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Tippling in town allowed only via rules ripples

Summertime in Chicago includes numerous outdoor activities: trips to the beach, music festivals, street fairs and cookouts. For the 21-and-over population, these activities often involve the consumption of cold beer, chilled wine and cocktails.

With so many outdoor events that involve alcohol in the summer, public drinking may appear to be standard fare in Chicago. There is actually a law that prohibits such conduct, but the trouble with the drinking in public ways law is that it is difficult to know when and how it will be enforced.

Under the Offenses Affecting Public Peace, Morals and Welfare, Chapter 8-4-030 of the Municipal Code of Chicago prohibits drinking in the public ways.

A "public way," according to the municipal code, means any sidewalk, street alley, highway or other public thoroughfare. The code provides for the enforcement of this law by making violators subject to either a fine in an amount between \$500 to \$1,000, up to six months in jail, or both.

Despite the law, public drinking occurs frequently in Chicago. It is common to see adults pouring a glass of wine at movie night in the park or to see people having a beer on a restaurant's outdoor patio. There is a long list of festivals in Chicago, and alcohol is served at many, including the Taste of Chicago.

Much of this public drinking is made legal by various exceptions to the drinking in public ways law. For example, Chapter 8-4-030 carves out exceptions for portions of the public way occupied by sidewalk cafes that are properly licensed to sell alcohol.

This exception is permitted in



Teri L. Tully is a partner at Scandaglia & Ryan. She represents clients in a broad range of complex commercial litigation. Prior to joining Scandaglia & Ryan, Tully was an attorney at the Federal Trade Commission; an associate at Jenner & Block LLP; and a law clerk to the late U.S. District Judge Martin C. Ashman.

Chapter 10-28, titled Structures On and Under Public Ways. These cafes must have a valid license and follow all laws, rules and regulations pertaining to the sale of alcohol.

The code also states that portions of the public way located on Navy Pier, as well as any venue holding a valid Riverwalk Venue liquor license, are an exception to the drinking in public ways rule. Chapter 0-60-074 outlines a series of criteria these venues must follow to sell alcohol and allow their customers to drink outside.

Festivals throughout the city also are a common place to see people enjoying alcoholic beverages on the streets. While this form of public drinking may appear to contradict the drinking in public ways rule, the city has created a means for festival-goers to legally enjoy adult beverages.

To sell liquor at outdoor festivals located in the public way, these events must obtain a permit for the alcohol. Even though this exception allows festivals to engage in the sale of alcohol, the city has enforced the restriction that the public cannot

bring their own alcohol to these events.

What it comes down to is that, unless the public area in which you are drinking has a license or a permit, you are breaking the law if you are consuming alcohol in public. If you have had a beer while barbecuing in the park, sipped wine at a picnic by the lake or had a casual drink at the beach, you have engaged in conduct that violates the law.

There are places where you can enjoy your barbecue and sip your beer in public — namely, the Cook County Forest Preserves. Alcohol is allowed in the parks as long as it is not in a glass container and the alcohol stays more than 50 feet away from the parking lot, roadways and where otherwise posted.

Understanding and knowing the city's rules regarding public consumption of alcohol brings up numerous questions concerning how the city regulates such consumption, including whether the rules actually enhance the public's safety and welfare or just provide another vehicle for the city to generate income.

Because the rules, which are outlined in the municipal code, are enforced in a way that may appear to be inconsistent or confusing in certain situations, it is often the case that people forget about the rules altogether — at least until a police officer gives them a potentially costly reminder.

In sum, although public consumption of alcohol is allowed in many different places, there is still a law that prevents the consumption of alcohol in public ways outside the permitted venues. Regardless of how the Chicagoans feel about these rules, they are worth knowing before you sip your drink of choice in public.