

SUMMARY CLOSURE ORDINANCE

The Summary Closure Ordinance was created to keep businesses which are deemed to be a "Public Safety Threat" closed until the business owner takes reasonable steps to protect its employees, patrons and members of the public from future harm.

- A business is deemed to be a "**Public Safety Threat**" when all of the following occur: (1) a violent offense occurs at an establishment during the establishment's operating hours, and (2) the violent offense involves acts of the licensee/owner, or its employees, agents or patrons, or otherwise involves circumstances having a nexus to the operation of the establishment, and (3) the superintendent reasonably determines, based on data or information in the superintendent's possession, that continued operation of the establishment presents a danger to the public.
- **A business may reopen only if** (1) the licensee/owner can establish at a probable cause or nuisance abatement hearing that the public safety threat never occurred, or (2) the licensee/owner adopts and implements a nuisance abatement plan to prevent a recurrence of the public safety threat.
- **Duration of Closure:** A minimum of at least **3** business days up to a maximum to **6** months.
- A **Notice of Closure** will be posted at the establishment and served to the business owner.
- **Probable Cause Hearing:** Licensee/owner has **3** business days to request a probable cause hearing. If requested, hearing to be commenced within **3** business days. Decision to be announced within **2** business days of completion of the hearing.
- **Nuisance Abatement Hearing:** Licensee/owner can request a nuisance abatement hearing at any time during the period of closure. If requested, such hearing will be commenced within **5** business days. Decision to be announced within **3** business days of completion of the hearing.
- **Reopening the Business:** The business may reopen if (1) at a hearing it is determined that the public safety threat/nuisance did not occur or (2) it is determined at a hearing that continued operation of the establishment no longer presents a public safety threat with an approved nuisance abatement plan.
- **Penalties for Violating a Summary Closure Order:**
 - Violating a closure order, knowingly patronizing a closed establishment, or removing, tampering with or damaging a posted closure notice or sign: \$1,000 - \$10,000 fine, incarceration for 3 days to six months, or both.
 - Failure to comply with an approved nuisance abatement plan: \$1,000 - \$10,000 fine, immediate closure, or both.

[Read the Summary Closure Ordinance, MCC 4-4-285, for complete details.](#)

DEPARTMENT OF BUSINESS AFFAIRS AND
CONSUMER PROTECTION



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