

## Fact Sheet

### **Deleterious Impact / Public Nuisance Ordinance**

*The Deleterious Impact/Public Nuisance ordinance amends the City of Chicago Liquor Code, chapter 4-60 and went into effect April 11, 2007.*

#### Highlights:

##### The Deleterious Impact/Public Nuisance Ordinance:

- Gives the community a new tool that allows residents to address negative quality of life and public safety concerns in their neighborhoods caused by new liquor license applicants or existing liquor establishments.
- Allows existing and new liquor license applicants a second chance to operate if and when they devise a plan that provides reasonable assurance that the business will not cause a public nuisance or a deleterious impact on the health, safety and welfare of the community.
- Allows the City to revoke a liquor license for public nuisance, and blocks new liquor licenses from operating at the same location for 2 years.
- Prevents liquor establishments from operating when a liquor license is revoked for public nuisance when an appeal is filed, unless granted by the Circuit Court.
- Offers the community the ability to address single liquor establishments without resorting to voting an entire precinct dry.

### **The Ordinance Provides A New Definition For “Deleterious Impact”:**

*(See chapter 4-60-101)*

- An adverse effect on the value of any property
- An increased risk of violations of law
- A substantial increase in noise, litter or vehicular congestion
- A deleterious impact is presumed to exist whenever a substantial number of arrests have occurred within 500-feet of the premises within the previous two years.

### **How This Ordinance Applies To New Applicants:**

- If an applicant is denied a liquor license based on deleterious impact, it allows applicant to devise a plan of operation to address the community concerns. The plan may include conditions of operations. For example, security or lighting.
- The process places responsibility on the applicant to ensure the liquor license establishment will not negatively impact the community.

### **How This Ordinance Applies To Existing Liquor Licensed Establishments:**

*(See chapter 4-60-195)*

- The ordinance allows “Public Nuisance” to be used as a legal basis to revoke the liquor license of a single address liquor establishment. This is a better alternative for businesses than voting an entire precinct dry.
- The Deleterious Impact ordinance is the city’s answer to the federal court ruling finding the single address vote dry state statute unconstitutional.

### **Public Nuisance Revocation/ Suspension Procedure:**

*(See chapter 4-60-195)*

- Any group of 5 or more residents who reside within 500 ft. of the building may file a complaint to the Local Liquor Control Commissioner (LLCC), that a business is a “public nuisance” because they have failed to take reasonable steps to correct objectionable conditions on the premise.
- The LLCC may notify the licensee and call for a community meeting to discuss and seek resolution to the complaint. A businesses failure to attend meetings may be grounds for a fine, suspension or revocation. Issues may be resolved at this level.

- If the business owner fails to take reasonable steps to correct conditions, the community may circulate petitions and obtain consent from a majority of legal voters residing within 500 ft. to have a Public Nuisance Hearing. If there are not at least 50 registered voters, the LLCC may request a hearing.
- During the hearing, the burden of proof is on the community to bring evidence proving that the business is a public nuisance. The business owner has the opportunity to rebut the argument or devise a plan to address the issues.
- The case will be presented before the LLCC and a hearing officer will make a decision to revoke or suspend the license.
- If the licensee is issued a revocation or suspension, the business will have 20 days to provide a plan of operation to provide reasonable assurance that the business will not cause a public nuisance.
- The LLCC may suspend the revocation or suspension order for six months, while that plan is in effect. Any plan must be submitted within 20 days after a revocation or suspension order is issued.
- A 35 day stay (allowed to remain open) may be granted to review the plan.

**Revoked for Public Nuisance:**

- A 2 year ban is placed on the location. New liquor license applications for the location are completely banned for at least 1 year. After 1 year, applications will not be accepted unless the applicant obtains consent of 51% of the registered voters within 500 ft. *All other types of liquor license revocations are subject to a 1 year ban on the issuance of liquor licenses at a location.*  
(See chapter 4-60-180)
- If a business appeals the revocation decision to the License Appeal Commission, they may not remain open during the appeal time. A stay is only allowed by the circuit court when a license is revoked for public nuisance.  
(See chapter 4-60-181)

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