer for sale any food other than prepackaged and non-perishable foods as defined in Section 4-8-010, unless: (1) such food is prepared at a venue holding a valid retail food establishment license under Chapter 4-8 and the venue at which such food is prepared meets the requirements of Article I of Chapter 7-28 of this ~~code~~ Code, including all rules and regulations promulgated thereunder by the board of health; or (2) the location identified in the liquor license application has adequate plumbing facilities within the meaning of Section 7-38-030 and otherwise complies with all requirements of this

~~code~~ Code applicable to retail food establishments under Article I of Chapter 7-38 of this ~~code~~ Code, including all rules ~~and regulations~~ promulgated thereunder by the board of health. Foods prepared at a venue meeting the requirements of item (1) of this subsection may be refrigerated or heated, as applicable, and sold or offered for sale at a venue licensed under this section, if the applicable food handling and sanitation requirements set forth in Sections 7-38-005 through 7-38-025 are met. In addition, unless a Riverwalk Venue liquor licensee has a valid retail food establishment license for a Riverwalk Venue, no Riverwalk Venue licensee shall sell or offer for sale any food at a Chicago Riverwalk Venue without obtaining a multiple special events food license and, otherwise complying with Section 4-8-040 and all applicable rules ~~and regulations~~.

(i) No Riverwalk Venue liquor licensee shall sell or serve alcoholic liquor on the licensed premises unless regular food service is also available to patrons at all times that alcoholic liquor is sold or served. All drinks containing alcoholic liquor ~~must~~ shall be served and consumed on site.

(j) No Riverwalk Venue liquor licensee shall allow seating at any bar located outdoors. Service bars only may be provided outdoors. Bars with seating may be provided indoors.

(k) No Riverwalk Venue liquor licensee shall sell or serve spirits by the bottle.

(l) No Riverwalk Venue liquor licensee shall broadcast music, announcements or other disruptive sounds or offer live music or entertainment between 8:30 P.M and 11:00 A.M., or violate any limitation on noise or vibrations set forth in Chapter 11-4 of this ~~code~~ Code. Provided, however, that emergency broadcasts may be made.

(m) For purposes of this section:

(Omitted text is unaffected by this ordinance)

“Retail food establishment license” means a license issued under Chapter 4-8 of this ~~code~~ Code.

(Omitted text is unaffected by this ordinance)

SECTION 8. Section 4-60-077 of the Municipal Code of Chicago is hereby amended by deleting the language stricken through and by inserting the language underscored, as follows:

4-60-077 Airport pushcart liquor licenses -- Special conditions.

(a) *Definitions.* For purposes of this section:

“Airport pushcart liquor license” shall mean the consumption on premises – incidental activity license authorized by this section for the retail sale of alcoholic liquor from an airport pushcart.

(Omitted text is unaffected by this ordinance)

(b) *Airport pushcart liquor license established; fee.* In addition to the other categories of licenses authorized under this chapter, the liquor commissioner may issue ~~airport pusheart,~~ consumption on premises – incidental activity liquor licenses (“airport pushcart liquor licenses”) to permit the retail sale of alcoholic liquor from pushcarts within authorized areas at O'Hare and Midway. A separate license shall be required for each pushcart from which sales of alcoholic liquor are made, and such license shall be valid only in the terminal for which it is issued. The fee for an airport pushcart liquor license shall be as set forth in Section 4-5-010, and shall be assessed in accordance with the requirements set forth in subsection (c)(1) or (c)(2) of this section, as applicable.

(c) (1) *Eligibility requirements – Restrictions.* Except as otherwise provided in subsection (c)(2) of this section, eligibility for an airport pushcart liquor license shall be limited to an applicant who holds a tavern license or a consumption on premises – incidental activity license within the meaning of item (1) of the definition of a “consumption on premises – incidental activity license” in Section 4-60-010 ~~for the~~ a place of business located in the terminal in which the applicant seeks to operate pushcarts. Provided, however, that the number of airport pushcart liquor licenses that any such applicant may obtain for each airport shall not exceed the number of tavern licenses, or consumption on premises – incidental activity licenses within the meaning of item (1) of the definition of a “consumption on premises – incidental activity license” in Section 4-60-010, that said licensee holds at ~~that~~ the applicable airport. Provided further, that, at any given time, ~~within any given airport terminal, the maximum overall number of airport pushearts that may be licensed under this section to operate in any such terminal shall not exceed a maximum of five airport pusheart liquor licenses issued for operation at O'Hare, and a maximum of five airport pusheart licenses issued for operation at Midway no more than~~ five airport pushcarts shall be licensed to operate within any given airport terminal at O'Hare or Midway.

(2) *Temporary airport pushcart liquor license – Authorized when.* Notwithstanding anything to the contrary in subsection (c)(1) of this section: If an applicant holds or has received conditional approval under Section 4-60-042 for a tavern license, or for a consumption on premises – incidental activity license within the meaning of item (1) of the definition of a “consumption on premises – incidental activity license” in Section 4-60-010, for a terminal located at O'Hare or Midway and such licensee's leased location at such terminal is temporarily closed due to redesign or construction, the liquor commissioner may, upon proof of such closure, issue to such person, a temporary airport pushcart liquor license under this

subsection (c)(2). Such temporary liquor license shall be valid for a period of 180 days from the date of its issuance and may be renewed by the liquor commissioner for one additional 180-day period upon proof of continued closure. The number of temporary airport pushcart liquor licenses issued under this subsection (c)(2) to any such person at O'Hare or Midway, as applicable, under this subsection (e)(2) shall not exceed the number of tavern licenses or consumption on premises – incidental activity licenses as defined herein that said person holds at the applicable airport for which said person or has received conditional approval for under Section 4-60-042, ~~at that airport.~~

(Omitted text is unaffected by this ordinance)

SECTION 9. Section 4-60-080 of the Municipal Code of Chicago is hereby amended by deleting the language stricken through and by inserting the language underscored, as follows:

4-60-080 Off-premises sales prohibited – Exemptions.

(Omitted text is unaffected by this ordinance)

(b) The holder of an outdoor patio license may serve liquor within the open air location adjacent to a premises ~~licensed as holding a tavern license, club or for a consumption on premises – incidental~~ incidental activity license within the meaning of item (1) of the definition of a “consumption on premises – incidental activity license” in Section 4-6-010; provided, that such location as described in the outdoor patio license is enclosed by a fence or other structure that clearly identifies the licensed location.

(c) The holder of a caterer's liquor license or ~~a registered outside caterer~~ a caterer's liquor license, incidental activity, as defined in Section 4-60-010, may dispense alcoholic liquor at a place other than the caterer's premises if: (1) the dispensing of alcoholic liquor is incidental to the service of food; and (2) the caterer displays proof of a valid caterer's liquor license or ~~outside caterer's registration~~ valid caterer's liquor license, incidental activity, at the premises where the alcoholic liquor is dispensed; and (3) the caterer or an employee or agent of the caterer actually dispenses the alcoholic liquor.

SECTION 10. Section 4-60-081 of the Municipal Code of Chicago is hereby amended by deleting the language stricken through and by inserting the language underscored, as follows:

4-60-081 Restrictions on caterers.

(Omitted text is unaffected by this ordinance)

Accordingly, a caterer's liquor license may be issued under this chapter for premises located in a vote-dry area, and a caterer may store alcoholic liquor on-premises pursuant to such a license. Regardless of where a caterer's premises is located, the caterer may sell or dispense alcoholic liquor only within a private residence in a vote-dry area.

(Omitted text is unaffected by this ordinance)

(d) Either the caterer or an employee of the caterer shall be present at all times during a catered event where ~~alcohol~~ alcoholic liquor is dispensed. The caterer or caterer's employee shall have on his person ~~a copy of the proof of a valid~~ proof of a valid caterer's liquor license or ~~outside caterer's registration~~ valid caterer's liquor license, incidental activity, as well as proof of an alcohol server's training certificate for at least one server at the event.

(Omitted text is unaffected by this ordinance)

SECTION 11. Section 8-4-030 of the Municipal Code of Chicago is hereby amended by deleting the language stricken through and by inserting the language underscored, as follows:

8-4-030 Drinking in public ways – Exceptions.

(a) (1) It shall be unlawful for any person to drink any alcoholic liquor as defined by law on any public way or in or about any motor vehicle upon a public way in the city. Provided, however, that this subsection (a)(1) shall not apply to:

(Omitted text is unaffected by this ordinance)

(ii) any portion of the public way located on Navy Pier, if: (1) the alcoholic liquor being carried and consumed on such public way was purchased at an establishment holding a valid ~~Navy Pier~~ liquor license at Navy Pier under Section 4-60-071; and (2) such alcoholic liquor is in a disposable cup that clearly identifies the name of the serving establishment; and (3) such alcoholic liquor is not brought into or consumed in any prohibited area designated as such by the Metropolitan Pier and Exposition Authority in posted signs; or

(Omitted text is unaffected by this ordinance)

**ARTICLE IV.
TOBACCO DEALERS**

SECTION 1. Section 3-42-010 of the Municipal Code of Chicago is hereby amended by deleting the language stricken through and by inserting, in correct alphabetical order, the language underscored, as follows:

3-42-010 Definitions.

(Omitted text is unaffected by this ordinance)

“Cigarette vending machine” has the meaning ascribed to that term in Section 4-64-100.

(Omitted text is unaffected by this ordinance)

~~“Cigarette vending machine” has the meaning ascribed to that term in section 4-64-131 of this Code.~~

(Omitted text is unaffected by this ordinance)

SECTION 2. Section 3-42-060 of the Municipal Code of Chicago is hereby amended by deleting the language stricken through and by inserting the language underscored, as follows:

3-42-060 Inspections.

(Omitted text is unaffected by this ordinance)

(b) The penalty for violation of this section shall be as set forth in Section 4-64-330(b) 4-64-900(b).

SECTION 3. Section 3-42-100 of the Municipal Code of Chicago is hereby amended by deleting the language stricken through and by inserting the language underscored, as follows:

3-42-100 Mutilation of stamps prohibited.

(Omitted text is unaffected by this ordinance)

(b) The penalty for violation of this section shall be as set forth in Section 4-64-330(b) 4-64-900(b).

SECTION 4. Section 3-49-150 of the Municipal Code of Chicago is hereby amended by deleting the language stricken through and by inserting the language underscored, as follows:

3-49-150 Effect of invalidation.

In the event Chapter 3-49 of this Code is invalidated by a court of competent jurisdiction or by legislation, the operation, application, and enforcement of Sections 4-64-260 4-64-810 and 4-64-270 4-64-830 shall commence as provided in Section 4-64-250 4-64-800.

SECTION 5. Chapter 4-64 of the Municipal Code of Chicago is hereby repealed in its entirety, and replaced with a new Chapter 4-64, as follows:

**CHAPTER 4-64
TOBACCO DEALERS**

ARTICLE I. DEFINITIONS

4-64-100 Definitions.

