

4-156-430 Athletic contests at night and on weekday afternoons; restrictions.

(A) (1) It shall be unlawful for any licensee or other person, firm, corporation or other legal entity to produce or present or permit any Event or Major League Baseball game that takes place between the hours of 8:00 p.m. and 8:00 a.m., or is scheduled to begin between the hours of 2:01 p.m. and 4:09 p.m. on weekdays (except for Memorial Day, Independence Day or Labor Day), and is presented in the open air portion of any stadium or playing field which is not totally enclosed and contains more than 15,000 seats where any such seats are located within 500 feet of 100 or more dwelling units. The 500 foot distance shall be measured from the seat to the nearest point of the buildings in which the dwelling units are contained.

(2) For purposes of this section, the following definitions apply:

“Dwelling unit” shall mean a room designed or used for sleeping accommodations, including hotel and dormitory rooms.

“Event” means an amusement, as that term is defined in section [4-156-010](#), other than a Major League Baseball game.

(B) The provisions of subsection (A) do not apply, in whole or in part, to a team whose regular home stadium, or a person using such stadium, is subject to this section for any of the following:

(1) All-star, playoff, post-season or playoff determinative, regular season tie-breaker, divisional or conference championship series, league championship series, World Series, or similar baseball games, and directly related events to the baseball games listed in this paragraph (1);

(2) Up to 43 regular season home baseball games of any team in each year, as designated by that team, when such games are scheduled to begin at or after 4:10 P.M. or at or prior to 7:05 p.m., or scheduled to begin no later than 8:00 p.m. if required by an asserted national television obligation; provided, however,

(a) Up to 35 regular season home baseball games may be scheduled to start at the times set forth in subsection (B)(2);

(b) The remaining eight games shall be used to satisfy any requirements of an asserted national television obligation that requires such team to reschedule a day game to a game starting during the times set forth in subsection (B)(2). Any games scheduled pursuant to this subparagraph shall be promptly reported to the Alderman of the affected ward and the Corporation Counsel.

(3) Any baseball game scheduled to begin at or prior to 2:01 p.m. or in the case of a double-header where the second game is scheduled to begin reasonably promptly after the end of the first game;

(4) Up to six non-double-header baseball games scheduled to start on a Friday afternoon between 2:01 p.m. and 4:10 p.m. per in calendar year.

(5) During the duration of any contract between the city and any person, firm, corporation, legal entity, or professional sports team, that is authorized by the City Council, any games,

contests, sports, amusements, or any other Events that may be held according to the terms of that contract or any other ordinance;

(6) Any Event expected to have less than approximately 12,500 in attendance;

(7) Reserved.

(8) Up to four Events scheduled to take place between the hours of 8 p.m. and 8 a.m. expected to have more than 12,500 people in attendance, to be determined by the owner or operator of a stadium, or a promoter of the Event to be held at such stadium, subject to the following:

(a) The owner, operator or promoter, whichever is applicable, shall notify the City, in writing, of the proposed date and time of such Event;

(b) Such Event shall be allowed at the date and time specified in the notice; provided that the Event shall not be scheduled on any night Sunday through and including Thursday between Labor Day and June 15, nor the last Sunday in June;

(c) Unless otherwise authorized by ordinance, an Event authorized under this paragraph (8) shall end no later than 11:00 P.M. Events may be held on any day of the week, including on a Friday or Saturday night; and

(d) The owner, operator or promoter shall comply with the neighborhood protection provisions found in the ordinance adopted by the City Council on February 11, 2004, and appearing in the Journal of the Proceedings of the City Council of the City of Chicago of such date at pages 18722 – 18772 and as amended thereafter; and all provisions imposing obligations and protections enumerated in Sections 3, 4, 5(A) and (B), 6 and 7(A)(1) of the ordinance adopted by the City Council on March 13, 2013, and published at pages 48631 – 48638 of the Journal of the Proceedings of the City Council of the City of Chicago of such date. All such provisions are hereby incorporated as if fully set forth, except to the extent there are any inconsistencies, then the provisions of this section shall apply.

(9) Except for Events with attendance under 12,500 people or those authorized by paragraph (B)(10), all other Events in excess of the four Events permitted in subsection(B)(8), which are scheduled to take place between the hours of 8 p.m. and 8 a.m. shall be counted as a night baseball game for the purposes of the limit of 43 night baseball games in a season, and if too late in the year to reduce the number of night games in that year, shall be counted toward the permissible number of night games in the following year. Such Events shall be subject to the provisions of paragraph (8)(a) – (d);

(10) To any Event which takes place between October 1 and March 31, however, non-sporting Events must end no later than 11:00 P.M.; provided that an Event may end no later than 2 a.m. when the Event is: (1) expected to have less than 500 people in attendance; and (2) conducted within a totally enclosed area during the duration of the Event. Such Event shall not be counted for purposes of the limit of 43 night baseball games in a season..

(C) Except as otherwise provided in this section, no regular season baseball game may be scheduled to begin after 4:10 p.m. on a Friday or a Saturday, except up to three regular season games per year may be scheduled on a Saturday after 4:10 p.m. if required by:

(1) An asserted national television obligation, or

(2) Other circumstance beyond the control of any person, firm, corporation, team, or legal entity whose stadium or playing field is subject to this section, such as by a collective bargaining agreement.

