

Committee
Inc.

ORDINANCE

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

SECTION 1. Section 4-4-285 of the Municipal Code of Chicago is hereby amended by inserting the language underscored, and by deleting the language struck through, as follows:

4-4-285 Public safety threat – Summary closure – When authorized.

(Omitted text is unaffected by this ordinance)

(c) *Summary closure order – Lifting of summary closure order – When authorized.* If the Superintendent determines that an establishment presents a public safety threat, the Superintendent may abate the threat by ordering the summary closure of the establishment. Except as otherwise provided in this subsection (c), such order shall remain in effect for an aggregate period of six months as measured from the date on which the public safety threat occurred. Provided, however, that any summary closure order issued by the Superintendent shall be lifted by the Commissioner, and the establishment shall be allowed to reopen, if (1) it is determined at a probable cause hearing or nuisance abatement hearing that a public safety threat did not occur, or (2) it is determined at a nuisance abatement hearing that continued operation of the establishment no longer presents a danger to the public, as may be evidenced by the submission and timely implementation of an acceptable nuisance abatement plan. Provided further, that no summary closure order shall be lifted by the Commissioner if the establishment is not properly licensed as required by law.

(Omitted text is unaffected by this ordinance)

(f) *Nuisance abatement hearing.* At any time during the interim period prior to expiration of the aggregate six month period, the licensee/owner may seek to have the summary closure order lifted by the Commissioner by: (1) requesting, in writing, a nuisance abatement hearing under this subsection, and (2) showing, at such hearing, that there is reasonable cause to believe that continued operation of the establishment no longer presents a danger to the public, as may be evidenced by the submission and timely implementation of an acceptable nuisance abatement plan. At such hearing, the licensee/owner may also contest whether a public safety threat occurred at the establishment unless it was previously determined at a probable cause hearing that such public safety threat did occur.

Within five business days of receipt of a written request for a nuisance abatement hearing, the Commissioner shall commence such hearing. The decision and order of the Commissioner shall be announced no later than three business days after the nuisance abatement hearing is completed. If, after the nuisance abatement hearing, the Commissioner determines, by a preponderance of the evidence, that a public safety threat did occur and that continued operation of the establishment presents a danger to the public, the Commissioner shall enter an order authorizing continued closure of the establishment during the interim period prior to expiration of the aggregate six month period. If, after the nuisance abatement hearing, the Commissioner determines, by a preponderance of the evidence, that a public safety threat did not occur or that continued operation of the establishment no longer presents a danger to the public, as may be evidenced by the submission and timely implementation of an acceptable nuisance abatement plan, the Commissioner shall enter an order lifting the summary closure order, in which case the establishment shall be allowed to reopen prior to expiration of the aggregate six month period.

Within 30 days after a nuisance abatement plan is approved by the Commissioner, or within such shorter time period as may be specified in the applicable nuisance abatement plan, the licensee/owner shall fully implement such nuisance abatement plan. If the licensee/owner fails to fully and timely implement an acceptable nuisance abatement plan, the Superintendent shall reinstate the summary closure order in accordance with the notice and hearing requirements of this section. In such case, the establishment shall remain closed for an additional aggregate period of six months, as measured from the date that the City acquired knowledge of the licensee's failure to timely implement such nuisance abatement plan or any part thereof, unless it is determined at a probable cause hearing or nuisance abatement hearing that the licensee/owner was in full compliance with the nuisance abatement plan and all parts thereof or that another violent offense did not occur at the establishment, as applicable.

If, at any time after an acceptable nuisance abatement plan is implemented at the establishment governed by such plan, the licensee/owner fails to comply with the plan or any part thereof or another violent offense occurs at the establishment, the Superintendent ~~may~~ shall reinstate the summary closure order in accordance with the notice and hearing requirements of this section. In such case, the establishment shall remain closed for an additional aggregate period of six months, as measured from the date that the City acquired knowledge of the licensee's noncompliance with the nuisance abatement plan or any part thereof or from the date of the occurrence of another violent offense, as applicable, unless: (i) it is determined at a probable cause hearing or nuisance abatement hearing that the licensee/owner was in full compliance with the nuisance abatement plan and all parts thereof or that another violent offense did not occur at the establishment, as applicable; or (ii) it is determined at a nuisance abatement hearing that continued operation of the establishment does not present a danger to the public, as may be evidenced by the submission of a modified nuisance abatement plan, approved by the Commissioner and implemented by the owner/licensee, containing new or additional reasonable and warranted measures capable of abating a nuisance under this section.

(Omitted text is unaffected by this ordinance)

(o) Failure to comply with approved nuisance abatement plan. It shall be unlawful for any person to fail to comply with any nuisance abatement plan or part thereof approved or subsequently modified under subsection (f), or to fail to timely implement any such nuisance abatement plan. In addition to any other penalty provided by law, which may include license suspension or revocation, any person who violates this subsection shall be fined not less than \$1,000.00 nor more than \$10,000.00 for each offense. Each day that a violation continues shall constitute a separate and distinct offense.

SECTION 2. Chapter 4-4 of the Municipal Code of Chicago is hereby amended by inserting a new Section 4-4-291, as follows:

4-4-291 Investigations regarding remedial measures.

It shall be the duty of the Commissioner to investigate whether any licensee subject to any remedial measures, as defined in Section 4-4-313, has timely implemented and is in compliance with such remedial measures. The Commissioner shall cause each licensed premises subject to remedial measures to be investigated to confirm that the licensee has timely implemented and is in compliance with such remedial measures within 30 days after the licensee is required to implement such remedial measures.