As used in this Chapter 4-64, unless the context clearly indicates that another meaning is intended:

“Bidi cigarette” means a product that: (1) contains tobacco that is wrapped in temburni or tendu leaf, or is wrapped in any other material, identified in rules duly promulgated by the Commissioner of Health, that is similar in appearance or other characteristics to the temburni or tendu leaf; and (2) does not contain a smoke filtering device.

“Cigar” means any roll of tobacco wrapped in leaf tobacco or in any substance containing tobacco (other than any roll of tobacco that is a cigarette as defined in this section), and includes cheroots and stogies.

“Cigarette” has the meaning ascribed to that term in Section 3-42-010.

“Cigarette vending machine” means any mechanical device used for retail sales of tobacco products, the operation of which is governed or controlled by use of currency, a coin, a token, or a credit or debit card.

“Commissioner” means the Commissioner of Business Affairs and Consumer Protection or the Commissioner’s designee.

“Covered business activity” has the meaning ascribed to that term in Section 4-64-200(a)(1).

“Department” means the Department of Business Affairs and Consumer Protection.

“Flavored tobacco product” means any tobacco product that contains a constituent that imparts a characterizing flavor. As used in this definition, the term “characterizing flavor” means a distinguishable taste or aroma, other than the taste or aroma of tobacco, imparted either prior to or during consumption of a tobacco product including but not limited to tastes or aromas of menthol, mint, wintergreen, chocolate, vanilla, honey, cocoa, any candy, any dessert, any alcoholic beverage, any fruit, any herb, or any spice. No tobacco product shall be determined to have a characterizing flavor solely because of the use of additives or flavorings or the provision of ingredient information. A public statement or claim made or disseminated by the manufacturer

of a tobacco product, or by any person authorized or permitted by the manufacturer to make or disseminate such statement or claim, that a tobacco product has or produces a characterizing flavor shall establish that the tobacco product is a flavored tobacco product.

“Illegal sale of cigarettes” means any violation of Sections 3-42-020(d), 4-64-345 or 4-64-350.

“Large cigar” means any cigar weighing at least four pounds per one thousand units.

“Little cigar” means any cigar weighing less than four pounds per one thousand units.

“Package” means the original packet, box, tin, or other container used to contain and convey cigarettes or other tobacco products to the consumer.

“Person” means an individual, firm, partnership, joint venture, association, corporation, estate, trust, trustee, or any other group or combination acting as a unit, excepting the United States of America, the State of Illinois, and any political subdivision thereof.

“Pipe tobacco” means any tobacco which, because of its appearance, type, packaging, or labeling, is suitable for use and likely to be offered to, or purchased by, consumers as tobacco to be smoked in a traditional pipe. For the purposes of Article VIII of this Chapter, the term “pipe tobacco” shall not include tobacco typically used in a water pipe, such as a hookah.

“Price reduction instrument” means any coupon, voucher, rebate, card, paper, note, form, statement, ticket, image or other issue, whether in paper, digital, or any other form, used for commercial purposes to receive an article, product, service, or accommodation without charge or at a discounted price.

“Price floor” means the minimum price including all applicable taxes for which a tobacco product or package of tobacco products may be sold by a retail tobacco dealer.

“Retail tobacco dealer” means any person selling, offering for sale, exposing for sale or keeping with the intention of selling or exchanging at retail, tobacco products or tobacco accessories in the City.

“Self-service display” means the open display or storage of tobacco products in a manner that is physically accessible in any way to a member of the general public without a direct person-to-person transfer involving a retail tobacco dealer or his agent. A vending machine is a form of self-service display.

“Smokeless tobacco” means any kind and form of tobacco product that is not intended to be smoked including snuff, snus, and chewing tobacco.

“Smoking tobacco” means any tobacco which, because of its appearance, type, packaging or labeling, is suitable for use and likely to be offered to, or purchased by, consumers as tobacco for making cigarettes or cigars, or for use as wrappers thereof, or for use in a water pipe such as a hookah. For the purposes of Article VIII of this Chapter, the term “smoking tobacco” shall not include pipe tobacco, as that term is defined in this section.

“Substantial ownership or controlling interest” has the meaning ascribed to that term in subsection (b) of Section 4-4-289.

“Tobacco accessories” means cigarette papers or wrappers, pipes, holders of smoking materials of all types, cigarette rolling machines, and any other item designed primarily for the smoking or ingestion of tobacco products.

“Tobacco product” means any product in leaf, flake, plug, liquid, or any other form, containing nicotine derived from tobacco, which product is intended to enable human consumption of the tobacco or nicotine, whether chewed, smoked, absorbed, dissolved, inhaled, snorted, sniffed, or ingested by any other means. For purposes of this Chapter 4-64, the term “tobacco product” excludes any product that has been specifically approved by the United States Food and Drug Administration for sale as a tobacco cessation product or for other medical purposes, where such product is marketed and sold solely for such an approved purpose.

“Tobacco product sample” or “tobacco product sampling” means a tobacco product distributed to members of the general public at no cost or at nominal cost for product promotional purposes.

“Tobacco product sampler” means any person engaged in the business of tobacco product sampling, other than a properly licensed retail tobacco dealer who engages in tobacco product sampling on the licensed premises.

“Underage tobacco violation(s)” means any violation of Section 4-64-345 or Section 4-64-360.

“Wholesale tobacco dealer” means any person making, manufacturing or jobbing cigars within the City, or selling, offering for sale, exposing for sale, or keeping with the intention of selling or exchanging or delivering at wholesale, within the City or to any retailer located within the City, any tobacco, snuff, cigars, cigarettes or cigarette papers, including leaf tobacco or any preparations containing tobacco.

“Tobacco product sampling” means the distribution of tobacco product samples to members of the general public.

ARTICLE II. GENERAL LICENSING REQUIREMENTS

4-64-200 License – Requirements.

(a) *Covered business activities – Unlawful acts.*

(1) No person shall engage in any of the following business activities (for purposes of this section, “covered business activity”) without first having obtained a tobacco license under this Chapter 4-64 authorizing the person to engage in such covered business activity: (i) wholesale tobacco dealer; (ii) retail tobacco dealer; or (iii) tobacco product sampler.

(2) No person shall engage in the business of wholesale tobacco dealer and retail tobacco dealer at the same licensed location.

(b) *Separate license required for each separate location.* A separate tobacco license shall be required for each separate location at which any covered business activity is conducted or otherwise occurs.

(c) *License – Form of license – Replacement.* A license under this Chapter shall: (1) designate the period of time for which the license is valid; and (2) contain a reproduction of the City seal along with the names of the Mayor and City Clerk.

(d) *Tobacco product sampler – Scope of authorized business activity.* If a tobacco license under this Chapter authorizes the licensee to engage in the business of retail tobacco dealer, such licensee may engage in tobacco product sampling on the licensed premises in accordance with Article V of this Chapter. In all other cases involving tobacco product sampling, a tobacco license under this Chapter authorizing the licensee to engage in the business of tobacco product sampler shall be required, and the holder of such license shall be entitled to distribute tobacco product samples during the term of the license in accordance with Article VI of this Chapter.

4-64-210 License application.

Additional information – Required when. In addition to the requirements set forth in Section 4-4-050, an application for, and, if requested, a renewal of, a tobacco license under this Chapter shall be accompanied by the following information:

(1) a statement identifying the covered business activity in which the applicant intends to engage;

(2) a statement identifying the location of the premises where the covered business activity will take place, and a description of those premises;

(3) a statement whether the applicant or licensee, as applicable, intends to or does sell, offer for sale, or keep with the intention of selling, at retail, any cigarettes or cigarette papers;

(4) a statement whether the applicant or licensee, as applicable, intends to or does sell, offer for sale, expose for sale or display tobacco accessories on the licensed premises. If so, the following additional information shall be required:

- (A) the percentage of total shelf space at the licensed location that is or is anticipated to be used to display tobacco accessories; and
- (B) the percentage of total sales that is, or is anticipated to be, derived from the sale of tobacco accessories at the licensed location;

(5) a statement whether the applicant or licensee, as applicable, intends to or does engage in the business of tobacco product sampler at the licensed location;

(6) a statement whether the applicant or licensee, as applicable, intends to or does sell, give away, barter, exchange or otherwise deal in tobacco products, tobacco product samples, or tobacco accessories;

(7) a statement whether the applicant or licensee, as applicable, intends to sell, give away, barter, exchange or otherwise deal in flavored tobacco products, samples of flavored tobacco products or accessories for flavored tobacco products;

(8) a statement whether the applicant or licensee, as applicable, or any person with a substantial ownership or controlling interest in the applicant or licensee, has ever had any license under this Chapter 4-64 revoked for cause, and, if so, the date of such revocation;

(9) a statement whether: (1) the applicant or licensee, as applicable, or (2) any person with a substantial ownership or controlling interest in the applicant or licensee, or (3) the parent, child, sibling, spouse or domestic partner of the applicant or licensee has ever had any license under this Chapter 4-64 not renewed for any reason set forth in Section 9-64-940;

(10) a statement whether the applicant or licensee, as applicable, or any person with a substantial ownership or controlling interest in the applicant or licensee: (1) has ever been convicted, in custody, under parole, or under any other non-custodial supervision resulting from an adjudication of guilt in any judicial or administrative proceeding in any jurisdiction of: (i) a felony of any kind including but not limited to any violation of the Illinois Drug Paraphernalia Control Act or its equivalent in another jurisdiction, or (ii) a criminal offense of whatever degree; or (2) has ever admitted guilt in connection with any such felony or criminal offense under circumstances where such admission of guilt is a matter of record; and

(11) any other information that the Commissioner may reasonably require in connection with the issuance or renewal of a license under this Chapter.

4-64-220 Departmental duties – Inspections, investigations and reports.

(a) *Periodic inspections by the Board of Health – Authorized.* The Board of Health is hereby authorized to inspect and examine, from time to time, all places within the City that are licensed or required to be licensed under this Chapter to sell tobacco, snuff, cigars or cigarettes. Such inspection shall be conducted with a view toward determining whether the licensee is in compliance with the applicable provisions of this Code and of the laws of the State of Illinois pertaining to: (i) the sale of tobacco, snuff, cigars or cigarettes, and (ii) the adulteration of, and handling and sale of, such commodities. The Board of Health shall rigorously enforce all such provisions and laws. If, pursuant to Section 4-64-300, the Board of Health requests a licensee to furnish the Board with samples of cigarettes or tobacco products for analysis by or under the direction of the Board, the Board of Health shall make and keep in its office a record of such analysis for inspection by the public.

