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Meeting Date:	7/28/2011
Sponsor(s):	Moreno, Proco Joe (1)
Type:	Ordinance
Title:	Amendment of Chapter 4-233 of Municipal Code regarding Booting of Vehicles on Private Property and imposition of business license fee therefor
Committee(s) Assignment:	Committee on License and Consumer Protection

# License

## ORDINANCE

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

**SECTION 1.** Section 4-233 of the Municipal Code of Chicago is hereby amended by deleting the language stricken through and by inserting the language underscored, as follows:

#### CHAPTER 4-233 BOOTING OF MOTOR VEHICLES ON PRIVATE PROPERTY

##### CHAPTER 4-233

##### BOOTING OF MOTOR VEHICLES ON PRIVATE PROPERTY

4-233-010 Definitions.

4-233-020 Booting of motor vehicle – License required – Exceptions.

4-233-030 Application for license.

4-233-040 Eligibility for license.

4-233-050 Regulation of booting operations.

4-233-060 Geographical restrictions.

4-233-070 Penalties.

4-233-010 Definitions.

Whenever used in this chapter, the term “boot” has the meaning ascribed to it in Section 9-84-015 of this Code; “motor vehicle” has the same meaning ascribed to it in Section 9-4-010 of this Code.

(Added Coun. J. 12-13-00, p. 48188, § 2; Amend Coun. J. 12-17-08, p. 51323, § 1)

4-233-020 Booting of motor vehicle – License required – Exceptions.

(a) No person shall engage in the booting of any motor vehicle within the City of Chicago, without first having obtained a license pursuant to this chapter.

(b) Subsection (a) of this section does not apply to the booting of a motor vehicle by the City of Chicago, any other governmental entity, or a person acting under the direction of the City of Chicago or such governmental entity, when such booting is authorized by any provision of law or any rule or regulation promulgated pursuant thereto.

(Added Coun. J. 12-13-00, p. 48188, § 2; Amend Coun. J. 12-17-08, p. 51323, § 1)

4-233-030 Application for license.

An application for any license under this chapter shall be made in conformance with general requirements of this Code relating to application for license. The application shall include: the name, business address and telephone number of the applicant; if the applicant is other than a natural person, the name, residence address and age of each person having at least ten percent beneficial ownership of the business; the name, residence address and age of the manager of each location; proof of liability insurance in an amount not less than \$500,000.00 per person and not less than \$1,000,000.00 per incident, issued by an insurer authorized to underwrite risks in this state; payment of a license fee as defined in Chapter 4-5; and such other information as the commissioner of business affairs and consumer protection may require to assure compliance with this chapter.

(Added Coun. J. 12-13-00, p. 48188, § 2; Amend Coun. J. 7-27-05, p. 53211, § 1; Amend Coun. J. 11-19-08, p. 47220, Art. V, § 5; Amend Coun. J. 12-17-08, p. 51323, § 1)  
4-233-040 Eligibility for license.

(a) No applicant shall be eligible to receive, and no licensee shall be eligible to retain, a license under this chapter if the applicant, licensee or any employee or agent of either of them has been convicted of a felony within the last three years; provided, however: (1) as to employees and agents, this restriction shall apply only to persons who physically install or remove booting devices or who receive payment for removal of booting devices; (2) the commissioner of business affairs and consumer protection may accept as proof of an employee's or agent's lack of disqualifying convictions an affidavit from a private detective licensed in Illinois, certifying that the detective has examined the criminal history and record of the employee or agent, and that the employee or agent has not been convicted of a felony within the past three years. The commissioner may specify a form for the affidavit by rule. The commissioner of business affairs and consumer protection shall notify the superintendent of police and district police commanders within the affected service area of all licenses issued under this chapter.

(b) Any person who misrepresents or falsifies his criminal history, or provides a false or misleading affidavit concerning any person's criminal history, in connection with licensing under this chapter, shall be subject to a fine of not less than \$500.00 and not more than \$1,000.00, and shall be ineligible for a license or employment by a licensee under this chapter.

(Added Coun. J. 12-13-00, p. 48188, § 2; Amend Coun. J. 1-16-02, p. 77494, § 2; Amend Coun. J. 7-27-05, p. 53211, § 1; Amend Coun. J. 11-19-08, p. 47220, Art. V, § 5; Amend Coun. J. 12-17-08, p. 51323, § 1)

4-233-050 Regulation of booting operations.

(a) A licensee shall conduct booting operations exclusively on private property, and only pursuant to a written agreement with the owner or manager of the property.

(b) A licensee may not provide booting service at any property at which any person having a beneficial interest in the licensee also has a beneficial interest in the subject property.

(c) No fewer than 14 days prior to the commencement of a booting operation at each and every location where a booting operation is to be conducted, the licensee shall post, and maintain in a conspicuous location, a minimum of two signs no smaller than 24 inches in height and 36 inches in width, setting forth: the date upon which a booting operation shall commence and terms of use of the subject property; the fee for removal of a boot; the name, address, and a 24-hour telephone number for the licensee; the name and telephone number of the property owner or manager; and a statement notifying consumers of their rights under this ordinance with language provided by the department of business affairs and consumer protection. The signs shall remain in place as long as a booting operation is being conducted.

(d) Upon discontinuation of booting operations at a property, the signs required by the preceding subsection shall be removed. No person shall post or allow the presence of warning signs as described in the previous subsection on any property not covered by a booting operation agreement. The licensee, the property owner and the property manager shall be jointly and severally responsible for compliance with this subsection.

