



Office of the City Clerk

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Legislation Details (With Text)

File #: SO2012-7244

Type: Ordinance **Status:** Passed

File created: 10/31/2012 **In control:** City Council

Final action: 5/8/2013

Title: Amendment of Municipal Code Titles 7 and 11 establishing reporting and reward pilot program for information leading to conviction for illegal dumping

Sponsors: Ervin, Jason C., Lane, Lona, Colón, Rey, Graham, Deborah L., Thomas, Latasha R.

Indexes: Ch. 28 Health Nuisances

Attachments: 1. O2012-7244.pdf, 2. SO2012-7244.pdf

Date	Ver.	Action By	Action	Result
5/8/2013	1	City Council	Passed as Substitute	Pass
5/6/2013	1	Committee on Finance	Recommended to Pass	Pass
11/14/2012	1	Committee on Finance	Held in Committee	
10/31/2012	1	City Council	Referred	

SUBSTITUTE

ORDINANCE

SECTION 1. Chapter 7-28 of the Municipal Code of Chicago is hereby amended by inserting a new Section 7-28-445, as follows:

7-28-445 Pilot program establishing a reward for information leading to a conviction or finding of liability for illegal dumping.

a) Definitions. As used in this section:

"Commissioner" means the commissioner of the City of Chicago department of health or the commissioner's designee.

"Comptroller" means the comptroller of the City of Chicago or the comptroller's designee.

"Illegal dumping" means any violation of Sections 7-28-440 or 11-4-1500 of this Code.

b) Pilot Program - Reward-- Authorized. A pilot program establishing a reward of \$100.00 for information resulting in a conviction or finding of liability for illegal dumping is hereby authorized.

c) Eligibility criteria. Persons who report instances of illegal dumping to the City by calling the City of Chicago's non-emergency telephone number, 3-1-1, or by using other verifiable means of notification (e.g. letter, e-mail) to the police department or department of health, will be eligible for the reward authorized under subsection (b) of this section if all of the following requirements are met: (1) the person reporting the violation must identify himself/herself and provide his/her contact information to the 3-1-1 operator or department notified of the violation; and (2) the person

reporting the violation must complete and sign the witness report required by the department of health; and (3) the witness report must result in a conviction or finding of liability for illegal dumping of the person(s) identified in such report as having committed the violation on the date and at the time set forth in such report. Provided further, that city employees shall not be eligible for the reward authorized under this section.

d) Reward process. The commissioner shall be the sole arbiter of whether a person meets the eligibility criteria set forth in subsection (c) of this section, and the commissioner's decision shall be final and binding. If the commissioner determines that a witness report resulted in a conviction or finding of liability for illegal dumping, the commissioner shall so notify the comptroller. Such notification shall contain the name and address of the person(s) entitled to receive the reward and any other information that the comptroller may require. Upon receipt of such notification, the comptroller shall issue

the reward to the person identified in the notification. If, in a particular case, the commissioner determines that more than one witness report resulted in a conviction or finding of liability, the \$100.00 reward provided for under this section will be divided equally among the person(s) who signed the applicable witness reports.

e) Disclaimers. Nothing in this ordinance shall be construed to create a private right of action to enforce this ordinance. The City reserves the right, in its sole discretion, with or without notice, to terminate at any time and for any reason the reward authorized under this section. The City shall not be liable for any damages, whether direct, indirect, incidental, special or consequential, related in any way to such reward, or for any consequences following therefrom or related thereto.

f) Expiration. This section shall expire on July 1, 2015.

SECTION 2. Section 11-4-1600 of the Municipal Code of Chicago is hereby amended by deleting the language stricken through and by inserting the language underscored, as follows:

11-4-1600 Violation of Section 7-28-390, 7-28-440, or 11-4-1500 - Penalty.

(a) Any person found in violation of Sections 7-28-390, 7-28-440, or 11-4-1500 shall be punished by a penalty fine of not less than \$1,500.00 and not more than \$2,500.00 for the first load dumped, deposited, disposed, released, treated or placed, and not less than \$2,500.00 nor more than \$3,500.00 for the second and each subsequent load, or may be imprisoned for not more than six months, or may be ordered to perform up to 200 hours of community service, or any combination thereof. For each subsequent day that a load dumped, deposited, disposed, released, treated or placed in violation of Section 7-28-390, 7-28-440, or 11-4-1500 remains at the location where it was dumped, deposited, disposed, released, treated or placed, or any load that migrated to another location remains at that location to which it has migrated, the person shall be punished by a ~~penalty~~ fine of not less than \$2,500.00 per load, per day, and not more than \$3,500.00 per load, per day. In addition to any such fine, incarceration, community service or other penalty provided by law, a penalty surcharge in the amount of \$20.00 shall be imposed on any person found in violation of Sections 7-28-440 or 11-4-1500. Such penalty surcharge shall be (1) deposited in the corporate fund of the city for the non-exclusive purpose of ensuring ample funding for the reward program authorized under Section 7-28-445; and (2) imposed so long as the reward program authorized under Section 7-28-445 remains in effect.

(Omitted text is unaffected by this ordinance)

SECTION 3. This ordinance shall take full force and effect 60 days after its passage and publication.

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CHICAGO May 8, 2013

To the President and Members of the City Council:

Your Committee on Finance having had under consideration

A substitute ordinance amending Chapter 7-28 of the Municipal Code of Chicago by inserting a new Section 7-

28-445 to establish an anonymous reporting and reward program for illegal dumping.
02012-7244

Having had the same under advisement, begs leave to report and recommend that your Honorable Body pass the proposed Ordinance Transmitted Herewith

**This recommendation was concurred in by
of members of the committee with**

Respectfully submitted

Chairman

Document No.

REPORT OF THE COMMITTEE ON FINANCE TO THE CITY COUNCIL CITY OF CHICAGO