(b) *Character and fitness of tobacco licensees – Investigation by BACP – Required.* The Commissioner shall investigate, or cause an investigation to be made of, any applicant or licensee, as applicable, seeking a tobacco license under this Chapter to engage in a covered business activity, and any person with a substantial ownership or controlling interest in such applicant or licensee, to determine: (i) the character, reputation and fitness including but not limited to the criminal background of such person to engage in the covered business activity or to be entrusted with the sale of cigarettes; and (ii) whether the premises identified in the license application complies with the applicable provisions of this Code including requirements as to location.

(c) *Compliance with Section 4-64-350 – Report by BACP – Required.* On June 1 of each year, beginning in 2017, the Commissioner of Business Affairs and Consumer Protection shall provide, to the City Council Committee on License and Consumer Protection or to its successor committee, a report describing enforcement of Section 4-64-350 by the Department during the previous twelve months.

(d) *Underage tobacco violations – Report by BACP – Required.* The Commissioner shall ensure that sufficient resources of the Department are devoted to provide for the adequate enforcement of the provisions of this Chapter relating to underage tobacco violations. No later than the 21st day of January, April, July and October of each year, the Commissioner shall provide a written report, to the City Council Committee on License and Consumer Protection or to its successor committee, on the Department's progress in enforcing those provisions. The report shall include the following information for the previous three calendar months: (1) the

number of notices of underage tobacco violations issued by the Department; and (2) the number and results of underage tobacco violation adjudications conducted pursuant to this Chapter.

(e) *Underage tobacco violations – Program for monitoring sales to minors – Authorized.* The Commissioner of Business Affairs and Consumer Protection is hereby authorized to establish a program of testing the sales practices of licensees under this Chapter to determine whether licensees are selling tobacco products to minors. The program shall include using persons under the age of 21 to purchase tobacco products, in accordance with procedures established by the Commissioner of Business Affairs and Consumer Protection. No person under the age of 21 who purchases or attempts to purchase tobacco products as part of the program shall be charged with a violation of Section 4-64-700.

4-64-230 License issuance and renewal – Prohibited when.

No tobacco license under this Chapter shall be issued to any person under the following circumstances:

(1) if, following an investigation pursuant to Section 4-64-220(b), the Commissioner determines that the applicant or licensee, as applicable, or any person with a substantial or controlling interest in the applicant or licensee: (i) has ever been convicted, in custody, under parole, or under any other non-custodial supervision resulting from an adjudication of guilt in any judicial or administrative proceeding in any jurisdiction of a felony of any kind or a criminal offense of whatever degree that is rationally related to such person's fitness or capacity to engage in the covered business activity or to be entrusted with the sale of cigarettes; or (ii) has ever admitted guilt in connection with any such felony or criminal or criminal offense under circumstances where such admission of guilt is a matter of record; or (iii) otherwise lacks the character, reputation or fitness to engage in the covered business activity or to be entrusted with the sale of cigarettes; or

(2) if applicant or licensee, as applicable: (i) intends to or does sell, give away, barter, exchange or otherwise deal in tobacco products, tobacco product samples or tobacco accessories at the licensed location, and (ii) such location has a property line within 100 feet of the property line of any building or location used primarily as a school, child care facility, or for the education or recreation of children under 18 years of age, as set forth in Section 4-64-515(a) or Section 4-64-615(a), as applicable;

(3) if the applicant or licensee, as applicable: (i) intends to sell, give away, barter, exchange or otherwise deal in flavored tobacco products, flavored tobacco product samples or accessories for such products at the licensed location, and (ii) such location has a property line within 500 feet of the property line of any public, private or parochial secondary school located in the City of Chicago, as set forth in Section 4-64-515(b) or Section 4-64-615(b), as applicable. Provided, however, that this prohibition on license issuance shall not apply to: (1) retail tobacco

stores, as set forth in Section 4-64-515(b) or Section 4-64-615(b), as applicable; or (2) renewals of licenses existing as of December 31, 2016, as set forth in Section 4-64-515(c)(1) or Section 4-64-615(c)(1), as applicable; or (3) applications for a new tobacco license to engage in the business of retail tobacco dealer pursuant to a purchase of a retail tobacco business at a location that holds such a license on or after December 31, 2016, as set forth in Section 4-64-515(c)(2) or Section 4-64-615(c)(2), as applicable;

(4) if the applicant or licensee, as applicable, or any person with a substantial ownership or controlling interest in the applicant or licensee, has had any license under this Chapter 4-64 revoked for cause within the four-year period prior to the date of the application, as set forth in Section 4-64-935(b);

(5) if: (i) the applicant or licensee, as applicable, or any person with a substantial ownership or controlling interest in the applicant or licensee, or the parent, child, sibling, spouse or domestic partner of the applicant or licensee, has ever had any license under this Chapter not renewed for any reason set forth in Section 4-64-940; and (ii) the applicant or licensee is seeking a tobacco license at the same location governed by the non-renewal decision; and (iii) the one-year period of ineligibility for the issuance of a new tobacco license at the same location, as set forth in Section 4-64-935(c), has not expired.

4-64-240 License fees.

The fee for a tobacco license under this Chapter shall be as set forth in Chapter 4-5-010 for each covered business activity identified on the face of such license.

ARTICLE III. ALL TOBACCO LICENSEES – DUTIES – PROHIBITED ACTS

4-64-300 Furnishing inspection samples to the Board of Health – Required when.

Upon demand by the Board of Health, all licensees under this Chapter shall furnish to the Board of Health, for inspection and analysis by or under the direction of such Board, samples of all cigarettes or tobacco products sold or offered for sale by the licensee.

4-64-310 Transfer of license – Prohibited.

The transfer of any license issued under this Chapter is expressly prohibited.

4-64-315 Display and sale of drug-laced cigarettes – Prohibited.

No person shall expose for sale, sell or offer for sale to any person, whether directly or indirectly, any cigarette containing opium, morphine, jimsonweed, belladonna, strychnia, cocaine or any other deleterious or poisonous drug other than nicotine.

4-64-325 Receiving or dealing in stolen goods – Prohibited.

No person shall knowingly receive or deal in stolen tobacco, cigarettes, cigarette papers, cigars or any other stolen tobacco products or tobacco accessories.

4-64-340 Distribution of tobacco products samples – Prohibited when.

(a) No person shall give away, barter, exchange, distribute or in any way dispense free of charge or at nominal cost any tobacco products, tobacco product samples or any coupon redeemable for such tobacco products or tobacco product samples, on any public street, alley or sidewalk, or in any public park, public ground or playground, or in any area open to the public in any publicly owned or publicly operated building, except as permitted in subsection (b) of this section.

(b) Tobacco product samples, and coupons redeemable for tobacco products, may be distributed in a publicly owned or publicly operated building: (i) at a location for which a retail tobacco dealer's license has been issued; or (ii) in a separately enclosed area to which persons under the age of 21 are denied admission at an event sponsored, in whole or in part, by a manufacturer of tobacco products if a notification of tobacco product sampling has been provided to the Department in accordance with Section 4-64-600(1).

(c) This section does not prohibit the distribution of coupons included in newspapers, magazines or other publications.

4-64-345 Furnishing tobacco products or tobacco accessories to minors – Prohibited.

No person shall sell, give away, barter, exchange or otherwise furnish any tobacco products, tobacco product samples or tobacco accessories at retail or otherwise for consumption to any individual under 21 years of age.

4-64-350 Certain transactions – Prohibited.

(a) No person shall sell, offer for sale, barter, or expose for sale any tobacco product except in its original factory-wrapped package. This prohibition shall not apply to large cigars with a retail price of at least \$3.00 each or to pipe tobacco.

(b) No person shall sell, offer for sale, barter, or expose for sale any cigarette in a package containing fewer than 20 cigarettes.

(c) Any person who violates this section shall be fined not less than \$1,000.00 nor more than \$5,000.00 for each offense. Each day that a violation continues shall constitute a separate and distinct offense.

(d) The Commissioner of Health, with the approval of the Comptroller, shall amend by rule the minimum retail price of exempted large cigars in an amount proportional to the change, if any, in the Chicago-Gary-Kenosha area Consumer Price Index. If the Commissioner amends the minimum retail price of exempted large cigars, the amended price shall not go into effect until 90 days after it is announced via rule duly promulgated by the Department of Health. Any such amendment shall be rounded to the nearest dime.

4-64-355 Sale of bidi cigarettes and other tobacco products – Prohibited.

(a) No person shall sell, give away, barter, exchange or otherwise furnish to any other person a bidi cigarette, as defined in Section 4-64-100.

(b) No person shall sell, give away, barter, exchange or otherwise furnish to any other person any cigarette wrapping paper or wrapping leaf that is, or is held out to be, impregnated or scented with, or aged or dipped in, alcoholic liquor, chocolate, any fruit flavoring, vanilla or honey, in any combination.

(c) Any person who violates this section shall be subject to a fine of not less than \$1,000.00 nor more than \$5,000.00 for each offense. Each day that a violation continues shall constitute a separate and distinct offense.

4-64-360 Posting of warning to minors – Required.

(a) *Warning required.* Any person who sells, gives away or distributes tobacco products or tobacco accessories shall display a printed card, which shall include the following warning:

Warning

It Is A Violation Of The Law For Cigarettes Or Other Tobacco Products Or Tobacco Accessories To Be Sold To Any Person Under The Age Of 21. Any Person Who Violates This Law Is Subject To A Fine And Possible Imprisonment.

(b) *Size and type face of warning.* The printed card required under subsection (a) of this section shall be at least eight inches by eleven inches in size. The text of the card shall be printed in red letters on a white background. Each letter shall be at least one inch high. The word “warning” shall be in a print of 84-point height and Helvetica type. The remainder of the text shall be in a print of 24-point height and in Helvetica medium-face, Futura medium-face or Universe 65 type.

(c) *Posting required.* The printed card required under subsection (a) of this section shall be posted, at all times when the establishment is open, at each location at which tobacco

products or tobacco accessories are sold or displayed, and in a manner such that the card is clearly visible from each location where such sales or displays occur.

ARTICLE IV. WHOLESALE TOBACCO DEALERS

4-64-400 Additional legal duties – Wholesale tobacco dealers.

In addition to the applicable legal duties set forth in Chapter 4-4 of this Code and in Article III of this Chapter, each licensee engaged in the business of wholesale tobacco dealer shall have the following duties:

(1) *Recordkeeping.* At the time of the transaction, keep a written record in English of all sales of cigarettes. Such record shall set forth: (i) the name and residential or business address of the purchaser, (ii) the date of the transaction, (iii) the invoice number, (iv) the purchaser's tobacco license number, and (v) a description of the cigarettes sold to the purchaser. The records required under this subsection shall be open for inspection, at all reasonable times, by the Mayor or Comptroller or their respective designees or by any duly authorized member of the Department of Police, Department of Business Affairs and Consumer Protection or Department of Finance.