(D) Games or Events scheduled to begin at or prior to 8:00 p.m. may begin on the same day upon the conclusion of weather delays or delays caused by other similar unexpected natural occurrences or by death or serious personal injury to a fan or a player or management employee of any person, firm, corporation, team, or legal entity whose stadium or playing field is subject to this section, all beyond the control any person, firm, corporation, team, or legal entity whose stadium or playing field is subject to this section, without restriction as to time except those dealing with public safety; provided that any Event authorized under subsection (B)(8) shall end no later than 11 p.m. regardless of the time it commenced.

(E) Baseball games and other permissible events scheduled to begin at or prior to 8:00 p.m., as permitted by this section, once commenced, may be concluded without restriction as to time except those dealing with public safety.

(F) Notwithstanding subsections (B)(2) and (B)(8), baseball games and other Events, regardless of the originally scheduled start time, which are postponed for the reasons listed in subsection (D), may be re-scheduled to a different date to begin during the times set forth in subsection (B)(2) or (B)(8), whichever is applicable, in the same or subsequent calendar year, provided that:

(1) for any professional baseball game rescheduled under this subsection, the owners or operators of the stadium shall request that Major League Baseball not reschedule such game to the day of the Pride Parade if the City has provided notice to such owners or operators of the dates when the Pride Parade will be held no later than June 30 of the year preceding the Pride Parade, and if no notice was provided, then request the game not be rescheduled for the last Sunday in June.

(2) if a professional baseball game or Event originally scheduled to take place during the day is rescheduled to take place during the times set forth in subsection (B)(2) or (B)(8), whichever is applicable, such game or Event shall count towards the number of night baseball games or Events authorized by those subsections; and

(3) Any baseball game or Event rescheduled pursuant to this provision shall result in a reduction of permitted baseball games or Events under subsection (B)(2) or subsection (B)(8), whichever is applicable, in the following calendar year, if the games or Events allocated in subsection (B)(2) or (B)(8) have already been scheduled.

(G) The owners, operators of any stadium, or any person promoting any Event, subject to this section, or the owners, operator of any stadium, or person promoting any Event, which is expected to have more than 12,500 people in attendance shall provide not less than 21 days notice to the Alderman of the affected ward, to the City Council and to a designated official of the City, or if 21 days notice is not possible, then notice to the Alderman of the affected ward, to the City Council and to a designated official of the City shall be provided reasonably promptly after such Event is scheduled.

(H) Subsection(B)(2) of this section shall not be subject to amendment with regard to any game included in the schedule proposed by Major League Baseball for the following calendar year.

(I) The owners or operators of any stadium where any baseball game is held that is subject to the provisions of the ordinance adopted by the City Council on February 11, 2004, and appearing in the Journal of the Proceedings of the City Council of the City of Chicago of such date at pages 18722 – 18772 shall comply with the neighborhood protection provisions found in the ordinance, or as thereafter amended. All such provisions are hereby incorporated as if fully set forth, except to the extent there is any inconsistency, then the provisions of this section shall apply.

(J) The owner or operator of a stadium subject to this section, or promoter of an Event held at such stadium, whichever is applicable, shall be responsible for reasonable costs incurred by the City for City services supporting the Event, consistent with the costs paid by other similarly situated venues; provided that costs incurred for any additional city services above the city services normally provided as of the effective date of this 2013 amendatory ordinance, shall not be assessed, unless the additional services are required by federal or state law. The determination of the need and cost for the City services shall be based on such factors as the expected pedestrian and vehicular traffic and congestion, estimated attendance, density of area, number of street closures, street cleaning or refuse disposal, and other such similar factors.

(K) The terms of this section may be enforced by the Corporation Counsel through injunction or any other suit, action or proceeding at law or in equity.

(L) The sale of beer or alcohol in the open air public seating areas or related public concourses shall end:

(1) at Events, no later than 11:00 p.m., and

(2) at major league baseball games, no later than 10:30 p.m., or the end of the 7th inning, whichever occurs first.

(M) (1) The owner or operator of a stadium, or promoter of an Event held at such stadium who violates subsection (B)(8)(c) shall be fined: (i) \$5,000 for any Event that ends between 11:01 p.m. and 11:30 p.m.; (ii) \$15,000 for any Event that ends between 11:31 p.m. and midnight; and (iii) \$30,000 for each additional half-hour increment after midnight that an Event fails to end. Each period of violation shall be deemed a separate offense and the fine applied to each period of violation shall be separately assessed from the fine imposed for any preceding period of violation. The owner or operator of the stadium and the promoter of an Event found in violation of subsection (B)(8)(c) shall be jointly and severally liable for such violation.

(2) Except where otherwise specifically provided, any person who violates this section shall be fined not less than \$300.00 nor more than \$5,000.00 for each offense. A separate and distinct offense shall be held to have been committed each day any person continues to violate any of the provisions hereof.

(Added Coun. J. 12-9-92, p. 25465; Amend Coun. J. 7-2-97, p. 48017; Amend Coun. J. 2-11-04, p. 18722, § 2; Amend Coun. J. 6-5-13, p. 54974, § 1; Amend Coun. J. 12-11-13, p. 71315, § 1; Amend Coun. J. 6-22-16, p. 26612, § 3)

