

**SUBSTITUTE**  
**ORDINANCE**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHICAGO:**

**SECTION 1.** Chapter 4-60 of the Municipal Code of Chicago is hereby amended by adding new section 4-60-077, as follows:

**4-60-077 Airport pushcart liquor licenses.**

(a) Definitions. For purposes of this section:

“Airport pushcart liquor license” shall mean the license authorized by this section.

“Authorized areas” shall mean the areas accessible to the public beyond the security checkpoint areas of the passenger terminals at O’Hare and Midway.

“Liquor Commissioner” shall mean the local liquor control commissioner.

“Midway” shall mean Chicago-Midway International Airport.

“O’Hare” shall mean Chicago-O’Hare International Airport.

“Spirits” has the meaning ascribed to the term in Section 3-44-020.

(b) Airport pushcart liquor license established; fee. In addition to the other categories of licenses authorized under this chapter, the liquor commissioner may issue airport pushcart liquor licenses to permit the sale of alcoholic liquor from pushcarts within authorized areas at O’Hare and Midway. A separate license shall be required for each pushcart from which sales of alcoholic liquor are made, and such license shall be valid only in the terminal for which it is issued. The fee for an airport pushcart liquor license shall be as set forth in Section 4-5-010, and shall be assessed annually for a Class A license, and at the start of the license term for a Class B license.

(c) Two classes of license. There shall be two classes of airport pushcart liquor licenses, as follows:

*Class A license:* Eligibility for this license shall be limited to an applicant who holds a tavern or consumption on premise – incidental activity license for the terminal in which the applicant seeks to operate pushcarts. This license has a one-year term, with the annual start and end date to be set by the commissioner of aviation. The number of Class A licenses that a licensee may obtain for each airport shall not exceed the number of tavern or consumption on premise – incidental activity licenses that said licensee holds at that airport. There shall be a maximum of twelve Class A licenses issued for operation at O’Hare, and a maximum of five Class A licenses issued for operation at Midway, at any given time.

*Class B license:* Eligibility for this license shall be limited to an applicant who holds, or has received pursuant to Section 4-60-042 conditional approval for, a tavern or consumption on premise – incidental activity license for the terminal in which the applicant seeks to operate pushcarts. This license shall be valid only while the licensee’s leased location at O’Hare or Midway, as applicable, is temporarily closed due to redesign or construction. This license has a 180-day term commencing upon issuance of the license, and may be renewed by the liquor commissioner for one additional 180-day period upon proof of continued closure. The number of Class B licenses that a licensee may obtain for each airport shall not exceed the number of tavern or consumption on premise – incidental activity licenses that said licensee holds, or has received conditional approval for pursuant to Section 4-60-042, at that airport.

(d) Rulemaking authority. The commissioner of aviation is authorized to promulgate rules specifying the start and end date for the Class A license; the maximum number of airport pushcarts that may operate within a given terminal, subject to the overall limits on the number of Class A licenses set forth in subsection (c); a neutral process for allocating pushcart liquor licenses in the event demand exceeds available locations; the size, design, and configuration of pushcarts operated pursuant to this section; areas where pushcarts can, and cannot, be operated; further limitations on the times of operation allowed by the liquor commissioner; and such other restrictions and requirements as are deemed necessary and appropriate for safety, security, and operational reasons.

(e) Application and issuance - process. Application for an airport pushcart liquor license shall be governed by the following process:

- (1) With regard to a Class A license, if the commissioner of aviation determines that there is available space at O’Hare or Midway for one or more licensed pushcarts, he shall notify lessees at the applicable airport, providing information regarding application deadlines, required documents and information, and other pertinent information. An application for a Class B license may be initiated at any time by the applicant.
- (2) Each applicant must then provide the commissioner of aviation with the documents and information required, including a designation of the specific terminal at O’Hare or Midway from which the applicant intends to sell alcoholic liquor from a pushcart, and a diagram detailing the design, size, and configuration of the pushcart that the applicant intends to operate.
- (3) The commissioner of aviation shall review the submitted documents to ascertain whether the applicant’s lease at O’Hare or Midway, as applicable, will allow pushcart operation upon issuance of an airport pushcart liquor license, and whether the applicant’s submission otherwise complies with applicable rules promulgated pursuant to subsection (c) of

this section. An applicant meeting these criteria shall be deemed "qualified."

- (4) If, upon concluding the review specified in subparagraph (3) above, the commissioner of aviation determines that there are more qualified applicants than there are available locations, the commissioner shall conduct a lottery or other neutral process for allocating eligibility for licenses among qualified applicants.
- (5) The commissioner of aviation shall then provide to each qualified applicant who has become eligible pursuant to subparagraphs (3) and (4) above, a document certifying that said applicant is qualified and eligible.
- (6) Each qualified, eligible applicant shall then make application to the liquor commissioner for an airport pushcart liquor license. The liquor commissioner shall only consider an application that includes the certification provided for in subparagraph (5) above.

If the commissioner of aviation concludes that the lease will not allow pushcart operation or that the applicant's submission does not comply with applicable rules, or that the applicant was not selected for eligibility pursuant to the neutral process for allocating eligibility, he shall notify the applicant of the denial, and the reasons for such denial, by mail. The decision of the commissioner of aviation shall be, on the date the denial is mailed, a final administrative decision appealable as provided by law.