(2) *Sanitation.* Keep, at all times, in a clean and sanitary condition: (i) all places or establishments where tobacco, snuff, cigars or cigarettes are sold or kept by the licensee with the intention of selling such items at wholesale; and (ii) all appliances, cutters, receptacles or cases used to handle products authorized to be sold by the wholesale tobacco dealer under this Chapter. No tobacco, snuff, cigars or cigarettes shall be kept or stored in any place where they are subject to contamination.

4-64-410 Additional prohibited acts – Wholesale tobacco dealers.

In addition to the applicable prohibited acts set forth in Chapter 4-4 of this Code and in Article III of this Chapter, it shall be unlawful for any licensee engaged in the business of wholesale tobacco dealer to:

(1) Sell at retail, offer for sale at retail or keep with the intention of selling at retail any tobacco products or tobacco accessories.

(2) Sell at wholesale, offer for sale at wholesale, or deliver tobacco products or tobacco accessories at wholesale to any person other than a retail tobacco dealer or wholesaler tobacco dealer.

(3) Sell at wholesale, offer for sale at wholesale, or deliver at wholesale tobacco products or tobacco accessories to any retail tobacco dealer or wholesale tobacco dealer within

the City that is not properly licensed under this Chapter to engage in the business of retail tobacco dealer or wholesale tobacco dealer, as applicable.

ARTICLE V. RETAIL TOBACCO DEALERS

4-64-500 Additional legal duties – Retail tobacco dealers.

In addition to the applicable legal duties set forth Chapter 4-4 of this Code and in Article III of this Chapter, each licensee engaged in the business of retail tobacco dealer shall have the following duties:

(1) *Recordkeeping.* At the time of the transaction, keep a written record in English of all purchases of cigarettes. Such record shall set forth: (i) the name and address of the place of business of the person from whom the cigarettes were purchased, (ii) the date of the transaction, (iii) the seller's invoice number, (iv) the seller's tobacco license number, and (v) a description of the cigarettes purchased. The records required under this subsection, and all cigarettes purchased, received or kept for sale by every retail tobacco dealer, shall be open for inspection, at all reasonable times, by the Mayor or Comptroller or their respective designees or by any duly authorized member of the Department of Police, Department of Business Affairs and Consumer Protection or Department of Finance.

(2) *Cigarettes purchased from non-City-licensed wholesalers.* If cigarettes are purchased from any source, other than a person holding a valid tobacco license under this Chapter to engage in the business of wholesale tobacco dealer, make out and deliver a report to the Department of Finance or Department of Business Affairs and Consumer Protection, within 24 hours after such purchase, identifying: (i) the name and residential or business address of the person from whom the purchase of cigarettes was made, (ii) the quantity of cigarettes purchased, and (iii) a description of the cigarettes purchased.

(3) *Cooperation with inspections – Required.*

(i) Licensees and their agents who sell tobacco shall present valid government-issued identification when an authorized City investigator has identified himself and requested such identification.

(ii) Licensees and their agents shall be prohibited from closing and locking safe doors and other doors, including but not limited to doors to closets and storerooms, when an authorized City investigator has identified himself and announced his intention to inspect the premises for compliance with the requirements of this Code.

(iii) Licensees and their agents shall immediately stop selling cigarettes and other tobacco products when an authorized City investigator has identified himself and announced his intention to inspect the premises for compliance with the requirements of this Code.

(iv) Within thirty minutes of the arrival of any authorized City investigator charged with responsibility for inspecting the licensed premises, the licensee shall have a person available on site to open any locked safe or door where unstamped cigarettes may be hidden.

(v) The failure by a licensee or such licensee's agent to comply with this subsection (3) shall subject the licensee to the applicable penalty set forth in Section 4-64-900.

4-64-510 Additional prohibited acts – Retail tobacco dealers.

In addition to the applicable prohibited acts set forth in Chapter 4-4 of this Code and in Article III of this Chapter, it shall be unlawful for any licensee engaged in the business of retail tobacco dealer to:

(1) Use a self-service display or cigarette vending machine, as defined in Section 4-64-100.

(2) Violate the Illinois Drug Paraphernalia Control Act.

(3) Purchase cigarettes from any person other than a wholesale tobacco dealer.

(4) Purchase cigarettes from any wholesale tobacco dealer within the City that is not properly licensed under this Chapter to engage in the business of wholesale tobacco dealer.

4-64-515 Prohibited locations – Retail tobacco dealers.

(a) No licensee engaged in the business of retail tobacco dealer shall sell, give away, barter, exchange or otherwise deal in tobacco products, tobacco product samples or tobacco accessories at any location that has a property line within 100 feet of the property line of any building or other location used primarily as a school, child care facility, or for the education or recreation of children under 18 years of age.

(b) No licensee engaged in the business of retail tobacco dealer shall sell, give away, barter, exchange, or otherwise deal in flavored tobacco products, flavored tobacco product samples, or accessories for such products at any location that has a property line within 500 feet of the property line of any public, private, or parochial secondary school located in the City of Chicago. This subsection (b) shall not apply to retail tobacco stores. For purposes of this subsection, "retail tobacco store" has the meaning ascribed to that term in Section 7-32-010.

(c) The Commissioner of Business Affairs and Consumer Protection shall not issue any new tobacco license to engage in the business of retail tobacco dealer at any location that has a property line within 500 feet of the property line of any public, private, or parochial secondary school located in the City of Chicago. This subsection (c) shall not apply to: (1) renewals of licenses existing as of December 31, 2016, or (2) applications for a new tobacco license to

engage in the business of retail tobacco dealer pursuant to a purchase of a retail tobacco business at a location that holds such a license on or after December 31, 2016.

(d) The Commissioner of Business Affairs and Consumer Protection and the Commissioner of Health are hereby authorized to promulgate rules necessary or appropriate to enforce this section.

4-64-520 Restrictions on hiring persons under 21 years of age.

(a) Persons engaged in the business of retail tobacco dealer may engage, employ or permit a person under 21 years of age to work on the licensed premises, if the person under 21 years of age has no duties relating to the sale, dispensing, service or delivery of tobacco products on the premises.

(b) A licensee who engages, employs or permits a person under 21 years of age to work pursuant to subsection (a) of this section shall not assign or permit that person to perform any duties or acts relating to the sale, dispensing, service or delivery of tobacco products on the premises.

(c) A licensee who engages, employs or permits persons under 21 years of age to work as allowed in subsection (a) of this section shall comply with the Illinois Child Labor Law in connection with the employment of any person under the age of 16 years.

(d) A licensee who engages, employs or permits persons under 21 years of age to work as allowed in subsection (a) of this section shall be responsible for ensuring that such person does not consume, obtain or possess tobacco products on the licensed premises.

ARTICLE VI. TOBACCO PRODUCT SAMPLERS

4-64-600 Legal duties – Tobacco product sampler.

In addition to the applicable legal duties set forth in Chapter 4-4 of this Code and in Article III of this Chapter, each licensee engaged in the business of tobacco product sampler shall have the following duties:

(1) *Notification of product sampling.* Notify the Department, at least 30 days prior to conducting tobacco product sampling at any location, of each location at which the licensee intends to engage in tobacco product sampling.

(2) *Carrying or posting license while product sampling.* Carry or post, at all times, the license or a copy thereof authorizing tobacco product sampling at each location where the licensee, or employees or agents of the licensee, are engaged in the business of tobacco product sampling. Upon demand by any authorized City official, make such license available for inspection by such authorized City official.

(3) *Restrictions on hiring persons under 21 years of age.* Comply with the requirements applicable to retail tobacco dealers on hiring persons under 21 years of age, as set forth in Section 4-64-520.

4-64-615 Prohibited locations – Tobacco product samplers.

(a) No licensee engaged in the business of tobacco product sampler shall sell, give away, barter, exchange or otherwise deal in tobacco products, tobacco product samples or tobacco accessories at any location that has a property line within 100 feet of the property line of any building or other location used primarily as a school, child care facility, or for the education or recreation of children under 18 years of age.

(b) No licensee engaged in the business of tobacco product sampler shall sell, give away, barter, exchange, or otherwise deal in flavored tobacco products, flavored tobacco product samples, or accessories for such products at any location that has a property line within 500 feet of the property line of any public, private, or parochial secondary school located in the City of Chicago. This subsection (b) shall not apply to retail tobacco stores. For purposes of this subsection, “retail tobacco store” has the meaning ascribed to that term in Section 7-32-010.

(c) The Commissioner of Business Affairs and Consumer Protection shall not issue any new tobacco license to engage in the business of tobacco product sampler at any location that has a property line within 500 feet of the property line of any public, private, or parochial secondary school located in the City of Chicago. This subsection (c) shall not apply to: (1) renewals of licenses existing as of December 31, 2016, or (2) applications for a new tobacco license to engage in the business of retail tobacco dealer pursuant to a purchase of a retail tobacco business at a location that holds such a license on or after December 31, 2016.

(d) The Commissioner of Business Affairs and Consumer Protection and the Commissioner of Health are hereby authorized to promulgate rules necessary or appropriate to enforce this section.

ARTICLE VII. GENERALLY APPLICABLE PROHIBITIONS AND SAFEGUARDS TO PROTECT MINORS FROM OBTAINING TOBACCO ILLEGALLY

4-64-700 Use of improper identification to purchase tobacco products – Prohibited.

(a) It shall be unlawful for any individual under the age of 21 years to misrepresent his or her identity or age, or to use any false or altered identification, for the purpose of purchasing tobacco products, tobacco product samples, or tobacco accessories.

(b) It shall be unlawful for any person to give to any individual under the age of 21 years any identification card not duly issued to such individual, for the purpose of enabling that individual to buy tobacco products, tobacco product samples, or tobacco accessories.

4-64-710 Identification cards – Prohibited acts.

It shall be unlawful for any person to: (a) transfer, alter, or deface any identification card issued by a public officer or public agency in the performance of official duties, or (b) possess a false or forged identification card, or (c) obtain any such identification card by means of false representation.

4-64-720 Reward for information regarding illegal sale of cigarettes.

(a) *Reward authorized.* A reward of \$100.00 for information resulting in a conviction or finding of liability for illegal sale of cigarettes, as defined in Section 4-64-100, is hereby authorized. Such reward shall be administered by the Department of Health, in conjunction with the Department of Business Affairs and Consumer Protection.

(b) *Eligibility criteria.* Persons who report instances of illegal sale of cigarettes to the City by calling the City of Chicago's non-emergency telephone number, 3-1-1, or by using other verifiable means of notification (e.g. letter, e-mail) to the Department of Police or Department of Business Affairs and Consumer Protection, will be eligible for the reward authorized under subsection (a) of this section if all of the following requirements are met: (1) the person reporting the violation identifies himself/herself and provides his/her contact information to the 3-1-1 operator or Department notified of the violation; and (2) the person reporting the violation completes and signs a witness report; and (3) the witness report results in a conviction or finding of liability for illegal sale of cigarettes of the person(s) identified in such report as having committed the violation on the date and at the time set forth in such report. City employees shall not be eligible for the reward authorized under this section.

