



# Office of the City Clerk

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## Legislation Text

File #: O2018-7001, Version: 1

### ORDINANCE

WHEREAS, a recent amendment (SB2436) to the Liquor Control Act of 1934 empowers the Local Liquor Control Commissioner to grant an exemption to a 100-foot buffer zone/distance requirement as to certain protected places specified under state law; and

WHEREAS, the City of Chicago currently has in place in the Municipal Code a buffer zone/distance requirement applicable to libraries, which includes a "distance reduction" process. Pursuant to this process, applicants with premises closer than 100 feet to a library may seek approval notwithstanding that distance restriction, subject to consideration of relevant criteria/factors; and

WHEREAS, pursuant to the statutory authority conferred by SB2436, the City of Chicago has chosen to incorporate the exemption authority into its existing distance reduction review process; now, therefore,

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

SECTION 1. Sections 4-60-010 and 4-60-020 of the Municipal Code of Chicago are hereby amended by deleting the language stricken through and by inserting the language underscored, as follows:

#### 4-60-010 Definitions.

Whenever the following words and phrases are used in this chapter, they shall have the meanings respectively ascribed to them in this section:

"Affected institution" means any church, temple, synagogue or other place of worship, school other than an institution of higher learning, hospital, home for aged or indigent persons or for veterans, their spouses or children, any military or naval station, or any branch of the Chicago Public library open to the public, with the exception of the main and regional libraries.

*(Omitted text is unaffected by this ordinance)*

#### 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 affected institution. 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. In the case of a place of worship, the distance of 100 feet shall be measured to the nearest part of any building used for worship services or educational programs and not to property boundaries.

(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 institution 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 institution library, (iii) the availability of adequate parking for patrons of both the establishment and the affected institution 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~~ An applicant 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. The applicant shall provide a copy of the written submission to the affected institution. 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 operation. If the liquor license is granted, any such plan of operation shall be deemed a part of the license, and compliance with the plan of operation shall be a necessary condition to the continued validity of the license. Failure to comply with one or more elements of the plan of operation shall subject the licensee to suspension or revocation of the liquor license.

*(Omitted text is unaffected by this ordinance)*

SECTION 2. This ordinance shall take full effect upon its passage and approval.

**OFFICE OF THE MAYOR**

CITY OF CHICAGO

RAHM EMANUEL  
MAYOR

September 20, 2018

TO THE HONORABLE, THE CITY COUNCIL OF THE CITY OF  
CHICAGO

Ladies and Gentlemen:

At the request of the Commissioner of Business Affairs and Consumer Protection, I transmit herewith an ordinance amending Sections 4-60-010 and 4-60-020 of the Municipal Code regarding distance restrictions for liquor licenses.

Your favorable consideration of this ordinance will be appreciated.

Mayor

Very truly yours,

**02018-7001**

Chicago, April 10, 2019

To the President and Members of the City Council:

Your Committee on License and Consumer Protection, having under consideration an ordinance introduced by Mayor Rahm Emanuel and the Commissioner of Business Affairs and Consumer Protection (which was referred on September 20, 2018), to amend Chapter 4-60 of the Municipal Code of Chicago regarding distance restrictions for liquor licenses, begs leave to recommend that Your Honorable Body pass the ordinance which is transmitted herewith.

This recommendation was concurred in by a viva voce vote of the members of the committee on April 4, 2019.

CHAIRMAN, COMMITTEE ON LICENSE AND CONSUMER PROTECTION

Respectfully submitted,