



Office of the City Clerk

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Legislation Details (With Text)

File #: O2018-179
Type: Ordinance **Status:** Failed to Pass
File created: 1/17/2018 **In control:** City Council
Final action:
Title: Amendment of Municipal Code Section 16-16-110 to prohibit consumption of alcoholic liquor on premises of any adult use where nude dancing is permitted
Sponsors: Moreno, Proco Joe
Indexes: Ch. 16 Adult Uses
Attachments: 1. O2018-179.pdf

Date	Ver.	Action By	Action	Result
5/29/2019	1	City Council	Failed to Pass	
1/17/2018	1	City Council	Referred	

ORDINANCE

WHEREAS, the City of Chicago is a home rule unit of government pursuant to the 1970 Illinois Constitution, Article VII, Section 6(a); and

WHEREAS, pursuant to its home rule power, the City of Chicago may exercise any power and perform any function relating to its government and affairs including the power to regulate for the protection of the public health, safety, morals, and welfare; and

WHEREAS, it is the duty of this City Council to ensure effective and equitable regulation of the businesses and services that it regulates and licenses; and

WHEREAS, the regulation of alcohol sales and consumption is a longstanding exercise of municipal authority; and

WHEREAS, similarly, the regulation of adult entertainment businesses is a vital aspect of community development; and

WHEREAS, liquor licensees in Chicago are subject to fairly detailed regulations, dating in their current form to at least 1978, concerning prohibited activities specifically regarding behavior and anatomical exposure allowed on the licensed premises by its employees, entertainers, or patrons; and

WHEREAS, the prohibitions amount to no "topless" or "bottomless" dancers in establishments licensed to sell alcohol; and

WHEREAS, with respect to the consumption (not the sale) of alcoholic liquor on adult use premises, the prohibited activity is "nude dancing;" and

WHEREAS, this regulatory framework yields adult use businesses that are not liquor licensees, but that instead

operate as "Bring Your Own Bottle" (BYOB) establishments; and

WHEREAS, whereas liquor licensees are clearly guided in the type of prohibited activity, the lack of specificity with respect to BYOBs can mean that on BYOB premises a patron can imbibe the same type and amount of alcohol as on licensed premises, yet witness a performer who is completely nude on top and barely so on the bottom or who otherwise manages to skirt the definition of "total" nudity; and

WHEREAS, alcohol consumption in BYOB establishments can be notoriously difficult for businesses to effectively regulate and monitor, rendering them perhaps a more volatile environment than is at times found on liquor licensed premises that are subject to established regulations and requirements; and

WHEREAS, from a public safety and wellness perspective, the presence of alcohol on adult entertainment premises presents comparable risks whether the alcohol is sold on the premises or is simply allowed on them for consumption; and

WHEREAS, the definitions concerning allowed behaviors and anatomical exposure should be similarly consistent; now, therefore,

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

SECTION 1. Section 16-16-110 of the Municipal Code of Chicago is hereby amended by adding the underscored language as follows:

16-16-110. Consumption of alcoholic liquor prohibited.

The consumption of alcoholic liquor on the premises of any adult use where nude dancing is permitted is strictly prohibited. For purposes of this subsection, "nude" means exposure to public view of the type and manner as is prohibited in Section 4-60-140(d).

SECTION 2. Severability.

The provisions of this Ordinance are declared to be separate and severable. The invalidity of any provision of this Ordinance, or the invalidity of the application thereof to any person or circumstance, shall not affect the validity of the remainder of this Ordinance, or the validity of its application to other persons or circumstances.

SECTION 3. Effective Date.

This ordinance shall be in full force and effect thirty (30) days after its passage and approval.

Alderman, 1st Ward