Legislation Details (With Text)

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Type:	Ordinance	**Status:**	Failed to Pass
File created:	10/5/2016	**In control:**	City Council
		Final action:	
Title:	Amendment of Municipal Code Section 8-4-030 regarding penalty provisions for consumption or unlawful transportation of alcoholic beverages on public way		
Sponsors:	Hopkins, Brian, Dowell, Pat		
Indexes:	Ch. 4 Public Peace & Welfare		
Attachments:	1. O2016-7747.pdf		

Date	Ver.	Action By	Action	Result
5/29/2019	1	City Council	Failed to Pass	
10/5/2016	1	City Council	Referred	

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

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

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

Whereas, consuming alcohol in motor vehicles while parked on the public way is a likely contributor to drunken or impaired driving; and

Whereas, illegal consumption of open containers of alcohol on the public way diminishes the beauty, serenity, and public safety of the City of Chicago and it's neighborhoods and business districts; now therefore:

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

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

SECTION 2. Section 8-4-030 of the Municipal Code of Chicago is hereby amended by inserting the language underscored and deleting the language struckthrough, 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:

i) any portion of the public way occupied by a sidewalk cafe permitted pursuant to Chapter 10-28 of this Code which is properly licensed to sell alcoholic liquor, or

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ii) any portion of the public way located on Navy Pier, if: (1) the alcoholic liquor being consumed on such public way was purchased at an establishment holding a valid Navy Pier liquor license 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

(iii) any venue holding a valid Riverwalk Venue liquor license under Section 4-60-074.

(2) It shall be unlawful for any person to transport, carry, possess or have any alcoholic liquor in or upon or about any motor vehicle upon any public way in the city except: (1) in the original package and with the seal unbroken, or (2) in a package properly sealed, bagged and

receipted pursuant to Section 6-33 of the Liquor Control Act of 1934, added by P.A. 94-1047, effective January 1, 2007, and codified at 235 ILCS 5/6-33, as amended, or (3) in compliance with Section 11 -502 of the Illinois Vehicle Code, codified at 625 ILCS 5/11 -502.

(3) Except as otherwise provided in subsection (b), any person who violates this section shall be fined not less than ~~$100.00~~ $250.00 nor more than $500.00 for a first offense ~~punished by imprisonment for a period of six months or by both such fine and imprisonment for offense~~., or shall be shall be fined not less than $4£QtOO $250.00 nor more than $1000.00 for any second and subsequent offense punished by imprisonment for a period of six months or by both such fine and imprisonment for any second or subsequent offense in a five year period.

(b) Any person who violates this section while within 800 feet of a parade route which is not open to traffic shall be fined not less than $500.00 nor more than $1,000.00 or shall be punished by imprisonment for a period of up to six months or by both such fine and imprisonment for each offense. For purposes of this subsection, the term "parade" has the meaning ascribed to the term in Section 10-8-330 of this Code.

(c) A motor vehicle that is used in the violation of subsection (2) of this section shall be subject -to seizure and impoundment under this subsection (f). The owner of record of such vehicle shall be liable to the city for an administrative penalty of $1,000 in addition to fees for towing and storage of the vehicle. Whenever a police officer has probable cause to believe that a vehicle is subject to seizure and impoundment pursuant to this subsection, the police officer shall provide for the towing of the vehicle to a facility controlled by the city or its agents. When the vehicle is towed, the police officer shall notify the person who is found to be in control of the vehicle at the time of the alleged violation if there is such a person, of the fact of the seizure and of the vehicle owner's right to reguest a preliminary hearing to be conducted under Section 2-14-132 of this Code. The provisions of Section 2-14-132 shall apply whenever a motor vehicle is seized and impounded pursuant to this section.

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

BRIAN HOPKINS Alderman, 2nd Ward

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