SECTION 3. Section 4-4-313 of the Municipal Code of Chicago is hereby amended by inserting the language underscored, and by deleting the language struck through, as follows:

4-4-313 Businesses that are or cause a nuisance.

(a) A license may be suspended or revoked if a licensee's business is or creates a nuisance. A licensed business is or creates a nuisance if: (i) within any consecutive 12 months, not less than three separate incidents occur on the licensed premises, on or in the licensed premises' parking facility, or on adjacent property, involving illegal acts; or (ii) the licensee has failed to take reasonable steps to correct objectionable conditions existing or occurring on the licensed premises, on or in the licensed premises' parking facility, or on adjacent property while the licensed premises is open for business or within one hour of the time the establishment is opened or closed for business, within 30 days of when the licensee knows or reasonably should have known that such objectionable conditions exist or are occurring. The licenses of any business that is or creates a nuisance under clause (i) of this subsection (a) shall be subject to suspension or revocation pursuant to Section 4-4-280. The licenses of any business that is or creates a nuisance under clause (ii) of this subsection (a) shall be subject to suspension or revocation pursuant to the procedures set forth in subsection (b) of this section. Failure to timely implement reasonable steps required to correct objectionable conditions pursuant to this section may also constitute grounds for non-renewal of the applicable license.

(b) (1) A group of five or more people who reside within ~~500~~ 660 feet of a licensed premises, measured from the nearest exterior walls of each applicable building, may file with the ~~Commissioner~~ commissioner a complaint that a licensee's business is a public nuisance because the licensee has failed to take reasonable steps to correct objectionable conditions existing on the licensed premises, on or in the licensed premises' parking facility or on adjacent property. The ~~Commissioner~~ commissioner may notify the licensee to appear before the ~~Commissioner~~ commissioner, in the presence of the complaining persons when the ~~Commissioner~~ commissioner considers such presence appropriate, to define, discuss and seek resolution of problems giving rise to the complaint. The ~~Commissioner~~ commissioner may also order subsequent meetings to review progress toward resolution of the problems. A meeting may also be convened at the request of the ~~Commissioner~~ commissioner or the alderman of the ward in which the licensed premises is located.

Notice of any meeting scheduled pursuant to this subsection shall be sent to the alderman of the ward in which the licensed premises is located.

The failure of a licensee to appear in response to a notice, or to attend subsequent meetings as ordered by the ~~commissioner~~, Commissioner, or to implement reasonable steps to correct any applicable objectionable conditions within 30 days of a meeting convened under this subsection (b) or within such shorter time period as may be memorialized in writing during the community meeting process, shall be grounds for the imposition of a fine or the suspension or revocation of a license. The progress made in resolving the problems identified in the complaint and meeting process shall be considered in any proceeding to suspend or revoke a license under this section.

Notwithstanding anything in this section to the contrary, in the event that the Commissioner receives a complaint under this subsection (b) related to a licensee who is subject to remedial measures, the Commissioner shall, within five business days, review such complaint to determine if the complained-of objectionable conditions are subject to such remedial measures. If the complained-of objectionable conditions are subject to such remedial measures, the Commissioner shall not schedule any meeting under this subsection (b), and shall immediately

commence the applicable license disciplinary procedures to remedy such objectionable conditions.

(2) After the Commissioner ~~commissioner~~ determines that the complaint and meeting process has been completed or the licensee has failed to submit a plan of corrective action pursuant to subsection (d), the Commissioner ~~commissioner~~ may institute a hearing based upon his reasonable belief that the operation of the business is a public nuisance. Notice of a hearing scheduled under this section shall be given to the alderman of the ward in which the licensed premises is located. At the conclusion of the hearing, if the Commissioner ~~commissioner~~ determines by a preponderance of the evidence that the operation of the licensee's business is a public nuisance because the licensee has failed to timely take reasonable steps to correct objectionable conditions occurring on the licensed premises or adjacent property, the Commissioner ~~commissioner~~ shall enter an order suspending or revoking the applicable license.

(Omitted text is unaffected by this ordinance)

(c) As part of an order of suspension issued by the Commissioner ~~commissioner~~, the Commissioner ~~commissioner~~ may impose conditions upon the future operation of the licensed business that are useful or necessary to mitigate the public nuisance, including, but not limited to: providing security personnel, restricted hours of operation, providing outdoor lighting, the display of signs, providing trash pickup services or any other reasonable restrictions on business practices until the Commissioner ~~commissioner~~ concludes that the conditions which gave rise to the public nuisance are abated. Any such conditions imposed on the future operation of the licensed business under this subsection (c) shall be memorialized in writing and be implemented by the licensee prior to resuming business following such order of suspension. Any licensee who fails to comply with or implement such conditions prior to resuming business shall be fined not less than \$200.00 nor more than \$1,000.00, or have the license suspended or revoked for the first violation. For any subsequent violation, the license shall be revoked. Each day that such violation exists shall constitute a separate and distinct offense.

(d) (1) Notwithstanding subsection (b), at any time prior to the initiation of proceedings to revoke or suspend a license under this section, if the Commissioner ~~commissioner~~ determines that a business meets the criteria for a public nuisance under subsection (a), the Commissioner ~~commissioner~~ may notify the licensee of his determination. Upon such notification, the Commissioner ~~commissioner~~ may request the licensee to submit a plan of corrective action that provides reasonable assurance that the operation of the business will not cause, or continue to cause, a public nuisance. Subject to the approval by the Commissioner ~~commissioner~~, the plan shall include a mandatory timeline for the implementation of the plan of corrective action not to exceed 30 days, and may include conditions upon the licensee's operation of the premises that are useful or necessary to mitigate the public nuisance, including, but not limited to: providing security personnel, restricted hours of operation, providing outdoor lighting, the display of signs, providing trash pickup services or any other reasonable restrictions on business practices.

