City of Chicago

O2022-1279

Office of the City Clerk

Document Tracking Sheet

Meeting Date:	4/27/2022
Sponsor(s):	Lightfoot (Mayor)
Type:	Ordinance
Title:	Amendment of Municipal Code Chapters 4-5, 4-60, 4-156, 8-32 and 13-96 regarding outdoor entertainment venues as to alcoholic beverage service limitations, and regulation of sound amplification
Committee(s) Assignment:	Committee on License and Consumer Protection

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OFFICE OF THE MAYOR

CITY OF CHICAGO

LORI E. LIGHTFOOT
MAYOR

April 27, 2022

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 the Municipal Code regarding Outdoor Entertainment Venues.

Your favorable consideration of this ordinance will be appreciated.

Very truly yours,

Lori E. Lightfoot

Mayor

ORDINANCE

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

SECTION 1. Section 4-5-010 of the Municipal Code of Chicago is hereby amended by adding the language underscored, and by deleting the language struck through, as follows:

4-5-010 Establishment of license fees.

(Omitted text is unaffected by this ordinance)

(22) Liquor – Retail (4-60)

Fees for the whole or any portion of the license period for which the application is made shall be as set forth below:

(Omitted text is unaffected by this ordinance)

Liquor – Outdoor Patio, ~~or~~ Sports Plaza Venue, or Outdoor Entertainment Venue	$1,760.00

(Omitted text is unaffected by this ordinance)

SECTION 2. Section 4-60-010 of the Municipal Code of Chicago is hereby amended by adding 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:

(Omitted text is unaffected by this ordinance)

"Outside caterer" means any person who: (1) performs off-site catering by preparing food at a location outside the city for service at a location within the city; and (2) sells, serves or otherwise dispenses liquor at a location within the city.

"Outdoor Entertainment Venue" means an outdoor space on private property which (1) has an outdoor capacity of more than 3,000 people; (2) conducts amusements, as that term is defined in Section 4-156-010, but does not have live sporting events as a central part of its business model, nor is subject to the Lakefront Venue liquor license under Section 4-60-073; and (3) is where alcoholic liquor may be sold and consumed.

"Outdoor patio" means the privately owned outdoor location adjacent to a premises holding a tavern license or a consumption on premises – incidental activity license within the meaning of item (1) of the definition of a "consumption on premises – incidental activity license" in Section 4-60-010, where alcoholic liquor may be sold and consumed subject to the provisions governing outdoor patio licenses.

(Omitted text is unaffected by this ordinance)

SECTION 3. Section 4-60-021 of the Municipal Code of Chicago is hereby amended by adding the language underscored, and by deleting the language struck through, as follows:

4-60-021 Ordinance prohibiting issuance of additional liquor licenses – Requirements – Procedure.

(Omitted text is unaffected by this ordinance)

(c) No ordinance to prohibit the issuance of additional liquor licenses in a specified area may:

(1) prohibit additional licenses for sale of liquor on the premises of any of the following: sports stadiums with a seating capacity of more than 3,000 persons; restaurants; hotels; banquet halls licensed for incidental service of liquor only and where the principal activity is the service of food, theaters whose premises are licensed for incidental service of liquor only, that provide live stage performances and are equipped with fixed seating; any ice rink for which a valid public place of amusement license and a valid retail food license have been issued, and where the sale of alcoholic liquor is incidental to those activities; ~~or~~ facilities operated by the metropolitan pier and exposition authority; or Sports Plazas, as that term is defined in ~~section~~ Section 4-60-075; or Outdoor Entertainment Venues, as that term is defined in Section 4-60-010;

(Omitted text is unaffected by this ordinance)

SECTION 4. Section 4-60-024 of the Municipal Code of Chicago is hereby amended by adding the language underscored, 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 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 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)

SECTION 5. Chapter 4-60 of the Municipal Code of Chicago is hereby amended by adding a new Section 4-60-076, as follows:

4-60-076 Outdoor Entertainment Venue liquor licenses – Special conditions.

(a) For purposes of this section:

"Fixed point-of-sale" means a booth, kiosk, tent, or other outdoor location that is stationary for the duration of an event during which the sale and service of alcohol is allowed.

"Residential building" has the meaning ascribed to that term in Section 17-17-02146.

"Retail food establishment license" means a retail food establishment license issued under Chapter 4-8 of this Code.

"Outdoor Entertainment Venue" has the meaning ascribed to that term in Section 4-60-010.

(b) In addition to the other categories of licenses authorized under this chapter, the Local Liquor Control Commissioner is authorized to issue Outdoor Entertainment Venue liquor licenses. An Outdoor Entertainment Venue is required to have an Outdoor Entertainment Venue liquor license. An Outdoor Entertainment Venue liquor licensee may serve, in compliance with this section, alcoholic liquor within the Outdoor Entertainment Venue from fixed point-of sale locations.

