



Office of the City Clerk

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Legislation Text

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ORDINANCE

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

SECTION 1. Section 4-60-020 of the Municipal Code of the Chicago is hereby amended by deleting the language stricken through and adding the language underscored, as follows:

4-60-020 License required - Restricted areas.

(Omitted text is unaffected by this ordinance)

(d) In addition to the restrictions cited in Section 6-11 of the Illinois Liquor Control Act of 1934, as amended, no license shall be issued for the sale of retail alcoholic liquor within 100 feet of any Chicago Public library, with the exception of the main and regional libraries, open to the public, said measurement shall be from property line to property line; provided, however, that this limitation shall not apply to a restaurant and theater housed in separate rooms of the same building, if the theater seats not less than 275 persons for a single performance, and if the restaurant has a legal occupancy of not less than 100 persons, and if the building is separated from the library by a public way not less than 66 feet in width. An initial license for sale of alcoholic liquor on the premises of a restaurant as authorized in this subsection may be issued despite the fact that the adjacent theater is not yet completed and licensed, if the local liquor control commissioner determines that substantial progress has been made toward completion of the theater. Substantial progress refers to the issuance of appropriate permits by the department of buildings. No renewal of the license will be allowed unless the theater has been completed prior to commencement of the next liquor license period. In addition, the limitation shall not apply to a package goods license to be issued for a full service grocery store that is located within 100 feet of a public library that has less than 6,000 square feet of floor area if the grocery store exceeds 50,000 square feet in floor area, where the display space for alcoholic liquor does not exceed 25 percent of the floor area of the store, and both the library and the grocery store are located in a shopping mall consisting of 23.8 acres.

(1) The local liquor control commissioner (for purposes of this subsection (d), "commissioner") may grant a reduction of the distance requirement in this subsection (d) if, based on a review of relevant factors, he concludes that such a reduction would not detrimentally

impact the affected library. The grant of a distance reduction shall not exempt the applicant from any application requirement associated with issuance of a liquor license.

2) Factors which the commissioner may consider with regard to an application for a distance reduction include, by way of example and not limitation: (i) the type of activity to be conducted at the establishment and the days and times during which such activity will take place, (ii) the size of the establishment and of the affected library, (iii) the availability of adequate parking for patrons of both the establishment and the affected library, (iv) whether the license sought is for consumption on premises or for package goods, (v) a report from the police regarding the location, as well as the history of activity conducted at or in conjunction with the premises and any associated infractions or violations of the municipal code, (vi) the relevant geography, (vii) the legal nature and history of the applicant, and (viii) the measures the applicant proposes to implement to maintain quiet and security in conjunction with the establishment.

3) A person seeking a distance requirement reduction shall make a written submission to the commissioner as part of the liquor license application process, presenting all factors which the applicant believes to be relevant to whether a reduction is appropriate. Upon receiving a submission for a distance requirement reduction, the commissioner shall notify the affected alderman and solicit a recommendation based on the alderman's analysis of relevant factors, and may seek additional information or supplementary proof from the applicant, and may also solicit information from the community and other public officials. The commissioner shall review the information provided to him and shall incorporate his decision regarding a distance reduction into his decision regarding whether to grant or deny the license.

4) If the commissioner grants the application for a reduction, those factors that he deemed relevant to the determination may in his judgment be included in a plan of conduct. If the liquor license is granted, any such 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 liquor license.

(e) Where two or more premises are under the same roof or at one street address, a separate city retailer's license shall be obtained for each such premises; provided, that nothing herein contained shall be so construed as to prevent any hotel operator licensed under the provisions of this chapter from serving alcoholic liquor to his registered guests in any room or part of his hotel.

SECTION 2. This ordinance shall be in full force and effect upon passage and publication.

Edward M. Burke Alderman, 14th Ward

02015-90

Chicago, March 18, 2015

To the President and Members of the City Council:

Your Committee on License and Consumer Protection, having under consideration a substitute ordinance introduced by Alderman Edward Burke (which was referred on January 21, 2015), to amend the Municipal Code of Chicago regarding sale of retail alcoholic liquor near Chicago Public Libraries, begs leave to recommend that Your Honorable Body pass the substitute ordinance which is transmitted herewith.

This recommendation was concurred in by a viva voce vote of the members of the committee on March 11, 2015.

CHAIRMAN, COMMITTEE ON LICENSE AND CONSUMER PROTECTION

Respectfully submitted,