(Omitted text is unaffected by this ordinance)

(3) If the licensee does not submit a plan of corrective action within five business days after a request by the ~~commissioner~~ Commissioner ~~or fails to timely implement an approved plan of corrective action,~~ the Commissioner shall ~~commissioner may~~ institute a hearing in compliance with subsection (b)(2).

(Omitted text is unaffected by this ordinance)

(h) For purposes of this section:

(1) "Adjacent property" means:

(A) any private property that is owned, leased, or rented by the licensee, or used by its patrons, and that is located next to the business premises;

(B) any public way located next to the business premises; or

(C) any private property which is owned, leased, or rented by the licensee, or used by its patrons with the knowledge or permission of the licensee, and that is: (i) used in connection with the operation of the business; and (ii) located within 500 660 feet of the licensed premises.

(2) "Illegal acts" means any conduct or activity that violates any federal or state law defining a felony, or any federal or state law or municipal ordinance regulating narcotics, controlled substances or weapons.

(3) "Objectionable conditions" include, but are not limited to, disturbance of the peace, public drunkenness, drinking in public, harassment of passersby, illegal gambling, prostitution, loitering, public urination, lewd conduct, drug trafficking, or excessive loud noise.

(4) "Remedial measure" means a plan of operation, plan of corrective action, plan of conduct, nuisance abatement plan, or reasonable steps required to be implemented to correct objectionable conditions under this section.

SECTION 4. Section 4-60-010 of the Municipal Code of Chicago is hereby amended by inserting the language underscored, and by deleting the language struck through, as follows:

4-60-010 Definitions.

(Omitted text is unaffected by this ordinance)

"Consumption on premises – incidental activity license" means a city City license for the: (1) retail sale of alcoholic liquor for consumption on the premises at a fixed place of business where the sale of alcoholic liquor is incidental or secondary to the primary activity of such place of business, as determined by the Local Liquor Control Commissioner, including but not limited to restaurants, hotels, theaters providing live stage performances, bowling alleys, and not-for-profit clubs; or (2) retail sale of alcoholic liquor from an airport pushcart in accordance with Section 4-60-077; or (3) service and sale of alcoholic liquor from an outdoor/ non-fixed seating/mobile pushcart on Navy Pier in accordance with Section 4-60-071(a)(2); or (4) service and sale of alcoholic liquor in a Lakefront Venue in accordance with Section 4-60-073; or (5) service and sale of alcoholic liquor in a Riverwalk Venue in accordance with Section 4-60-074. The holder of a consumption on premises – incidental activity license within the meaning of this item (1) of this definition may only sell package goods in the licensed premises if such sales are incidental or secondary to the primary activity of such business.

(Omitted text is unaffected by this ordinance)

"Tavern license" means a city City license for the retail sale of alcoholic liquor for consumption on the premises in an enclosed place of business where the retail sale of alcoholic liquor is, as determined by the Local Liquor Control Commissioner: (1) the primary activity of such place of business; or (2) is directly related to the primary activity of such place of business. ~~kept, used, maintained, advertised, and held out to the public as a place that primarily serves alcoholic liquor for consumption on the premises and in which providing entertainment or the serving of food is only incidental or secondary to the sale of alcoholic beverages for immediate consumption.~~ The holder of a tavern license may only sell package goods in the licensed premises if such sales are incidental to the sale of alcoholic liquor for consumption on the premises as the principal activity. Places of business within the tavern license classification include, but are not limited to, cocktail lounges, saloons, nightclubs, and bars.

(Omitted text is unaffected by this ordinance)

SECTION 5. Section 4-60-024 of the Municipal Code of Chicago is hereby amended by inserting the language underscored, and by deleting the language struck through, as follows:

4-60-024 Lapse of license – Transfer of interest

Whenever the liquor license for a premises located within an area described in Section 4-60-022 or Section 4-60-023 lapses for failure to renew, is denied renewal under Section 4-60-041, or is revoked for cause, no new license shall be issued for that premises, unless the premises is a sports stadium with a seating capacity greater than 3,000 persons, an Outdoor Entertainment Venue as defined in Section 4-60-010, a casino, as that term is defined in 230 ILCS 10/4, a restaurant, or a hotel, or is operated by the metropolitan pier and exhibition authority. If the premises is any of the foregoing, any new license shall be limited to sale of alcoholic liquor for consumption on the premises. Nothing in Section 4-60-022 or Section 4-60-023 prevents or prohibits the issuance of an additional license to allow continued operation of an existing business within an area specified in either section by a new licensee, if the license is of the same type and if the successor licensee is any of the following: (a) the legal spouse of the prior licensee at the time of application for the new license; or (b) a parent, natural or adopted child of the prior licensee; or (c) an heir of the prior licensee by intestate succession, or a testamentary devisee of the prior licensee, and, after the death of the prior licensee, has thereby received the prior owner's interest in the licensed business; or (d) any other person who already shares ownership in the licensed business, or is acquiring less than five percent of the shares of a corporate licensee; or (e) any other person who is acquiring the licensed business by purchase.