(c) A separate Outdoor Entertainment Venue liquor license shall be required for each licensee selling, serving, or offering for sale alcoholic liquor for consumption at fixed point-of-sale locations at an Outdoor Entertainment Venue. In addition to the information required by Section 4-60-040, an application for an Outdoor Entertainment Venue liquor license shall: (1) designate the specific Outdoor Entertainment Venue at which the applicant intends to sell or serve alcoholic liquor; and (2) designate the fixed points-of-sale located in the Outdoor Entertainment Venue. The fee for an Outdoor Entertainment Venue liquor license shall be as set forth in Section 4-5-010.

(d) An Outdoor Entertainment Venue liquor licensee shall:

(1) sell alcoholic beverages only from fixed points-of-sale;

(2) serve alcoholic liquor only in cups which clearly identify the liquor licensee from which the alcoholic liquor was purchased;

(3) not sell alcoholic liquor in quantities greater than:

(i) 16 fluid ounces for beer, hard cider, hard seltzer, malt liquor, and similar beverages;

(ii) 6.3 fluid ounces for wine; and

(iii) 3 fluid ounces for spirits.

(4) not sell or offer for sale any package goods.

(e) An Outdoor Entertainment Venue liquor licensee shall be subject to all provisions of this chapter, except for subsections (e) and (f) of Section 4-60-040; the 35-day review period of subsection (h) of Section 4-60-040; and Section 4-60-050.

(f) An Outdoor Entertainment Venue shall be clearly demarcated to distinguish it from the public way and have the ability to limit guest access to Outdoor Entertainment Venue patrons only and not passersby.

(g) No Outdoor Entertainment Venue shall be located within 125 feet of any existing property that contains residences at the time that it applies for its licenses under Chapter 4-60 and Chapter 4-156, measured from the nearest property line of the property that contains residences to the nearest property line of the property containing the Outdoor Entertainment Venue.

(h) A location eligible for an Outdoor Entertainment Venue liquor license shall not be eligible for an outdoor patio license.

SECTION 6. Section 4-60-130 of the Municipal Code of Chicago is hereby amended by adding the language underscored, as follows:

4-60-130 Hours of operation.

(Omitted text is unaffected by this ordinance)

(c) (1) Except as provided in paragraph (c)(2), no person licensed to operate an outdoor patio shall sell, serve or allow the sale or service of alcoholic liquor for consumption in the outdoor, privately owned portion of the licensed premises on Saturdays and Sundays between 12:01 a.m. and the legally established hour of opening, or on Sundays through Thursdays between the hours of 11:00 p.m. and the legally established hour of opening on the following day.

(2) No person licensed to operate an outdoor patio located in the central business district, as that term is defined in Section 9-4-010, shall sell, serve or allow the sale or service of alcoholic liquor for consumption in the outdoor, privately owned portion of the licensed premises between 12:01 a.m. and the legally established hour of opening. The provisions of this paragraph (c)(2) shall expire on December 1, 2020 and the hours of operations for an outdoor patio located in the central business district shall then be as set forth in paragraph (c)(1).

(3) At an Outdoor Entertainment Venue, alcoholic liquor shall not be sold or served for consumption on Saturdays and Sundays between 12:01 a.m. and the legally established hour of opening, or on Sundays through Thursdays between the hours of 11:00 p.m. and the legally established hour of opening on the following day.

(Omitted text is unaffected by this ordinance)

SECTION 7. Chapter 4-156 of the Municipal Code of Chicago is hereby amended by adding the language a new Section 4-156-426, as follows:

4-156-426 Outdoor entertainment venue.

(a) An Outdoor Entertainment Venue shall be licensed as a public place of amusement.

(b) An Outdoor Entertainment Venue shall not have amplified sound outdoors between 10 p.m. and 10:00 a.m.

SECTION 8. Section 8-32-080 of the Municipal Code of Chicago is hereby amended by adding the language underscored, as follows:

8-32-080 Regulated entertainment businesses.

(a) No establishment holding a liquor license pursuant to Chapter 4-60 of this Code, or a public place of amusement license pursuant to Article III of Chapter 4-156 of this Code, shall operate or permit operation of any equipment or device that electronically amplifies sound so as to generate sound louder than average conversational level at a distance of 100 feet or more from the property line of the property from which the noise is being generated, with the exception that an Outdoor Entertainment Venue shall not be bound by this restriction from 10:00 a.m. to 10:00 p.m.

(Omitted text is unaffected by this ordinance)

SECTION 9. Chapter 13-96 of the Municipal Code of Chicago is hereby amended by adding a new Section 13-96-100, as follows:

13-96-100 Portable audiovisual rigging.

No person may perform, or employ, direct, or allow a person to perform, portable audiovisual rigging outdoors unless the person performing such work holds a valid rigger's certification issued by the Entertainment Technician Certification Program. "Portable audiovisual rigging" means the temporary installation or operation of portable mechanical rigging and static rigging for the overhead suspension of portable audiovisual equipment, including, but not limited to: audio, video, lighting, backdrops, scenery, tresses, and other effects. Portable audiovisual rigging does not include freight handling or the transportation of heavy equipment.

SECTION 10. This ordinance shall be in full force and effect following passage and approval.