(c) *Reward process.* The Commissioner of Health, in conjunction with the Commissioner of Business Affairs and Consumer Protection, shall establish processes for: (1) determining whether the eligibility criteria set forth in subsection (b) of this section for claiming the reward have been met, (2) notifying the person identified in the witness report of the fact of a conviction or finding of liability and the procedures that must be followed by such person to claim the reward; (3) notifying the Comptroller that the reward has been claimed; and (4) otherwise implementing the requirements of this section. If, in a particular case, a determination is made that more than one witness report resulted in a conviction or finding of liability, the \$100.00 reward provided for under this section shall be divided equally among the person(s) who signed the applicable witness reports.

(d) *Disclaimers.* Nothing in this section shall be construed to create a private right of action to enforce this section. The City reserves the right, in its sole discretion, with or without notice, to terminate at any time and for any reason the reward authorized under this section. The City shall not be liable for any damages, whether direct, indirect, incidental, special or

consequential, related in any way to such reward, or for any consequences following therefrom or related thereto.

ARTICLE VIII. PRICE FLOORS, COUPON PROHIBITION, AND MINIMUM PACKAGE SIZES FOR TOBACCO PRODUCTS

4-64-800 Stay of operation, application, and enforcement of certain provisions.

(a) The operation, application, and enforcement of Sections 4-64-810 and 4-64-830 is hereby stayed.

(b) In the event Chapter 3-49 of this Code is invalidated by a court of competent jurisdiction or by legislation, the operation, application, and enforcement of Sections 4-64-810 and 4-64-830 shall commence on the 90th day following the date of the final judicial determination or the effective date of the legislation, as applicable.

4-64-810 Price floors for tobacco products.

(a) The following price floors shall apply to sales in the City of Chicago:

(1) The price floor for cigarettes shall be \$11.50 per package, provided that this floor may be modified pursuant to subsection 4-64-810(b).

(2) The price floor for little cigars shall be \$11.50 per package, provided that this floor may be modified pursuant to subsection 4-64-810(b).

(3) The price floor for large cigars shall be \$1.36 per cigar, provided that this floor may be modified pursuant to subsection 4-64-810(b).

(4) The price floor for pipe tobacco shall be \$4.56 per ounce, provided that this floor may be modified pursuant to subsection 4-64-810(b).

(5) The price floor for smoking tobacco shall be \$11.29 per ounce, provided that this floor may be modified pursuant to subsection 4-64-810(b).

(6) The price floor for smokeless tobacco shall be \$4.94 per ounce, provided that this floor may be modified pursuant to subsection 4-64-810(b).

(b) The Commissioner of Health, with the approval of the Comptroller, may amend by rule the price floor applicable to a category of tobacco product in an amount proportional to any change, after March 16, 2016, in the Chicago-Gary-Kenosha area consumer price index. In the event the Commissioner of Health amends a price floor, the amended price floor shall not go into effect until 90 days after the amended price floor is announced via rule duly promulgated by the Department of Public Health.

(c) No person shall sell or offer for sale a tobacco product to a consumer for a price less than the price floor.

4-64-820 Coupons prohibited.

No person shall:

(a) honor or accept a price reduction instrument in any transaction related to the sale of a tobacco product to a consumer;

(b) sell or offer for sale a tobacco product to a consumer through any multi-package discount, or otherwise provide to a consumer a tobacco product for less than the listed price in exchange for the purchase of another tobacco product by the consumer, with the exception that this prohibition shall not apply to large cigars or pipe tobacco, which may be sold at a discounted rate equal to or in excess of the applicable price floor, if any, set by the City; or

(c) sell, offer for sale, or otherwise provide to a consumer any tobacco products, other than large cigars or pipe tobacco, for less than the listed price.

4-64-830 Minimum package sizes for little cigars.

No retail tobacco dealer shall sell or offer for sale a little cigar unless it is sold in a package of at least 10 little cigars.

4-64-840 Enforcement – Regulations.

The Department of Business Affairs and Consumer Protection shall enforce this Article VIII. The Commissioners of Health and of Business Affairs and Consumer Protection, acting jointly or individually, may promulgate rules necessary or appropriate to administer this Article VIII.

ARTICLE IX. ENFORCEMENT – PENALTIES

A. FINES

4-64-900 Fines – Specific offenses.

(a) Alleged violations of this Chapter 4-64 shall be adjudicated by the Circuit Court of Cook County, or by the Department of Administrative Hearings, or by the Commissioner. Penalties shall be as prescribed in this section, notwithstanding any other general penalty provision in this Code.

(b) Except as otherwise provided in subsection (c) of this section, and in addition to any other penalty provided by law, any person found liable of violating Sections 3-42-060, 3-42-100, 4-64-200(a), 4-64-300, 4-64-310, 4-64-315, 4-64-340, 4-64-400(1), 4-64-500, 4-64-510(1),

4-64-515, 4-64-520, 4-64-600(3), 4-64-615 or 4-64-710 or any rule duly promulgated thereunder shall be punished by a fine of not less than \$1,000.00 nor more than \$5,000.00 each offense. Each day that a violation continues shall constitute a separate and distinct offense.

(c) Any person found liable of violating Section 4-64-500(3)(ii) through (3)(iv), inclusive, shall be punished by a fine of not less than \$2,000.00 nor more than \$10,000.00 for each offense. Each day that a violation continues shall constitute a separate and distinct offense.

4-64-905 Fines – Price floor, coupon prohibition, and package size violations.

Any person convicted of a first offense for violating Article VIII of this Chapter or any rule promulgated thereunder shall be punished by a fine of not less than \$1,000.00 nor more than \$2,000.00. Any person convicted of a second offense, occurring within five years of the first offense, for violating Article VIII of this Chapter or any rule promulgated thereunder shall be punished by a fine of not less than \$2,500.00 nor more than \$3,500.00. Any person convicted of a third offense, occurring within five years of the first offense, for violating Article VIII of this Chapter or any rule promulgated thereunder shall be punished by a fine of not less than \$5,000.00 nor more than \$7,500.00. Each day that a violation continues shall constitute a separate and distinct offense. For purposes of this section, multiple violations occurring on the same date shall be deemed a single violation.

4-64-910 Fines – Underage tobacco violations.

(a) *Violations of Section 4-64-345.* Any person who violates Section 4-64-345 shall be punished by a fine of not less than \$1,000.00 nor more than \$5,000.00 for each offense. Each day that a violation continues shall constitute a separate and distinct offense.

(b) *Violations of Section 4-64-360.* Any person who violates Section 4-64-360 shall be punished by a fine of not less than \$200.00 nor more than \$500.00 for each offense. Each day that a violation continues shall constitute a separate and distinct offense.

C. REVOCATION

4-64-930 License revocation for a single offense – Authorized.

In addition to any other penalty provided by law, any tobacco license issued under this Chapter may be revoked by the mayor or the mayor's designee at any time upon violation by the licensee of any provision of this Chapter or applicable federal or State law.

4-64-935 License revocation – Required when.

(a) In addition to any other penalty provided by law, if a person commits or has committed any combination of three or more violations within any 24-month period of Sections 3-42-020, 3-42-025, 3-42-060, 3-42-100, 4-64-330, 4-64-345, 4-64-360, 4-64-400(1), 4-64-

500(1), 4-64-500(3), 4-64-710, 4-64-810, 4-64-820 and 4-64-830, the Commissioner shall revoke that person's licenses. If a person commits two or more violations within any 48-month period of Section 4-64-350, the Commissioner shall revoke that person's licenses. For purposes of this section: (1) "licenses" includes any and all licenses issued by the City of Chicago to engage in business operations at the location at which the violations occurred; (2) multiple offenses occurring on the same date shall be deemed a single violation while offenses occurring on separate dates shall be deemed separate violations; and (3) a "violation" may include a finding of liability or a finding sustaining the offense or offenses charged in the same or in any contemporaneous proceeding or evidence of any previously resolved final disposition against the licensee on a charge brought pursuant to one of the Code provisions listed above including but not limited to any finding of liability after adjudication on the merits, any default finding of liability, any uncontested finding of liability, any negotiated pre-hearing settlement of the charge, and any voluntary payment of the fine corresponding to the charge. A person subject to revocation pursuant to this subsection shall be entitled to the process described in Section 4-4-280, with the condition that any revocation hearing shall be limited to the issue of whether the licensee's record and the resolution of any pending charges in the same or contemporaneous proceedings, if applicable, accurately reflect the existence of a sufficient number of violations to support the revocation decision. The licensee shall not be permitted to challenge the previously resolved violations themselves, nor any underlying facts asserted or determined therein.

(b) When any license issued pursuant to this Chapter is revoked for any cause, no tobacco license for any covered business activity shall be granted to such person for any premises for a period of four years thereafter. In the case of a legal entity, all persons who have a substantial ownership or controlling interest in the entity shall be subject to the prohibition in this subsection.

(c) When a tobacco license under this Chapter is revoked for any cause, no tobacco license under this Chapter shall be granted to any person for any covered business activity for a period of one year thereafter for the premises described in such revoked license unless the revocation order was entered as to the licensee only.

D. NON-RENEWAL

4-64-940 Nonrenewal of licenses.

(a) In addition to any other penalty provided by law, if a licensee under this Chapter commits or has committed any combination of three or more violations within any 24-month period of Sections 3-42-020, 3-42-025, 3-42-060, 3-42-100, 4-64-345, 4-64-360, 4-64-400(1), 4-64-500(1), 4-64-500(3), 4-64-515, 4-64-615, 4-64-710, 4-64-810, 4-64-820 and 4-64-830, the licensee shall be subject to nonrenewal of the license. If a person commits two or more violations within any 48-month period of Section 4-64-350, the licensee shall be subject to nonrenewal of

the license. The Commissioner may decline to renew such license, subject to the procedure described in subsection (b) of this section. For purposes of this section, multiple offenses occurring on the same date shall be deemed a single violation, while offenses occurring on separate dates shall be deemed separate violations, and "violation" means any final disposition against the licensee on a charge brought pursuant to one of the Code provisions listed above, including but not limited to any finding of liability after adjudication on the merits of the charge, any default finding of liability, any uncontested finding of liability, any negotiated pre-hearing settlement of the charge, and any voluntary payment of the fine corresponding to the charge.

(b) In the event of a nonrenewal decision pursuant to subsection (a) of this section, the Commissioner shall notify the licensee in writing of the basis for that decision. The Commissioner shall send such notice to the licensee no later than 45 days before the date the license is scheduled to expire. Within 10 days after such notice is mailed, the licensee may make a written request to the Commissioner for a hearing. A notice of hearing shall be mailed within 10 days of receipt of the request for hearing, providing at least 5 days' notice before the hearing date. The hearing shall be limited to the issue of whether the licensee's record accurately reflects the existence of a sufficient number of violations to support nonrenewal. The licensee shall not be permitted to challenge the violations themselves, nor any underlying facts asserted or determined therein. The Commissioner shall issue a ruling in a timely manner following the hearing, which shall constitute a final determination for purposes of judicial review. If the Commissioner does not provide notice of nonrenewal at least 45 days prior to the date the license is scheduled to expire, and has not issued a ruling by that date, the expiration of the license shall be stayed pending the ruling.

