

Public Nuisance Ordinance

4-4 & 4-60



Public nuisance cases concerning objectionable conditions are triggered in the following ways:

Liquor Licenses:

- Initiated by public complaints against a business. Any group of five or more residents who reside within 500 feet of a licensed premise may file with the LLCC a complaint that a licensee's business is a public nuisance by failing to take reasonable steps to correct objectionable conditions.
- Initiated at the request of the local liquor control commissioner or the alderman of the ward in which the premises are located based upon his or her reasonable belief that the sale of liquor at the particular location is a public nuisance.

Non-Liquor Licenses:

- Initiated by any person who files a complaint with BACP that a licensee's business is a public nuisance by failing to take reasonable steps to correct objectionable conditions.



A Public Nuisance Case can be brought against any business licensed in Chicago.

There are two scenarios that warrant a public nuisance case:

1) Illegal Acts: Concern felonies, drugs, or weapons. If three or more illegal acts take place within any 12 month period on the business's premises or on adjacent property while the business is open or within one hour of it being opened or closed for business, a public nuisance case can be filed.

For this type of public nuisance case, the City will initiate a license disciplinary process seeking to suspend or revoke the business license.

2) Objectionable Conditions: Concern disturbance of the peace, public drunkenness, drinking in public, harassment of passerby, gambling, prostitution, loitering, public urination, lewd conduct, drug trafficking or excessive loud noise. If a business fails to take reasonable steps to correct objectionable conditions existing or occurring while the business is open or within one hour of it being opened or closed for business, a public nuisance case can be filed. For this type of public nuisance case, the City will initiate a community meeting process.

Community Meeting Process

- Utilized to bring the licensee, community residents, local police and the local alderman together in order to define, discuss and seek resolution of the objectionable conditions giving rise to the complaint.
- The goal is to have the licensee, community and police work together to take comprehensive reasonable steps to abate the public nuisance.
- BACP/LLCC chairs and monitors these meetings. BACP/LLCC may order subsequent meetings to review progress towards resolution of the problems.
- The community meeting process must be utilized before any license disciplinary action can be taken against a licensee for public nuisance allegations.

Only if the community meeting process fails to result in a successful outcome, would BACP/LLCC initiate the license disciplinary process to determine whether the business has caused a public nuisance.

SEE REVERSE SIDE

Department of Business Affairs
and Consumer Protection
The Local Liquor Control Commission
121 N. LaSalle Street, Room 805
Chicago, Illinois 60602

More information about
this ordinance is available
at www.cityofchicago.org/bacp or contact
a business consultant at
312-74-GOBIZ



License Disciplinary Process

- When BACP/LLCC initiates a license disciplinary hearing, the Corporation Counsel's Office reviews whether sufficient evidence exists to bring formal public nuisance charges.
- If it is determined that sufficient evidence exists, a notice is sent to the licensee, informing them of the charges and the date and location of the hearing.
- At the hearing, the community has the burden of proof to establish that the operation of the business is a public nuisance.
- At the conclusion of the hearing, if BACP/LLCC determines that the operation of the business is a public nuisance, BACP/LLCC will suspend or revoke the license.
- The licensee has 20 days from that date to submit a Plan of Operation, outlining the steps the business will take to eliminate the scenario creating the public nuisance. BACP/LLCC may delay suspension or revocation of the license for six months while the plan is in effect.

Effect of Revocation

- **Liquor Licenses** – Any person whose liquor license is revoked is ineligible for the issuance of any new city liquor license. This includes anyone who owns 5% or more of the entity or is an officer, director or manager of the entity. The parent, child, sibling, spouse or domestic partner of a person who is ineligible for the issuance of a new liquor license is also ineligible for the issuance of a new liquor license at the same location for a period of one year.
- **Non-Liquor Licenses** – Any person whose license is revoked is ineligible for the issuance of any new license for a period of one year following the date that the revocation became effective. This includes any person who owns 25% or more of the entity or is an officer, director or manager of the entity. The parent, child, sibling, spouse or domestic partner of a person who is ineligible for the issuance of a new license is also ineligible for the issuance of a new license at the same location for a period of one year.

Penalties

Liquor Licenses: Fines are between \$300.00 and \$5,000.00 for each offense, except where otherwise specifically provided.

Non-Liquor Licenses: Fines are between \$250.00 and \$500.00 for each offense, except where otherwise specifically provided.