(Omitted text is unaffected by this ordinance)

Issuance of a new license under subsection (e) of this section is subject to the following conditions: If 50 or more legal voters reside within a distance of 500 660 feet from the licensed premises the applicant shall first notify all legal voters registered within the ~~500-foot~~ 660-foot area by certified mail, return receipt requested, stating that application is being made for issuance of a license to a new licensee, and stating the name of the applicant and the location of the licensed premises. The applicant shall sign an affidavit verifying that all legal voters registered within the ~~500-foot~~ 660-foot area have been notified by certified mail. The applicant shall cause to be posted at the location of the premises, in a place clearly visible from the public way, notice in the form prescribed by the commissioner of business affairs and consumer protection, stating that application is being made for a license for operation of the business by a new licensee. Within 60 days before the filing of an application for the new license, the applicant shall obtain and file with

the department of business affairs and consumer protection the written consent of at least 51 percent of the legal voters registered within the ~~500-foot~~ 660-foot area. Such measurement shall be made from the boundaries of the premises as described in the application for which the privilege is sought, to a radius of ~~500~~ 660 feet away. The applicant shall simultaneously deliver a copy of the filing to the alderman of the ward in which the subject premises are located. For a period of 30 days after the application is filed, any person who signed a consent may submit a written revocation of consent with the department of business affairs and consumer protection. After expiration of the 30-day period, and after the department of business affairs and consumer protection or its designee has verified the legitimacy of all signatures supplied with the application and any revocations that may have been filed, the department shall certify whether sufficient valid signatures have been filed to proceed with the application. Issuance of the requested license will be permitted only if (i) the existing license of the subject business has not been revoked at any time from two years prior to the date of application for the new license until processing of the application of the new license is completed; and (ii) the licensed business has not been closed for a total of more than ten days during the same time period as described in clause (i) of this paragraph due to suspension of the license or voluntary closing in lieu of suspension, in any combination; and (iii) no proceedings for the revocation or suspension of the existing license are pending during the processing of the application for the new license; and (iv) the successor licensee pays to the city the sum of \$1,000.~~00~~ prior to issuance of the successor license in addition to all license fees due pursuant to Chapter 4-5 of this Code. Notwithstanding any provision of this paragraph, the requirements of consent of voters and proof of consent shall not apply to an application for a new package goods license under subsection (e) of this section if the floor area of the licensee's business is at least 12,000 square feet and if retail sale of alcoholic liquor did not account for more than 25 percent of the gross revenue from all retail sales on the licensed premises during each of the past two tax years. The applicant for a new license under subsection (e) of this section shall bear the burden of proof of eligibility for the new license and compliance with all applicable procedures, including proof of gross sales and percentages of gross sales attributable to retail sale of alcoholic liquor. Any person who knowingly makes any false statement, submits any false information or misrepresents any information required under this paragraph shall be fined not less than \$500.~~00~~ per offense, or incarcerated for a period not to exceed three months, or both.

SECTION 6. Section 4-60-030 of the Municipal Code of Chicago is hereby amended by inserting the language underscored, and by deleting the language struck through, as follows:

4-60-030 License issuance prohibited when.

No license for the sale of alcoholic liquor shall be issued to:

(Omitted text is unaffected by this ordinance)

(h) A person whose license issued under this chapter or Chapter 4-156 has been revoked for cause;

(Omitted text is unaffected by this ordinance)

(aa) Any premises for which a liquor license renewal has been denied, within the 12 months before the applicant submits an application for issuance or renewal of such license, under Section 4-60-041.

(bb) A person who has failed to timely implement or has violated any applicable plan of operation, plan of corrective action, plan of conduct under Section 4-156-330, or nuisance abatement plan, or who has failed to timely implement any reasonable steps to correct one or more objectionable conditions under Section 4-4-313.

(cc) A person who has applied for a consumption on premises – incidental activity license if the Local Liquor Control Commissioner determines that the proposed retail sale of alcoholic liquor will be: (1) the primary activity of such place of business; or (2) directly related to the primary activity of such place of business.

SECTION 7. Section 4-60-040 of the Municipal Code of Chicago is hereby amended by inserting the language underscored, and by deleting the language struck through, as follows:

4-60-040 License – Application and issuance procedures.

(Omitted text is unaffected by this ordinance)

(b) The application shall be in writing, signed by the applicant if an individual. If the applicant is a club, partnership or corporation, the application shall be signed by a duly authorized agent thereof. If the applicant is a limited liability company managed by managers, the application shall be signed by a manager. If the applicant is a limited liability company managed by its members, the application shall be signed by a member. The application shall indicate the category of liquor license sought by the applicant, be verified by oath or affidavit, and ~~shall include~~ the following statements and information:

(Omitted text is unaffected by this ordinance)

(10) a statement that the applicant will not violate any of the laws of the state of Illinois, or of the United States, or any provision of this Code in the conduct of business; ~~and~~

(11) if applicable, a statement that the owner of the premises prohibits or will prohibit the carrying of concealed firearms on the property and has posted or will post a sign in accordance with subsection (k)(1) of Section 4-60-140 indicating that firearms are prohibited on the property; and;

(12) if the application is for either a tavern license or a consumption on premises – incidental activity license:

(A) a description of the proposed activities, as applicable, that the applicant will carry on or provide at the licensed premises, including the proposed primary activity, and how the retail sale of alcoholic liquor relates to such primary activity; and

(B) whether the applicant holds or is applying for a public place of amusement license under Chapter 4-156; and

(13) Any other information that the commissioner of business affairs and consumer protection or local liquor control commissioner may require to implement the requirements of this chapter.