4-64-945 Effect of nonrenewal.

(a) Any person whose tobacco license under this Chapter is not renewed pursuant to Section 4-64-940 shall, for a period of one year following the expiration date of such license, be ineligible for the issuance of a new tobacco license for any covered business activity at the same location.

(b) Any person who has a substantial ownership or controlling interest in an entity whose tobacco license is not renewed pursuant to Section 4-64-940 shall, for a period of one year following the expiration date of such license, be ineligible for the issuance of a new tobacco license for any covered business activity at the same location. This ineligibility shall also apply to the issuance of a new tobacco license to any other entity in which the disqualified person has a substantial ownership or controlling interest.

(c) The parent, child, sibling, spouse or domestic partner of a person who is ineligible for the issuance of a tobacco license under subsection (a) or (b) of this section shall, during that period of ineligibility, be ineligible for the issuance of a new tobacco license for any covered

business activity at the same location as the licensed premises that was subject to the nonrenewal causing the ineligibility under subsection (a) or (b) of this section.

E. OTHER ENFORCEMENT PROVISIONS

4-64-950 Illegal cigarette vending machines – Authority to disable.

The Comptroller, Commissioner of Business Affairs and Consumer Protection and Superintendent of Police are hereby authorized to immediately disable the coin slot of any cigarette vending machine operating in violation of Section 4-64-510(1) of this Code upon notarized affidavit of two investigators, in any combination, from the Department of Business Affairs and Consumer Protection or the Chicago Police Department attesting to the particular violation. The Comptroller, Commissioner of Business Affairs and Consumer Protection or Superintendent of Police shall also have the authority to confiscate or remove any cigarette vending machine operating in violation of Section 4-64-510(1).

4-64-955 Liability of licensee for violations.

Every act or omission which constitutes a violation of this Chapter by an officer, director, manager or other agent or employee of any person licensed pursuant to this Chapter shall be deemed to be the act of such licensee, and such licensee shall be liable for all penalties and sanctions provided by this section in the same manner as if such act or omission had been done or omitted by the licensee personally.

F. RULES

4-64-960 Rule-making.

The Commissioner of Business Affairs and Consumer Protection is authorized to promulgate rules necessary or appropriate to administer and enforce this Chapter.

ARTICLE V. PUBLIC PLACES OF AMUSEMENT

SECTION 1. Section 4-60-021 of the Municipal Code of Chicago is hereby amended by inserting the language underscored, as follows:

4-60-021 Ordinance prohibiting issuance of additional liquor licenses – Requirements – Procedure.

(Omitted text is unaffected by this ordinance)

(c) No ordinance to prohibit the issuance of additional liquor licenses in a specified area may:

(1) prohibit additional licenses for sale of liquor on the premises of any of the following: sports stadiums with a seating capacity of more than 3,000 persons; restaurants; hotels; banquet halls licensed for incidental service of liquor only and where the principal activity is the service of food, theaters whose premises are licensed for incidental service of liquor only, that provide live stage performances and are equipped with fixed seating; any ice rink for which a valid public place of amusement license under Article III of Chapter 4-156 of this Code and a valid retail food license have been issued, and where the sale of alcoholic liquor is incidental to those activities; facilities operated by the metropolitan pier and exposition authority; or sports plazas, as that term is defined in Section 4-60-075;

(Omitted text is unaffected by this ordinance)

SECTION 2. Section 4-75-010 of the Municipal Code of Chicago is hereby amended by inserting the language underscored, as follows:

4-75-010 Definitions.

(Omitted text is unaffected by this ordinance)

“Children's play center” means any institution or place, regardless of nomenclature, where the primary business activity is to provide recreational activities to children who are apart from their parent or guardian. The term “children's play center” does not include the following: (1) any program operated by private entities on the grounds of public or private elementary schools or secondary schools; (2) any program operated by a public or private school or secondary level school; (3) any program operated by the State Board of Education or the Board of Education of Chicago; (4) any program operated by government agencies or conducted on government premises; (5) any program operated by or conducted on the premises of a college or university; (6) any program operated primarily for religious instruction; (7) any program operated by a hospital or other health care facility; (8) any entity, location or place licensed or required to be licensed as a public place of amusement pursuant to Article III of Chapter 4-156 of this Code; or (9) any person providing one-on-one recreational, cognitive or educational activities to a child in a dwelling unit, as defined in Section 17-17-0248, in which the person or child resides.

(Omitted text is unaffected by this ordinance)

SECTION 3. Section 4-75-040 of the Municipal Code of Chicago is hereby amended by inserting the language underscored, as follows:

4-75-040 License issuance and renewal – Prohibited when.

- (a) No license under this chapter shall be issued to the following persons:

(Omitted text is unaffected by this ordinance)

- (7) any applicant or licensee, as applicable, for any location that is licensed under Article III of Chapter 4-156 of this Code as a public place of amusement;

(Omitted text is unaffected by this ordinance)

SECTION 4. Section 4-75-090 of the Municipal Code of Chicago is hereby amended by inserting the language underscored, as follows:

4-75-090 Permitted amusements and other activities – Exceptions.

- (a) If an amusement, as set forth in items (1) through (4) of this subsection, is incidental or secondary to the primary activity of the children's services facility, and such children's services facility is not a day care center as defined in Section 4-75-010, then, a licensee under this chapter may conduct any amusement described in items (1) through (4) of this subsection on the licensed premises without the need to obtain a public place of amusement license under Article III of Chapter 4-156 of this Code, or indoor special events license under Article IV of Chapter 4-156 of this Code, or public place of amusement license to engage in the business of performing arts venue license under Article V of Chapter 4-156 of this Code, as follows:

(Omitted text is unaffected by this ordinance)

SECTION 5. Section 4-144-190 of the Municipal Code of Chicago is hereby amended by inserting the language underscored, as follows:

4-144-190 Replica firearms and pellet guns.

(Omitted text is unaffected by this ordinance)

- (c) The manufacture, marketing, distribution, sale and possession of replica firearms are permitted if the devices are manufactured, marketed, distributed, sold or held solely for subsequent transportation in intrastate, interstate or foreign commerce. Such devices shall not be

displayed to the general public or sold for other use in the city. The use or possession of a paint pellet or paint pellet gun is permitted if the use or possession is solely within premises licensed under Article III of Chapter 4-156 of this Code as a public place of amusement; or if the use or possession is solely for the purpose of transporting the paint pellet or paint pellet gun to or from those premises by the licensee or agent or employee of the licensee, or by a common carrier, for purposes of initial delivery, repair or disposal of the paint pellet or paint pellet gun.

(Omitted text is unaffected by this ordinance)

SECTION 6. Article III of Chapter 4-156 of the Municipal Code of Chicago is hereby amended by inserting a new Section 4-156-285 underscored, as follows:

4-156-285 Covered business activities – License – Required.

(a) Except as otherwise provided in this chapter, no person shall engage in any of the following business activities (“covered business activity”) without first having obtained a public place of amusement license under this Chapter 4-156 authorizing such person to engage in such covered business activity: (1) producing, presenting or conducting any amusement within the meaning of Section 4-156-300 in Article III of this chapter, or (2) producing, presenting or conducting any amusement within a performing arts venue within the meaning of Article V of this chapter, or (3) producing, presenting, conducting or hosting an industrial venue event within the meaning of Article VI of this chapter. The covered business activity authorized under a public place of amusement license shall be stated on the face of the license. Such covered business activity shall be governed by the Article(s) applicable to such covered business activity.

(b) No person shall engage in the business of indoor special event without first having obtained an indoor special event license under Article IV of this chapter.

SECTION 7. Section 4-156-290 of the Municipal Code of Chicago is hereby amended by deleting the language stricken through and by inserting the language underscored, as follows:

4-156-290 Definition.

As used in this chapter ~~Article III~~, a public place of amusement means any building or part of a building, park or other grounds used or intended to be used for any amusement as defined in Article I of this chapter; provided that any entity which is licensed as a children's services facility pursuant to Chapter 4-75 of this Code shall not be considered a public place of amusement.

SECTION 8. Section 4-156-300 of the Municipal Code of Chicago is hereby amended by deleting the language stricken through and by inserting the language underscored, as follows:

4-156-300 License – Required – Special requirements for establishments catering to minors.

(a) Unless specifically exempted in Section 4-156-305 or subsection (f) of this section, it shall be unlawful for the owner, lessee or manager of any property, or for any other person, to produce, present or conduct thereon, any amusement unless the owner, lessee or manager of such property has first obtained a public place of amusement license to engage in the business of public place of amusement. If an amusement is produced, presented or conducted on any property without such a valid public place of amusement license first having been obtained, and unless Section 4-156-305 or subsection (f) of this section applies, all of the following persons shall be in violation of this subsection: (1) the owner of the property, (2) the lessee of the property, (3) the manager of the property, (4) the producer of the amusement, (5) the presenter of the amusement and (6) the person conducting the amusement. Each person found in violation of this subsection (a) shall be subject to a fine of up to \$10,000.00.

(b) If any part of the property is used or intended for use for any amusement, a public place of amusement license under this Article III shall be required, regardless of whether the use is incidental to the property's principal use.

(c) If more than one amusement is produced, presented or conducted at any single place or premises as part of a single business, only one public place of amusement license under this Article III shall be required.

(d) A public place of amusement license under this Article III shall be required for any public resort for underage persons which is designed, used or intended to be used primarily for participation by minors in entertainment or amusement primarily involving music, music videos and dancing. Examples of such resorts shall include, but are not limited to, a dry dance hall, nonalcohol bar, "dry cabaret", "juice bar" or "teenage cabaret". No public resort for underage persons, as defined herein, may operate between the hours of 2:00 a.m. and 11:00 a.m. or be eligible for a retail liquor license under Chapter 4-60 of this Code.

(e) In addition to any other penalty provided by law, any violation of any requirement set forth in subsection (d) of this section or any rule ~~or regulation~~ promulgated thereunder may result in revocation of all city licenses pertaining to that establishment.

(f) No public place of amusement license under this Article III shall be required if: (1) the property is a church, temple, synagogue or other place of worship, or school which has been inspected pursuant to Section 13-20-020 within the 12-month period preceding the production, presentation or conduct of any amusement; and (2) the sponsor of the event is affiliated with the church, temple, synagogue or other place of worship, or school; and (3) all necessary food, liquor and other licenses and permits required by this Code have been obtained.

