ORDINANCE

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

SECTION 1. Title IV of the Municipal Code of Chicago is hereby amended by inserting a new Chapter 4-58, as follows:

CHAPTER 4-58 RESTRICTIONS ON BYOB

4-58-010 Definitions.

"Alcoholic liquor" has the meaning ascribed to the term in Section 4-60-010 of this Code.

"BYOB" means the practice of allowing the patrons of a business to bring on to the premises of such business, for their own personal consumption, alcoholic liquor that was purchased or otherwise obtained elsewhere by such patrons.

"Restaurant" means any food dispensing establishment, as defined in Section 4-8-010, holding a valid retail food establishment license under Chapter 4-8 of this Code.

4-58-020 Ordinance prohibiting BYOB - Requirements - Procedure.

a)   The City Council may, from time to time, prohibit BYOB in a specified area of the city, subject only to the conditions, restrictions and procedures described in this section.

b)   An ordinance prohibiting BYOB in a specified area of the city must:

1)   contain a description of the conditions requiring the prohibition on BYOB; and

2)   identify such area by boundaries; and

3)   cover an area of no less than two contiguous city blocks. For any such area established by ordinance, both sides of each street forming the boundary of the area shall be considered as within the area unless otherwise specifically stated in the ordinance establishing the area; provided, however, that (i) if an area

is described by boundaries, the boundaries shall be drawn down the center of boundary streets unless otherwise specified in the ordinance establishing the area; and (ii) if a street that is a boundary of the area is also a boundary of wards of the city, the middle of that street will be the boundary of that area.

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(c) No ordinance adopted under this chapter shall prohibit BYOB in any restaurant.

d) After passage of an ordinance to prohibit BYOB within a specified area of the city, no ordinance may alter the area except by addition of territory or by deletion of all territory within the area. An ordinance that divides a specified area into two or more segments shall not be considered to alter that area for purposes of this subsection (d) if all of the following conditions are met: (1) the ordinance does not change the size or boundaries of the total area covered;
(2) each portion of the area so divided complies with subsection (b) of this section; and (3) all portions of the area affected by the ordinance remain subject to such ordinance for a minimum of one year following passage of the ordinance that divides the area.

e) Upon receiving an ordinance to prohibit BYOB in a specified area of the city, the city clerk shall send one copy of the ordinance to each of the following persons: the commissioner of business affairs and consumer protection, the local liquor control commissioner, the corporation counsel and the alderman of each ward in which any portion of the specified area is located. The commissioner of business affairs and consumer protection shall (1) prepare a list identifying by type all current licenses applied for or issued to businesses, other than restaurants, located within the specified area, including, to the extent practicable, all businesses within the area licensed by the State of Illinois; and (2) send a copy of the list to the city council committee having jurisdiction over the ordinance and to the corporation counsel. The sponsor of the ordinance shall notify each listed licensee and applicant of the introduction of the ordinance. Notices shall be sent by first class mail, postage paid, directed to the address of each licensee or applicant, as the case may be. Copies of all notices shall be filed with the department of business affairs and consumer protection.

f) No member of the city council or other municipal officer shall introduce, and no committee of the city council shall consider or recommend, any ordinance that is contrary in any way to any of the requirements set forth in subsections (b) through (d) of this section. No member of the city council shall propose, and no committee of the city council shall consider, any amendment to an ordinance which, if passed, would render the ordinance contrary to any of the requirements of subsections (b) through (d). No officer or employee of the city shall enforce any ordinance that is contrary to any of the requirements of subsections (b) through (d). No member of the city council may recommend action on, and no committee of the city council shall consider, any ordinance to prohibit BYOB within a specified area until all required notices have been given.

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4-58-030 BYOB - Restricted locations.

Subject to the provisions of Section 4-58-020, BYOB shall be prohibited at the following locations:

(1.1) [Reserved]

4-58-040 Unlawful acts.

a) It shall be unlawful for any person to allow or engage in BYOB at any location where BYOB is prohibited under Section 4-58-030.

b) In addition to any other penalty provided by law, which may include license suspension or revocation, any person who violates this section shall be subject to a fine of not less than $500.00 nor more than $1,000.00 for each offense. Each day that a violation continues shall constitute a separate and distinct offense.

4-58-050 Rules and regulations.

The commissioner of business affairs and consumer protection and the local liquor control commissioner are authorized to jointly promulgate rules and regulations to implement the requirements of this chapter.

4-58-060 Construction of chapter.

Nothing in this chapter shall be construed to authorize any activity prohibited under Chapter 4-60 of this Code or to modify or alter in any way any requirement set forth in Chapter 4-60 of this Code.

SECTION 2. This ordinance shall take full force and effect ten days after its passage

Alderman Deborah Graham, 29th Ward