(Omitted text is unaffected by this ordinance)

(h) The Local Liquor Control Commissioner ~~local liquor control commissioner~~ shall review the application materials and any written objections to the granting of the license. The review period for every type of license shall be no fewer than 35 days and no longer than 90 days after the date the license fee is paid, except that there shall be no time limit on review of an application for a late-hour license or for issuance of a license within an area described in Section 4-60-022 or Section 4-60-023. Notwithstanding the foregoing, there shall be no minimum time for review of an application for a license for a premises located within either O'Hare International Airport or Midway Airport. The Local Liquor Control Commissioner ~~local liquor control commissioner~~ shall deny an application if the applicant fails to satisfy the requirements of this chapter, and may deny an application for a city liquor dealer's license if the issuance of such license would tend to create a law enforcement problem, result in or add to an undue concentration of licenses, or have a deleterious impact on the health, safety or welfare of the community in which the licensed premises is to be located. A deleterious impact is presumed to exist whenever there have been a substantial number of arrests within 500 ~~660~~ feet of the applicant's premises (measured from the nearest exterior wall of the premises) within the previous two years, unless the applicant has adopted a plan of operation that will provide reasonable assurance that the issuance of the license will not have a deleterious impact.

If the applicant is seeking a liquor license for a premises and the Local Liquor Control Commissioner ~~local liquor control commissioner~~ finds that, for the subject premises identified in the application within the previous two years, a license application has been denied under this subsection (h), or within the previous 12 months, a license renewal has been denied under Section 4-60-041 because the Local Liquor Control Commissioner ~~local liquor control commissioner~~ has determined that issuance of the license would have a deleterious impact on the health, safety or welfare of the community, the application must be denied unless the applicant can prove by clear and convincing evidence that he has devised a plan of operation that will provide reasonable assurance that the issuance of the license will not have a deleterious impact. In any case in which the Local Liquor Control Commissioner ~~local liquor control commissioner~~ finds that an application must be denied under this paragraph, he shall notify the applicant of that finding and afford the applicant 20 days in which to submit a plan of operation, and the time for a final ruling on the application shall be stayed until 35 days after the period in which the plan may be submitted has expired. The plan shall include a mandatory timeline for the implementation of the plan of operation not to exceed 30 days and may include conditions upon the applicant's operation of the premises that are useful or necessary to mitigate a deleterious impact, including but not limited to providing security personnel, restricted hours of operation, providing outdoor lighting, the display of signs, providing trash pickup services, or any other reasonable restrictions on business practices. An applicant's failure to timely implement or to adhere to a written plan of operation approved by the Commissioner ~~commissioner~~ pursuant to this section shall constitute a basis to impose a fine and to suspend or revoke any liquor license subsequently issued, as appropriate. Nothing in this subsection (h) authorizes the issuance of a license when such issuance is prohibited under Section 4-60-180.

(Omitted text is unaffected by this ordinance)

(j) ~~Within~~ At least five days prior to the ~~of~~ issuance of a city retailer's license for the sale of alcoholic liquor or an expanded establishment amended liquor license, the ~~commissioner of business affairs and consumer protection~~ Commissioner of Business Affairs and Consumer Protection shall notify the alderman of the ward in which the premises described in such license is located.

(l) No application for a retailer's license for the sale of alcoholic liquor shall be accepted for any location which is currently licensed for the retail sale of alcoholic liquor and such license is subject to a pending disciplinary hearing seeking revocation of such license.

(m) No consumption on premises – incidental activity license shall be issued if the Local Liquor Control Commissioner determines that the proposed retail sale of alcoholic liquor will be: (1) the primary activity of such place of business; or (2) directly related to the primary activity of such place of business. Notwithstanding the foregoing, the Local Liquor Control Commissioner may assist such applicant with submitting a corrected application for a tavern license in accordance with this chapter.

SECTION 8. Section 4-60-050 of the Municipal Code of Chicago is hereby amended by inserting the language underscored, and by deleting the language struck through, as follows:

4-60-050 Notice and license issuance conditions.

(a) Within five days after the license fee was paid for a liquor license, the department of business affairs and consumer protection shall serve written notice by first class, registered or certified mail on all legal voters residing within 250 660 feet of the location for which the license is sought. The measurement of such area shall be made from the boundaries of the premises described in the application for which the license is sought, to a radius of 250 660 feet away. The notice shall state the name of the applicant, the street number and location of the premises for which the license is sought, the type of license sought by the applicant and the date on which the license fee was paid. The notice shall also state that any objection to the granting of the license sought shall be made to the local liquor control commissioner, in writing, signed by the objector and delivered to the local liquor control commissioner within 35 days after the date license fee was paid, as indicated on the notice, and shall set forth the specific grounds for the objection. The department of business affairs and consumer protection shall also serve such written notice in the manner and within such time limits as herein provided, upon the alderman of the ward in which the premises described in the notice is located.

(Omitted text is unaffected by this ordinance)

SECTION 9. Chapter 4-60 of the Municipal Code of Chicago is hereby amended by deleting Section 4-60-041 in its entirety, and by inserting a new Section 4-60-041, as follows:

4-60-041 Additional renewal procedure.

(a) In addition to the requirements for the renewal of a liquor license under this Code, including under Section 4-4-260 and Section 4-60-040, all license renewals must follow the review procedures of this section.