SECTION 9. Section 4-156-305 of the Municipal Code of Chicago is hereby amended by inserting the language underscored, as follows:

4-156-305 License – Exceptions.

No public place of amusement license under this Article III shall be required, if the only amusement to be produced, presented, or conducted is one or more of the following:

(Omitted text is unaffected by this ordinance)

SECTION 10. Section 4-156-311 of the Municipal Code of Chicago is hereby amended by inserting the language underscored, as follows:

4-156-311 Notice requirements; objections.

(a) Within five days after payment of the license fee for a public place of amusement license under this Article III, the department of business affairs and consumer protection shall cause a written notice to be sent to the alderman of the ward in which the premises described in the application is located, providing the information specified in Section 4-156-310 and the current telephone number of the applicant.

(Omitted text is unaffected by this ordinance)

SECTION 11. Section 4-156-320 of the Municipal Code of Chicago is hereby amended by deleting the language stricken through and by inserting the language underscored, as follows:

4-156-320 License – Application – Approval conditions.

(a) Each application and all information required to be furnished in connection therewith or a copy thereof shall be referred for approval to the buildings commissioner, zoning administrator, and fire commissioner. The commissioner shall require the following individuals to submit to fingerprinting in order to determine whether the issuance of the license is prohibited pursuant to Section 4-156-355: the individual applicant; all officers of an applicant corporation; the three members who own the highest percentage interests of an applicant partnership; the general partners of an applicant limited partnership; the three members who own the highest percentage interests and, in the case of a member-managed limited liability company, the manager of an applicant limited liability company, unless the above listed individuals are already named on a valid liquor license or are named in a liquor license application that has been filed and is being processed for the same premises for which the public place of amusement license under this Article III is sought.

(b) After receiving zoning approval, an applicant for a public place of amusement license under this Article III shall pay the license fee at the time of filing the application. No later than 30 days after payment of the license fee, the applicant shall submit to the department all required documentation, as prescribed in the rules and regulations, necessary to complete the application. If the applicant submits all the required documentation within the 30-day period, the commissioner shall review the application and documentation and any written objections to granting the license and shall approve or deny the application within 60 days after all required documentation has been submitted. If the applicant fails to submit all the required documentation within the 30-day period, the application shall be deemed to be incomplete and the commissioner shall suspend all further action on the application unless the applicant reactivates the application within six months after the original application was filed by: (1) submitting all required documentation necessary to complete the application, and (2) payment of a reactivation fee of \$500.00.

(Omitted text is unaffected by this ordinance)

If the license application expires or is withdrawn, a new application for a public place of amusement license under this Article III, accompanied by the appropriate license fee, and all required documentation shall be required to obtain a license.

(c) The procedures for the denial of a license set forth in Chapter 4-4 shall apply to the denial under this Article III of an application for a public place of amusement license.

SECTION 12. Section 4-156-321 of the Municipal Code of Chicago is hereby amended by inserting the language underscored, as follows:

4-156-321 Contingent approval.

The commissioner is authorized to approve on a contingent basis a public place of amusement license under this Article III for any application that requires the approval of additional city departments. Upon receipt of a license application, the department shall forward the information to the commissioner and to appropriate departments for review. Upon completion of the commissioner's review, which shall be concluded within 90 days of the date the license fee was paid, the commissioner shall notify the applicant whether the applicant is approved to receive the described license for the subject premises contingent upon the applicant receiving the approval of other necessary departments, such as, but not limited to, the fire department, the department of health and the department of buildings. The contingent approval shall be valid for six months from the date of issuance, but the license shall not issue until all necessary approvals have been received. Nothing in this section shall be construed as authorizing the applicant to produce, present or conduct any amusement until a public place of amusement license under this Article III is issued.

SECTION 13. Section 4-156-330 of the Municipal Code of Chicago is 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 under this Article III shall be issued for any 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 under this Article III before the establishment of the 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 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 under this Article III.

(Omitted text is unaffected by this ordinance)

(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 under this Article III 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~~ such public place of amusement license.

SECTION 14. Section 4-156-340 of the Municipal Code of Chicago is hereby amended by inserting the language underscored, as follows:

4-156-340 Written guaranty required.

Before any public place of amusement license under this Article III is issued, the applicant shall execute a written undertaking conditioned that the taxes imposed upon any amusement at the licensed premises will be paid in the manner and at the times provided in Article I of this chapter.

SECTION 15. Section 4-156-350 of the Municipal Code of Chicago is hereby amended by inserting the language underscored, as follows:

4-156-350 Occupancy enforcement.

No public place of amusement license under this Article III shall be issued unless the applicant certifies that, since the issuance of the most recent license and the most recent occupancy sign required to be posted on the licensed premises pursuant to Section 13-84-410 of this Code, neither the applicant nor any other person has made any modifications or alterations affecting the layout, floor plan, doorways, stairways, interior separations, or other features of the subject premises that may affect occupancy limits.

SECTION 16. Section 4-156-355 of the Municipal Code of Chicago is hereby amended by inserting the language underscored, as follows:

4-156-355 License – Issuance prohibited.

No public place of amusement license under this Article III shall be issued to:

(Omitted text is unaffected by this ordinance)

(2) A person who knowingly files false or incomplete information on an application for a public place of amusement license under this Article III or any other document required by this ~~chapter~~ Chapter 4-156;

(Omitted text is unaffected by this ordinance)

(4) A person who at the time of application for renewal of a public place of amusement license under this Article III would not be eligible for such license upon a first application;

(Omitted text is unaffected by this ordinance)

(9) A person whose public place of amusement license under this Article III has not undergone and passed a building inspection as required by Section 13-20-020 of this Code within the 90 days preceding the date of submission, every two years, of a renewal license application.

SECTION 17. Section 4-156-360 of the Municipal Code of Chicago is hereby amended by inserting the language underscored, as follows:

4-156-360 License – Fees.

The license fee for each public place of amusement issued under this Article III shall be as set forth in Section 4-5-010.

SECTION 18. Section 4-156-380 of the Municipal Code of Chicago is hereby amended by deleting the language stricken through and by inserting the language underscored, as follows:

4-156-380 Public place of amusement – Exit diagram.

The licensee of every public place of amusement issued under this Article III shall post diagrams, drawn to scale, showing the locations of the exits. ~~For every~~ If such public place of amusement ~~that is located in a building or in a part of a building,~~ the diagrams shall be posted in the same locations as the occupancy signs required under Section 13-84-410. ~~For any~~ If such public place of amusement ~~that is a park or other outdoor venue that is enclosed by a fence or other enclosure,~~ the diagrams shall be conspicuously posted in the entrance to the park or outdoor venue.

(Omitted text is unaffected by this ordinance)

SECTION 19. Section 4-156-460 of the Municipal Code of Chicago is hereby amended by deleting the language stricken through and by inserting the language underscored, as follows:

4-156-460 Drinking water.

The licensee of ~~every~~ each public place of amusement licensed or required to be licensed under this Article III shall provide sufficient drinking water at each fountain required to be installed by this Code.

SECTION 20. Section 4-156-470 of the Municipal Code of Chicago is hereby amended by deleting the language stricken through and by inserting the language underscored, as follows:

4-156-470 License – Statement of conditions.

~~Every~~ Each public place of amusement license issued under this Article III shall contain apt words indicating that it such license is issued and accepted subject to the representations made in the license application and to all laws, ordinances and regulations governing the conduct of the licensed premises now in effect or which may hereafter be adopted.

SECTION 21. Section 4-156-485 of the Municipal Code of Chicago is hereby amended by deleting the language stricken through and by inserting the language underscored, as follows:

4-156-485 License restrictions.

No public place of amusement license under this Article III shall be granted to any establishment required to be licensed ~~in accordance with Title 4, Division 5 of the Municipal~~

Code, or in accordance with Chapter 4-228 of the Municipal Code, or to any establishment at which motor vehicles are washed, if the public place of amusement will be conducted in the same area in which the other activity licensed in accordance with the provisions of Title 4, as provided herein, is conducted.

SECTION 22. Section 4-156-500 of the Municipal Code of Chicago is hereby amended by deleting the language stricken through and by inserting the language underscored, as follows:

4-156-500 Sports plaza – Additional requirements.

(Omitted text is unaffected by this ordinance)

(b) If a Sports Plaza, or any portion thereof, is used or intended for use for any amusement, a public place of amusement license under this Article III shall be required, regardless of whether the use is incidental to the Sports Plaza's principal use. Application for ~~the~~ such public place of amusement license shall be made pursuant to this ~~article~~ Article III.

(Omitted text is unaffected by this ordinance)

SECTION 23. Section 4-156-540 of the Municipal Code of Chicago is hereby amended by inserting the language underscored, as follows:

4-156-540 License – Required.

(a) Unless specifically exempted, it shall be unlawful for the owner, lessee or manager of any establishment to produce, present, conduct or host an indoor special event at the establishment without first having obtained an indoor special event license issued under this Article, unless the owner, lessee or manager of the establishment has obtained a public place of amusement license issued under Article III of this Chapter 4-156.

(Omitted text is unaffected by this ordinance)

SECTION 24. Section 4-156-710 of the Municipal Code of Chicago is hereby amended by inserting the language underscored, as follows:

4-156-710 Definitions.

“Performing arts venue” or “arts venue” means a building or portion thereof in which the aggregate maximum occupancy of all performance spaces within the building is less than 500 persons and which is used by an organization for live theatrical and other live cultural performances. If the organization is operating as an incidental use in a building that is primarily used in the conduct of activities of a religious, philanthropic, educational, eleemosynary or other not-for-profit organization, the aggregate maximum occupancy of all performance spaces within the building shall be less than 1,000 persons.

(Omitted text is unaffected by this ordinance)

SECTION 25. Section 4-156-720 of the Municipal Code of Chicago is hereby amended by deleting the language stricken through and by inserting the language underscored, as follows:

4-156-720 License – Required.

(a) It shall be unlawful for the owner, lessee or manager of any property, or for any other person, to produce, present or conduct thereon, any amusement within a performing arts venue unless the owner, lessee or manager of such property has first obtained a ~~performing arts venue~~ public place of amusement license authorizing such person to engage in the business of performing arts venue. Such public place of amusement license shall be known as ~~an~~ a performing arts venue license or “arts venue license”. Persons holding such a public place of amusement license shall be subject to Article V of this chapter.

(b) ~~The arts venue license shall be a special class of~~ Except as otherwise provided in this Article V, a public place of amusement license authorizing a licensee to engage in the business of performing arts venue ~~and shall be subject to the same restrictions and requirements that apply to as a public place of amusement license issued under Article III of this chapter, except as set forth in this Article V.~~ In the event of a conflict between the general public place of amusement license provisions any provision in Article III of this chapter and the provisions of this Article V, the provisions of Article V shall apply.