(f) Application and issuance - annual and supplementary. The process set forth in paragraph (d) above shall be conducted once annually to establish Class A pushcart licensees for a given license period. This process may also be conducted one or more times during the course of the license period if the commissioner of aviation determines that additional locations for pushcarts have become available since the time of the annual issuance for that period.

(g) Information required. In addition to the information required under Section 4-60-040, an application for an airport pushcart liquor license shall include: written confirmation of qualification and eligibility from the commissioner of aviation as required by subsection (e) of this section; a designation of the specific terminal at O'Hare or Midway from which the applicant intends to sell alcoholic liquor from a pushcart; and a designation of the location, if applicable, at which the licensee will clean glasses and utensils used in the service of alcoholic liquor.

(h) Applicability of chapter provisions; exceptions. An airport pushcart liquor licensee shall be subject to all provisions of this chapter with the following exceptions:

- (1) Subsections (e) and (f) of Section 4-60-040 shall not apply.

- (2) Toilet facilities available for public use at O'Hare and Midway shall be considered as compliance with the toilet facilities requirement of subsection (a) of Section 4-60-100 by an airport pushcart liquor licensee.
- (3) An airport pushcart liquor licensee shall only be required to maintain facilities for the cleaning of glasses and utensils at the point of sale as required under subsection (a) of Section 4-60-100, if the licensee uses glasses or utensils in conjunction with the preparation or service of alcoholic liquor from the pushcart.

(i) Additional requirements and restrictions. In addition to the requirements and restrictions set forth elsewhere in this Chapter, the following shall apply to the airport pushcart liquor license:

- (1) No airport pushcart liquor licensee shall sell or serve spirits by the bottle, or sell or offer for sale any package goods.
- (2) No airport pushcart liquor licensee shall allow seating at any pushcart.
- (3) The licensee must mount and display the license on a visible area of the pushcart.
- (4) The license shall only be valid during such time as the licensee holds a valid lease at O'Hare or Midway, as applicable, that allows pushcart operation.

**SECTION 2.** Section 4-5-010 of the Municipal Code of Chicago is hereby amended by adding the language underscored, as follows:

**4-5-010 Establishments of license fees.**

This chapter shall establish fees for various licenses created by this title unless otherwise provided. The following fees shall apply for the specified licenses. The chapter in which each fee requirement is created is also provided. Unless otherwise stated, fees shall be assessed every two years. For every license application which includes fingerprinting of the applicant as part of the application process, a fingerprint fee sufficient to cover the cost of processing fingerprints will be assessed in addition to the below fees. The fingerprint fee will be assessed regardless of whether the license applied for is issued or denied. The amount of the fee will be set forth by regulation promulgated by the commissioner of business affairs and consumer protection.

*(Omitted text is unaffected by this ordinance)*

- (54) Liquor – Retail (4-60)  
Fees for the whole or any portion of the license period for which the

application is made shall be as set forth below:

*(Omitted text is unaffected by this ordinance)*

Late hour	\$6,000.00
<u>Airport pushcart</u>	
<u>Class A</u>	<u>\$1,000.00</u>
<u>Class B</u>	<u>\$600.00</u>

*(Omitted text is unaffected by this ordinance)*

**SECTION 3.** Section 4-5-010 of the Municipal Code of Chicago is hereby amended by adding the language underscored, as follows:

**4-60-130 Hours of operation.**

(a) (1) Except as provided in paragraph (a) (2) of this subsection, no person licensed hereunder as a retailer of alcoholic liquor shall sell, permit to be sold, or give away any alcoholic liquor between the hours of 2:00 a.m. and 7:00 a.m. on Mondays through Saturdays and between the hours of 3:00 a.m. and 11:00 a.m. on Sundays, except that when a Sunday falls on Christmas Eve and New Year's Eve, the sale of package goods liquor may commence at 8:00 A.M. on said Sundays.

(2) A consumption on the premises – incidental activity licensee, who also has a retail food establishment license for the same premises, shall not sell, permit to be sold, or give away any liquor between the hours of 2:00 a.m. and 7:00 a.m. on Mondays through Saturdays and between the hours of 3:00 a.m. and 10:00 a.m. on Sundays at the licensed premises; provided that there shall be no sale of package goods in the licensed premises between the hours of 10:00 a.m. and 11:00 a.m. on Sundays, except that when a Sunday falls on Christmas Eve and New Year's Eve, the sale of package goods liquor may commence at 8:00 A.M. on said Sundays. A consumption on the premises – incidental activity licensee, who also has an indoor special event license issued under Chapter 4-156 shall not sell or permit to be sold any liquor after 12:00 midnight and before 12:00 noon, or at any time other than during the special event. The holder of an airport pushcart liquor license or a consumption on the premises license for an establishment located within "authorized areas" of "O'Hare" or "Midway." as those terms are defined in section 4-60-077, may sell or permit to be sold alcoholic liquor at any time within such authorized areas, subject to such time restrictions as the commissioner of aviation may set by rule.

*(Omitted text is unaffected by this ordinance)*

**SECTION 4.** The commissioner of aviation is authorized to amend leases at Chicago-O'Hare International Airport and Chicago-Midway International Airport entered into prior to the

effective date of this ordinance in order to allow the operation of pushcarts pursuant to Section 4-60-077 and set appropriate compensation to the City therefor, if such pushcart operation complies with applicable rules.

**SECTION 5.** This ordinance shall take full force and effect upon its passage and publication.