(b) Within two business days after the license fee is paid for the renewal of a liquor license, the Commissioner of Business Affairs and Consumer Protection shall cause a written notice to be issued to the Department of Law, the Mayor's Office for People with Disabilities, Department of Business Affairs and Consumer Protection personnel with knowledge of the licensee, the Police Department District Commander of the Police District in which the premises described in the renewal application is located, and the alderman of the ward in which the premises described in

the renewal application is located, soliciting information, in writing, regarding the qualifications of the licensee and the suitability of the premises for renewal, including:

(i) whether the renewal of such liquor license would tend to create, perpetuate, or exacerbate a law enforcement problem;

(ii) whether the renewal of such liquor license would have a deleterious impact, or perpetuate or exacerbate a deleterious impact, on the health, safety, or welfare of the community in which the licensed premises is located;

(iii) whether the licensee has substantially complied with any applicable plan of operation, plan of corrective action, plan of conduct, or nuisance abatement plan;

(iv) whether the licensee has timely implemented any reasonable steps to correct objectionable conditions under Section 4-4-313;

(v) whether the licensee has substantially complied with any exterior safety plan required under this chapter, if applicable;

(vi) if the licensee is a consumption on premises – incidental activity licensee, whether the licensee has complied with Section 4-60-135;

(vii) whether the licensee has had any license issued under Chapter 4-156 revoked; and

(viii) any other information bearing upon the qualification of the licensee or the suitability of the licensed premises for the renewal of such liquor license.

(c) Upon request from the Local Liquor Control Commissioner or the alderman of the ward in which the premises described in the renewal application is located, the Police Department District Commander of the Police District in which the premises described in the renewal application is located shall compile and submit a memorandum of all arrests, incident reports, and calls for service, organized by type of call, incident, or offense within the preceding two years, for the premises described in the renewal application and within 660 feet of such premises.

(d) Prior to issuing a renewal of any liquor license, the Local Liquor Control Commissioner shall review the renewal application materials and any information or objections to renewal under subsection (b) of this section. If the Local Liquor Control Commissioner determines that the premises is no longer suitable or the licensee is no longer qualified for renewal of a liquor license based upon information received under subsection (b) of this section, the Local Liquor Control Commissioner shall issue a preliminary notice of non-renewal to the licensee, which must include specific findings that are the basis of the denial. After receiving a preliminary notice of non-renewal, a licensee may respond, in writing, within five business days with any information regarding the suitability of the premises, the qualification of the licensee, or other mitigating factors. If a licensee has not timely responded to a preliminary notice of non-renewal under this subsection (d), the Local Liquor Control Commissioner shall deny the application for renewal.

(e) Upon receiving any information from a licensee regarding the suitability of the premises, the qualification of the licensee, or other mitigating factors under subsection (d) of this section, the Local Liquor Control Commissioner shall review the application materials, any information received under subsection (b) of this section, and any mitigating factors received under subsection (d) of this section to determine if the premises is suitable for renewal or the licensee

is qualified, including whether the licensee has failed to timely adopt or implement any applicable plan of operation, plan of corrective action, plan of conduct, or nuisance abatement plan, or whether the licensee has failed to implement any reasonable steps to correct objectionable conditions under Section 4-4-313 or whether the renewal of such license would: (i) tend to create, perpetuate, or exacerbate a law enforcement problem; or (ii) have a deleterious impact, or perpetuate or exacerbate a deleterious impact, on the health, safety, or welfare of the community in which the licensed premises is located. If, after reviewing the applicable information under this subsection (e), the Local Liquor Control Commissioner determines that the premises is no longer suitable or the licensee is no longer qualified for renewal of a liquor license based upon information received under subsection (b) of this section, the Local Liquor Control Commissioner shall deny the renewal of the license and issue a notice of non-renewal to the licensee, which must include specific findings that are the basis of the denial.

SECTION 10. Section 4-60-130 of the Municipal Code of Chicago is hereby amended by inserting the language underlined, and by deleting the language struck through, as follows:

4-60-130 Hours of operation.

(Omitted text is unaffected by this ordinance)

(e) Except as otherwise provided in this section, all persons licensed under this chapter shall have the privilege, upon application and the payment of an additional fee of the amount specified in Section 4-5-010, of remaining open and selling alcoholic liquor on Sundays until 5:00 a.m. and on Mondays through Saturdays until 4:00 a.m.; provided, however, that, if 50 or more legal voters reside within a distance of ~~500~~ 660 feet from the licensed premises, the applicant shall first notify all legal voters registered within such area by certified mail, return receipt requested, stating that application is being made for a late-hour license and stating the name of the applicant and the location of the licensed premises for which the late-hour license is sought. The applicant shall sign an affidavit verifying that all legal voters registered within such area have been notified by certified mail. The applicant shall cause to be posted at the location of the premises for which the late-hour license is sought, in a place clearly visible from the public way, notice in the form prescribed by the commissioner of business affairs and consumer protection, stating that application is being made for a late-hour license and listing the name of the applicant. Within 60 days before the filing of an application for a late-hour license the applicant shall obtain and file with the department of business affairs and consumer protection the written consent of a majority of the legal voters registered within the affected area. Such measurement shall be made from the boundaries of the premises as described in the application for which the late-hour license is sought, to a radius of ~~500~~ 660 feet away. No late-hour license shall be issued for any outdoor location licensed as an outdoor patio.