(c) No ~~arts venue~~ public place of amusement license under this Article V shall be required if the only amusement to be produced, presented or conducted is: (i) offered in a performance space with a capacity of less than 100 persons; and (ii) no admission fee, minimum purchase requirement, membership fee, or other fee or charge is imposed for the privilege of entering the premises or the portion of premises where the amusement is provided or permitted.

Donations that are solicited strictly on a voluntary basis may be accepted by a venue under this subsection only if the venue posts a sign, no less than eight and one-half inches by 11 inches, in a conspicuous place near the entrance of the venue stating, “Under Section 4-156-720 of the Municipal Code of Chicago, this performing arts venue may not charge an admission fee, minimum purchase requirement, membership fee, or other fee or charge imposed for the privilege of entering the premises. Any donations are purely voluntary”.

SECTION 26. Section 4-156-730 of the Municipal Code of Chicago is hereby amended by deleting the language stricken through and by inserting the language underscored, as follows:

4-156-730 License – Application – Contents.

An application for ~~an arts venue license~~ for a public place of amusement license to engage in the business of performing arts venue shall be made in conformity with the general requirements of this Code relating to applications for licenses. Said application shall be signed under oath by the owner of the business for which a license is sought. If the owner is a corporation, the application shall be signed by an authorized officer of the corporation. If the owner is a partnership, the application shall be signed by a partner. If the owner is a limited liability company that is managed by managers, the application shall be signed by a manager. If the owner is a limited liability company managed by members, the application shall be signed by a member.

(Omitted text is unaffected by this ordinance)

SECTION 27. Section 4-156-800 of the Municipal Code of Chicago is hereby amended by deleting the language stricken through and by inserting the language underscored, as follows:

4-156-800 Definition.

(Omitted text is unaffected by this ordinance)

(f) “Industrial venue event” means a private event or a fundraising event held at an establishment that is licensed as ~~an industrial private event venue~~ as a public place of amusement under this Article VI.

(Omitted text is unaffected by this ordinance)

SECTION 28. Section 4-156-810 of the Municipal Code of Chicago is hereby amended by deleting the language stricken through and by inserting the language underscored, as follows:

4-156-810 License Required.

(a) Unless specifically exempted in subsection (a) or (b) of this section, it shall be unlawful for the owner, lessee or manager of any establishment located in a manufacturing district to produce, present, conduct or host an industrial venue event without first having obtained ~~an industrial private event venue license pursuant to this Article~~ a public place of amusement license under this Article VI to engage in the business of industrial private event venue, unless ~~the such~~ owner, lessee or manager has obtained a public place of amusement license under Article III of this chapter. A public place of amusement license issued under this Article VI shall be known as an industrial private event venue license. Persons holding an industrial private event venue license shall comply with Article VI of this chapter.

(Omitted text is unaffected by this ordinance)

SECTION 29. Section 4-156-820 of the Municipal Code of Chicago is hereby amended by deleting the language stricken through and by inserting the language underscored, as follows:

4-156-820 Issuance of license – Prohibited when.

No public place of amusement license to engage in the business of industrial private event venue shall be issued under this Article VI unless all of the following requirements are met:

(Omitted text is unaffected by this ordinance)

(b) the applicant has not had any of the following licenses or permits revoked for cause at any time, unless, upon request of the applicant, the commissioner determines that the applicant has been sufficiently rehabilitated to warrant the public trust:

- (i) a public place of amusement license or license of any type issued under any Article of this chapter;
- (ii) ~~an indoor special event license issued under Article IV of this chapter~~ [Reserved.];

(Omitted text is unaffected by this ordinance)

SECTION 30. Section 4-156-830 of the Municipal Code of Chicago is hereby amended by deleting the language stricken through and by inserting the language underscored, as follows:

4-156-830 License – Application.

(a) In addition to the requirements in Section 4-4-050, an application for a public place of amusement license under this Article VI shall be accompanied by the following information:

(Omitted text is unaffected by this ordinance)

SECTION 31. Section 4-156-840 of the Municipal Code of Chicago is hereby amended by deleting the language stricken through and by inserting the language underscored, as follows:

4-156-840 Notice.

(a) Within five days after receiving payment of the license fee for ~~an industrial private event venue~~ a public place of amusement license under this Article VI, the department shall cause a written notice to be sent to the alderman of the ward in which the premises described in the application is located.

(Omitted text is unaffected by this ordinance)

(c) Within five days after payment of the license fee, the applicant shall cause to be posted at the premises for which the license is sought, in a place clearly visible from the public way, a notice stating: (1) that an application has been made for an a public place of amusement license to engage in the business of industrial private event venue license, (2) the date the license fee was paid, (3) the name of the applicant, and (4) the street number and location of the premises covered by the application. The notice shall also include the language required by subsection (b)(1) – (b)(4), inclusive, of this section.

(Omitted text is unaffected by this ordinance)

SECTION 32. Section 4-156-850 of the Municipal Code of Chicago is hereby amended by inserting the language underscored, as follows:

4-156-850 Denial of a license.

In addition to any other grounds for denial of a public place of amusement license under this Article VI, the commissioner shall deny an application for a license or a renewal of a license if:

(Omitted text is unaffected by this ordinance)

SECTION 33. Section 4-156-870 of the Municipal Code of Chicago is hereby amended by deleting the language stricken through and by inserting the language underscored, as follows:

4-156-870 Insurance – Required.

(a) Prior to the issuance of ~~an industrial private event venue~~ a public place of amusement license under this Article VI, each applicant shall furnish a certificate of insurance, issued by an insurer authorized to insure in Illinois, evidencing commercial general liability insurance, with limits of not less than \$300,000.00 per occurrence for bodily injury and property damage arising in any way from the issuance of the license. Each policy of insurance required under this section shall include a provision requiring 10 days advance notice to the commissioner prior to cancellation or lapse of the policy, and shall name the city as additional insured.

(Omitted text is unaffected by this ordinance)

SECTION 34. Section 4-156-880 of the Municipal Code of Chicago is hereby amended by inserting the language underscored, as follows:

4-156-880 Legal duties.

A licensee under this Article VI shall have the following duties:

(Omitted text is unaffected by this ordinance)

SECTION 35. Section 4-156-890 of the Municipal Code of Chicago is hereby amended by inserting the language underscored, as follows:

4-156-890 Unlawful acts.

It shall be unlawful for any licensee under this Article VI to do the following at the licensed establishment:

(Omitted text is unaffected by this ordinance)

SECTION 36. Section 4-156-940 of the Municipal Code of Chicago is hereby amended by deleting the language stricken through and by inserting the language underscored, as follows:

4-156-940 License revocation – Waiting period for new license.

(a) No person whose ~~industrial-private-event-venue~~ public place of amusement license under this Article VI is revoked for cause shall be granted ~~an industrial-private-event-venue~~ another such license at the same or different location, or under the same or different name, for a period of four years from the date of revocation.

(b) If ~~an industrial-private-event-venue~~ a public place of amusement license under this Article VI is revoked for cause, no ~~industrial-private-event-venue~~ such license shall be granted to any person for an indoor private event at the location described in the revocation order for a period of one year from the date of revocation.

SECTION 37. Section 4-232-190 of the Municipal Code of Chicago is hereby amended by inserting the language underscored, as follows:

4-232-190 Public garage – Entertainment – Location – Hours of operation.

A public garage – entertainment garage must be located within one-half mile of the nearest exterior portion of a stadium or other structure having a capacity of 5,000 or more and licensed as a public place of amusement under Article III of Chapter 4-156 of this Code. The distance shall be measured from any parking area of or entrance to the garage to the stadium. Such a garage may operate only on days when sporting events or other entertainments are presented in such public place of amusement. A public garage – entertainment garage may open no more than two hours before and must close no later than two hours after a sporting event or other entertainment; the licensee or an employee of the licensee must be present during all hours of operation. A public garage – entertainment garage may be located only on premises for which a valid occupancy certificate and valid driveway permit have been issued.

SECTION 38. Section 4-250-030 of the Municipal Code of Chicago is hereby amended by inserting the language underscored, as follows:

4-250-030 License – Fee.

The fee for a commercial passenger vessel license, and for any renewal of such license, shall be \$75.00 per license term if every vessel operated pursuant to the license will carry fewer than 20 passengers. The fee for such a license, and for any renewal of such license, shall be \$350.00 per license term if any one or more vessels operated pursuant to the license will carry 20 or more passengers. The license term shall be from May 1 of each year through April 30 of the following year. Requirements for issuance and renewals of such license shall be payment of the required fee and compliance with the department's rules and regulations pertaining to commercial passenger vessels. Such license shall be in addition to any other license required by law. Provided, however, that a public place of amusement license under Article III of Chapter 4-156 of this Code shall not be required to operate any commercial passenger vessel licensed under this section.

SECTION 39. Section 17-1-1405-C of the Municipal Code of Chicago is hereby amended by inserting the language underscored, as follows:

17-1-1405-C In the case of an *adult use*, whenever a city license to do business at such an establishment, including but not limited to a city license for the retail sale of alcoholic liquor under Chapter 4-60, a public place of amusement license under Chapter 4-156, or a retail food establishment license under Chapter 4-8 of this Code, is revoked, any existing *special use* approval becomes null and void. Any subsequent re-establishment of the *adult use* requires approval as a new *special use* in accordance with the procedures of Sec. 17-13-0900. In such cases, re-establishment of the *adult use* will be permitted only in a zoning district in which the *adult use* is authorized under this Zoning Ordinance.

SECTION 40. Section 17-3-0301 of the Municipal Code of Chicago is hereby amended by inserting the language underscored, as follows:

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 under Article III of Chapter 4-156 of this Code 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 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 4-156-710 of the municipal code.

SECTION 41. Section 17-13-1101-M of the Municipal Code of Chicago is hereby amended by inserting the language underscored, as follows:

17-13-1101-M The Zoning Board of Appeals is authorized to grant a *variation* allowing an establishment requiring a public place of amusement license under Article III of Chapter 4-156 of this Code to locate within 125 feet of any RS1, RS2 or RS3 district.

SECTION 42. Section 17-17-0104-AA of the Municipal Code of Chicago is hereby amended by inserting the language underscored, as follows:

17-17-0104-AA Sports and Recreation, Participant. Provision of sports or recreation primarily by and for participants. (Spectators would be incidental and on a nonrecurring basis). The following are participant sports and recreation use types (for either general or personal use):

(Omitted text is unaffected by this ordinance)

(8) any entity, location or place licensed or required to be licensed as a public place of amusement pursuant to Article III of Chapter 4-156 of this Code; or

(Omitted text is unaffected by this ordinance)

ARTICLE VI. EFFECTIVE DATE

SECTION 1. Upon its passage and approval, this Ordinance shall take full force and effect on July 1, 2017. Following the effective date, the Commissioner may implement this Ordinance in a graduated fashion, with full implementation to be achieved no later than January 1, 2018.