This ordinance strengthens various enforcement mechanisms for all categories of business licenses –including plans of operation, plans of corrective action, plans of conduct, nuisance abatement plans, and reasonable steps required to be implemented to correct objectionable conditions (collectively, "remedial measures") – by imposing deadlines for implementing such remedial measures and increasing the penalties for failure to implement or noncompliance. The current Code generally does not contain any standard timing requirements or penalties for failure to timely implement any remedial measures. Additionally, this ordinance updates the process by which liquor licenses are renewed to include a more robust review of the suitability of the premises and the qualifications of the licensee, including compliance with any applicable remedial measures.

Remedial Measures for all Business Licenses

This ordinance establishes a timeliness requirement for business licensees to implement required nuisance abatement plans. If a licensee fails to fully and timely implement such nuisance abatement plan they may be fined between $1,000 and $10,000 and the Superintendent must reinstate summary closure in accordance with the Code, and the establishment will remain closed for an additional six months unless it is determined at an applicable hearing that the licensee was in compliance with the nuisance abatement plan. This ordinance also establishes a 30-day timeline for business licensees to undertake reasonable steps to correct objectionable conditions at their premises and to implement a plans of corrective action. Failure to comply with the 30-day timeline may be cause for suspension or revocation of licenses.

This ordinance also expands the area from which residents may file a complaint that a business is a public nuisance to trigger the community meeting process from within 500 ft. of the premises to within 660 ft. of the premises (i.e., a standard City block). If the Commissioner of BACP finds that a business licensee subject to remedial measures fails to prevent objectionable conditions subject to such remedial measures, the Commissioner must immediately pursue the applicable disciplinary procedures, and may not schedule an additional community meetings. The Commissioner must investigate each licensed premises subject to remedial measures within 30 days after the licensee is required to implement such measures. Whenever the Commissioner imposes conditions for operation of a licensed business as part of an order of suspension, such conditions must be in writing, and the licensee must implement such conditions before resuming business. The first failure to comply with such conditions carries a fine between $200 and $1,000 and may be grounds for suspension or revocation. The Commissioner must revoke a license for any subsequent violation of applicable conditions of operation.

This ordinance also imposes similar implementation and timeliness requirements for remedial measures that apply specifically to public place of amusement licensees.

Liquor Licenses

This ordinance establishes new requirements for liquor license renewal, establishes a 30-day timeline to implement a plan of operation, and prohibits the issuance of a liquor license to: (i) any person who's PPA license has been revoked for cause; (ii) any premises where a liquor license renewal has been denied in the last 12 months; or (iii) any person who has violated or failed to timely implement applicable remedial measures.

After license fee is paid for the renewal of a liquor license, the Commissioner must solicit from the Department of Law, the Mayor's Office for People with Disabilities, BACP personnel with knowledge of the licensee, the applicable Police Department District Commander of the Police District, and the applicable alderman information 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;

(iii) whether the licensee has substantially complied with any applicable remedial measures;

(iv) whether the licensee has timely implemented any reasonable steps to correct objectionable conditions;

(v) whether the licensee has substantially complied with any exterior safety plan required under the Code;

(vi) whether the licensee has had any PPA license revoked; and

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

Upon request from the applicable alderman or the local liquor control commissioner, the applicable Police Department District Commander will prepare 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 ft. of such premises.

The local liquor control commissioner must review any such information prior to renewing a liquor license, and, if they determine the premises is no longer suitable or the licensee is no longer qualified for a liquor license, will issue a preliminary notice of non-renewal to the licensee including the specific bases for denial. The licensee then has five business days to respond with information about the suitability for the license, the qualification of the licensee, and other mitigating factors or the local liquor control commissioner will deny the renewal application. If the licensee submits any mitigating factors, the local liquor control commissioner will review all applicable materials to determine whether the renewal of the license is appropriate and either issue a new license or deny the application through a notice of non-renewal.

If the local liquor control commissioner denies a renewal application under this ordinance, then, under State law, the denial of the renewal is stayed for at least 20 days to give the licensee an opportunity to appeal the decision, and the licensee may continue to operate during the appeal process.