(Omitted text is unaffected by this ordinance)

(h) A majority of the legal voters residing within ~~500~~ 660 feet of the licensed premises may file a petition with the commissioner of business affairs and consumer protection, requesting the commissioner to suspend or revoke a late-hour privilege. Within ten days after the petition signatures have been validated, the commissioner of business affairs and consumer protection shall set a hearing date and shall send notice of the hearing to the licensee at the address of the licensed premises and to the alderman of the ward in which the licensed premises are located. Notice shall be sent by certified mail, return receipt requested. The commissioner of business affairs and consumer protection shall cause to be published, in a daily newspaper of general

circulation in the city, a notice stating that a public hearing has been scheduled regarding the late-hour privilege of the licensee setting forth the name, street number and location of the premises covered by such license and the date, time and location of the hearing. The hearing shall be commenced no later than 30 days after validated petitions have been received by the commissioner of business affairs and consumer protection, and shall be conducted in the same manner as other hearings on the revocation or suspension of licenses issued pursuant to this chapter.

(Omitted text is unaffected by this ordinance)

SECTION 11. Chapter 4-60 of the Municipal Code of Chicago is hereby amended by inserting a new Section 4-60-135, as follows:

4-60-135 Operation as an unlicensed tavern.

(a) No consumption on premises – incidental activity licensee shall operate as a tavern licensee. For the purposes of this section, there shall be a rebuttable presumption that a consumption on premises – incidental activity licensee who derives more than 50% of its gross revenue from retail sale of alcoholic liquor for consumption on the premises is operating as a tavern licensee in violation of this section.

(b) Failure to comply with the requirements of this section shall be grounds for the suspension or revocation of the license for a single offense in accordance with the requirements of Section 4-4-280.

SECTION 12. Chapter 4-60 of the Municipal Code of Chicago is hereby amended by deleting Section 4-60-190 in its entirety, and by inserting a new Section 4-60-190, as follows:

4-60-190 Effect of non-renewal.

(a) Any person whose application for renewal of a license issued pursuant to this chapter is denied shall thereafter be ineligible for the issuance of any new license issued pursuant to this chapter for a period of 12 months, provided, however, that nothing in this subsection (a) shall prohibit the renewal of any license at a premises other than the premises described in such non-renewed license.

(b) Any person who has a significant ownership interest in or control of an entity whose liquor license renewal application is denied shall thereafter be ineligible for the issuance of any new license issued pursuant to this chapter for a period of 12 months. This ineligibility also shall apply to the issuance of a new license to any other entity in which the disqualified person has significant ownership or control, provided, however, that nothing in this subsection (b) shall prohibit the renewal of any license at a premises other than the premises described in such non-renewed license. As used in this section, "significant ownership or control" means: (1) ownership of more than 5% of the entity, or ownership of more than 5% of the voting shares of stock if the entity is a corporation; or (2) holding a position as a principal officer or serving on the board of directors or as a manager of the entity.

(c) When any application for renewal of a license issued pursuant to this chapter is denied under this chapter, no license under this chapter shall be granted to any person for the period of 12 months thereafter for the premises described in such non-renewed license.

SECTION 13. Section 4-156-311 of the Municipal Code of Chicago is hereby amended by inserting the language underscored, as follows:

4-156-311 Notice requirements; objections.

(b) Within five days after payment of the license fee, the department of business affairs and consumer protection shall serve written notice by first class, registered or certified mail on all legal voters residing within ~~250~~ 660 feet of the location for which the license is sought. The measurement of such area shall be made from the boundaries of the premises described in the application for which the license is sought, to a radius of ~~250~~ 660 feet away. The notice shall:

(Omitted text is unaffected by this ordinance)

(4) advise the recipient that any legal voter residing within ~~250~~ 660 feet of the location for which the license is sought may file an objection with the commissioner no later than 35 days after the date the license fee was paid, requesting the commissioner to deny the application on the grounds that the license would have an adverse effect on: (i) the value of the property in the surrounding area; (ii) other commercial or industrial enterprises in the surrounding area; (iii) traffic-flow or parking within the surrounding area; (iv) the character of the surrounding area because of the hours of operation or use; or (v) the health, safety or welfare of the surrounding area. The objection shall be in writing signed by the objector and include the objector's name and address and set forth the grounds for the objection.

(Omitted text is unaffected by this ordinance)

(d) (1) Any objection filed pursuant to subsection (b) shall be delivered to the department no later than 35 days after the date on which the license was paid and shall set forth the grounds for the objection.

(Omitted text is unaffected by this ordinance)

(B) For any application for which the license fee is paid on or after March 13, 2013, in addition to any other grounds for denial of an application set forth in this section, the commissioner shall deny an application if the commissioner finds that within the two-year period prior to the date of the application, the premises identified in the application was identified in a prior application for a substantially similar business and the prior application was denied for a finding of an adverse effect on the surrounding area under this section or another similar provision; provided that the commissioner may approve an application if an applicant can prove by clear and convincing evidence that the issuance of the license will not have an adverse effect on the surrounding area. The commissioner shall send a written notice to the applicant of the findings which are the basis of the denial under this subsection and advise the applicant that the applicant may submit evidence that the issuance of the license will not have an adverse effect on the surrounding area within 20 days of the notice. The evidence may include, but is not limited to:

(i) a petition with the written support of a majority of the legal voters registered within a radius of ~~250~~ 660 feet from the boundaries of the premises for which a license is sought;

(Omitted text is unaffected by this ordinance)

(e) In addition to the requirements otherwise provided in this section, upon application for renewal of a public place of amusement license under this Article III, the Department of Business Affairs and Consumer Protection shall solicit written information from the alderman of the ward in which the licensed premises is located and the district commander of the police district in which the licensed premises is located concerning the qualifications of the licensee and the suitability of the licensed premises for continued operation as a public place of amusement. Such information may include whether renewal of the license would create, perpetuate, or exacerbate a law enforcement problem or have a deleterious impact, or perpetuate or exacerbate a deleterious impact, on the health, safety, or welfare of the community in which the licensed premises is located. In making a determination concerning renewal, the Commissioner may consider the licensee's compliance with any applicable plan of operation, plan of corrective action, plan of conduct, nuisance abatement plan, or reasonable steps required to correct objectionable conditions pursuant to Section 4-4-313.

