



# Office of the City Clerk

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## Legislation Details (With Text)

**File #:** O2015-3730  
**Type:** Ordinance  
**Status:** Failed to Pass  
**File created:** 5/6/2015  
**In control:** City Council  
**Final action:**  
**Title:** Amendment of Municipal Code Chapter 4-8 by adding new Section 4-28-280 regarding hours of operation for retail food establishments  
**Sponsors:** Burnett, Jr., Walter, Dowell, Pat, Austin, Carrie M., Harris, Michelle A., Reilly, Brendan, Ervin, Jason C., Graham, Deborah L.  
**Indexes:** Ch. 8 Food Establishments  
**Attachments:** 1. O2015-3730.pdf

Date	Ver.	Action By	Action	Result
5/29/2019	1	City Council	Failed to Pass	
5/6/2015	1	City Council	Referred	

### ORDINANCE

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

SECTION 1. Chapter 4-8 of the Municipal Code of the City of Chicago is hereby amended by adding a new Section 4-8-280, as follows:

#### **4-8-280 Permission for certain hours of operation.**

a) In order to reduce noise and disturbances in and near residential districts, a retail food establishment whose primary business activity is the service of prepared food to the public shall not be open for business, serve food, sell food or offer food for sale or service, between the hours of 1:00 a.m. and 5:00 a.m. without permission from the commissioner of business affairs and consumer protection; such permission shall be in addition to all required licenses. The commissioner shall provide forms whereby the licensee of a retail food establishment may apply for permission to operate later than 1:00 a.m. or earlier than 5:00 a.m., or both.

Application for permission to operate at any time between the hours of 1:00 a.m. and 5:00 a.m. shall be made in writing, in a form approved by the commissioner. The application shall include:

- 1) The name and address of the retail food establishment;
- 2) The name, title and business address of the person completing the application;
- 3) A list of all residential units, by address and number of units within a building, within 660 feet of any portion of the building containing the retail food establishment;
- 4) A description of the retail food establishment's premises, including seating capacity, points of ingress and egress, parking facilities, outdoor lighting and other descriptive information required

by the commissioner;

- 5) The applicant's plan for minimizing noise and disturbances associated with the operation of the retail food establishment; and
- 6) Such additional information as the commissioner may require in order to make an informed decision on the application.

The fee for filing the application shall be determined by the commissioner, in an amount sufficient to cover the expenses related to processing application. The fee shall be payable at the time of filing.

b) Upon receipt of an application under subsection (a) of this section, the commissioner shall review the history of the retail food establishment, including public complaints of noise and other disturbances associated with operation of the establishment. The commissioner shall also review the setting of the retail food establishment, including its proximity to residences and hospitals. If the commissioner deems it necessary, he or she may order notices to be sent to

residential units listed in the application, by first class mail, informing occupants of the each residential unit of the application, and offering them an opportunity to respond to it with 15 days after the postage date of the notice. The commissioner shall also notify the alderman of each . ward, any portion of which is located within 660 feet of any portion of the building containing the retail food establishment.

(c) In determining whether to grant an application under subsection (a) of this section, the commissioner shall consider the information provided by the applicant, the responses of local residents, and the impact of the retail food establishment on the peace and quiet of the local community.

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

Walter Burnett, Jr. Alderman,  
27<sup>th</sup> Ward