SECTION 14. Section 4-156-320 of the Municipal Code of Chicago is hereby amended by inserting the language underscored, as follows:

4-156-320 License – Application – Approval conditions.

(Omitted text is unaffected by this ordinance)

(d) An application for renewal of a public place of amusement license under this Article III shall be subject to the renewal review requirements of Section 4-156-311. In determining whether to approve or deny an application for renewal, the Commissioner shall consider information received pursuant to Section 4-156-311, together with the licensee's qualifications, the suitability of the licensed premises, and the licensee's compliance with any remedial measure applicable to the licensed premises. The Commissioner may deny renewal upon a determination that the licensee is no longer qualified to hold the license, that the licensed premises is no longer suitable for operation as a public place of amusement, or that continued operation would create, perpetuate, or exacerbate a law enforcement problem or have a deleterious impact, or perpetuate or exacerbate a deleterious impact, on the health, safety, or welfare of the community. The procedures for denial of a license set forth in Chapter 4-4 shall apply to a denial of renewal under this subsection.

SECTION 15. Section 4-156-330 of the Municipal Code of Chicago is hereby amended by inserting the language underscored, and by deleting the language struck through, as follows:

4-156-330 Location restrictions.

(Omitted text is unaffected by this ordinance)

(e) If the ~~Commissioner~~ commissioner grants the application for a reduction, those factors that were deemed by her to be relevant to the determination shall be included in a plan of conduct. If the public place of amusement license under this Article III is granted, the 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. Any such plan of conduct shall be implemented by the licensee prior to commencing business as a public place of amusement. Failure to comply

with one or more elements of the plan of conduct shall subject the licensee to suspension or revocation of such public place of amusement license.

SECTION 16. Section 4-156-355 of the Municipal Code of Chicago is hereby amended by inserting the language underscored, and by deleting the language struck through, as follows:

4-156-355 License – Issuance prohibited.

No public place of amusement license under this Article III shall be issued to:

(Omitted text is unaffected by this ordinance)

(3) A person whose license, issued by the City of Chicago under any chapter of the Municipal Code of Chicago, has been revoked for cause within the past five years or whose license has been denied renewal because of the person's failure to timely implement or comply with an applicable plan of operation, plan of corrective action, plan of conduct, nuisance abatement plan, or reasonable steps required to correct objectionable conditions pursuant to Section 4-4-313;

(Omitted text is unaffected by this ordinance)

(8) A person whose place of business is conducted by a manager or agent unless the person demonstrates that the manager or agent possesses the qualifications required to obtain a license hereunder; ~~or~~

(9) A person whose public place of amusement license under this Article III has not undergone and passed a building inspection as required by Section 14A-6-602 of this Code within the 90 days preceding the date of submission, every two years, of a renewal license application; or

(10) A person who has failed to timely implement or comply with any plan of operation, plan of corrective action, plan of conduct, nuisance abatement plan, or reasonable steps required to correct objectionable conditions pursuant to Section 4-4-313 applicable to the person or to the premises for which the public place of amusement license is sought or renewed.

SECTION 17. Chapter 4-156 of the Municipal Code of Chicago is hereby amended by deleting Section 4-156-400 in its entirety, and by inserting a new Section 4-156-400, as follows:

4-156-400 Additional requirement for certain liquor licensees.

No licensee who holds a consumption on premises – incidental activity license issued under Chapter 4-60 of this Code shall host, advertise, market, or promote any amusement, event, or other business activity at the licensed premises in a manner that encourages or promotes the consumption of alcohol by persons under 21 years of age, including, but not limited to, by hosting, advertising, marketing, or promoting any amusement, event, or other business activity primarily for participation by minors in entertainment or amusement.

SECTION 18. Section 4-156-470 of the Municipal Code of Chicago is hereby amended by inserting the language underscored, and by deleting the language struck through, as follows:

4-156-470 License – Statement of conditions.

Each public place of amusement license issued under this Article III shall contain apt words indicating that such license is issued and accepted subject to: (i) the representations made in the license application; (ii) and to all laws, ordinances and regulations governing the conduct of the licensed premises now in effect or which may hereafter be adopted; (iii) any plan of operation, plan of corrective action, plan of conduct, or nuisance abatement plan, covering the licensed premises now in effect or which may be entered into by the licensee thereafter; and (iv) any reasonable steps the licensee must implement to correct objectionable conditions under Section 4-4-313. Failure to timely implement or comply with any such plan or required corrective measure shall constitute a violation of the conditions of the public place of amusement license and may constitute grounds for non-renewal, suspension, or revocation of the license as otherwise provided by law.

(Omitted text is unaffected by this ordinance)

SECTION 19. This ordinance shall take effect 10 days after passage and publication.



WALTER R. BURNETT
Alderman, 27th Ward



FELIX CARDONA, JR.
Alderman, 31st Ward



SCOTT WAGUESPACK
Alderman, 32nd Ward



BRENDAN REILLY
Alderman, 42nd Ward