(e) At every location where a licensee conducts booting operations, the licensee shall post at least one employee or agent to install and remove boots and to receive payments. The employee or agent shall wear, in a conspicuous manner, an identification placard clearly displaying the name of the employee and the name, address and telephone number of the licensee, and shall carry on his or her person a copy of the license under this chapter. Prior to leaving the location where booting operations are conducted, the posted employee must remove all boots from vehicles at that location.

(f) The licensee shall place on the windshield of every vehicle it boots a copy of the "Consumer Bill of Rights", the text of which shall be provided by the department of business affairs and consumer protection and shall make and provide copies of this document available upon request. The owner or manager of the property that authorized the booting operations at that location shall make copies of the "Consumer Bill of Rights" available in its premises upon request when an employee of the private booting company is present on the lot.

(g) It is illegal to place a boot upon any occupied motor vehicle or upon any motor vehicle parked in accordance with the terms of use for the subject property.

(h) A licensee must immediately remove a boot, for no charge, from any motor vehicle if the owner of the motor vehicle returns prior to the complete attachment of the boot.

(i) The fee for removal of a boot shall be \$1-1-5-00 \$140.00.

(j) At each and every location where a booting operation is conducted, the licensee shall have available means of collecting any fees via cash and credit card.

(k) A licensee shall notify the Chicago Police Department of any booted vehicle that remains in a lot or garage for over 24 hours.

(l) Each licensee shall maintain sufficient copies of the relevant portions of this chapter and shall provide a copy to any individual requesting the same.

(m) A licensee's place of business shall maintain minimum business hours of 9:00 a.m. to 5:00 p.m., Monday through Friday.

(n) A licensee may not use any boot of a color prohibited by the commissioner of business affairs and consumer protection in rules. The director may prohibit any color which may be confused with a boot used by the city as part of its vehicle immobilization program described in Title 9 of this Code.

(o) The department of business affairs and consumer protection shall be responsible for the enforcement of subsections (c) and (f) through (j) of this section.

(p) The commissioner of the department of business affairs and consumer protection is hereby authorized to promulgate rules and regulations pertaining to the administration and enforcement of this chapter.

(Added Coun. J. 12-13-00, p. 48188, § 2; Amend Coun. J. 1-16-02, p. 77494, § 3; Amend Coun. J. 1-14-04, p. 17355, § 1; Amend Coun. J. 7-21-04, p. 28633, § 1; Amend Coun. J. 7-27-05, p. 53211, § 1; Amend Coun. J. 11-19-08, p. 47220, Art. V, § 5; Amend Coun. J. 12-17-08, p. 51323, § 1, 2)

4-233-60 Geographical restrictions.

No person requiring a license under this chapter shall engage in booting operations at any location that is outside the 1st Ward, 21st Ward, 22nd Ward, 23rd Ward, 25th Ward, 27th Ward, 30th Ward, 32nd Ward, 33rd Ward, 34th Ward, 36th Ward, 37th Ward, 38th Ward, 40th Ward, 42nd Ward, 43rd Ward, 44th Ward, 46th Ward, 48th Ward, or 49th Ward.

(Added Coun. J. 12-13-00, p. 48188, § 2; Amend Coun. J. 9-5-01, p. 66146, § 1; Amend Coun. J. 11-28-01, p. 72960, § 1; Amend Coun. J. 1-16-02, p. 77494, § 4; Amend Coun. J. 5-1-02, p. 84263, § 1; Amend Coun. J. 10-2-02, p. 94581, § 1; Amend Coun. J. 5-7-03, p. 790, § 1; Amend Coun. J. 9-4-03, p. 7145, § 1; Amend Coun. J. 1-14-04, p. 17355, § 2; Amend Coun. J. 1-11-05, p. 41116, § 1; Amend Coun. J. 12-14-05, p. 67154, § 1; Amend Coun. J. 12-14-05, p. 67188, § 1; Amend Coun. J. 2-8-06, p. 70034, § 1; Amend Coun. J. 11-1-06, p. 90030, § 1; Amend Coun. J. 1-9-08, p. 18931, § 1; Amend Coun. J. 1-9-08, p. 18932, § 1; Amend Coun. J. 1-9-08, p. 18988, § 1; Amend Coun. J. 3-12-08, p. 22727, § 1; Amend Coun. J. 11-5-08, p. 43763, § 1; Amend Coun. J. 12-17-08, p. 51323, §§ 1, 2; Amend Coun. J. 4-22-09, p. 58643, § 1; Amend Coun. J. 5-13-09, p. 61288, § 1; Amend Coun. J. 9-9-09, p. 70524, § 1; Amend Coun. J. 5-12-10, p. 91361, § 1)

4-233-070

Penalties.

A licensee who violates any provision of this chapter shall be subject to a fine of not less than \$500.00 nor more than \$1,000.00 for the violation. A licensee who violates any provision of this chapter two times at one location within 180 days shall be prohibited from conducting booting operations at that location for a period of one week. Every day such violation continues shall constitute a separate and distinct offense.

(Added Coun. J. 7-21-04, p. 28633, § 2; Amend Coun. J. 12-17-08, p. 51323, § 1)

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

4-5-010 Establishment 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.

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| (1) Limited business (4-4)    | \$250.00 |
| (2) Ambulance (4-68) per year | \$600.00 |

*(Omitted text is unaffected by this ordinance)*

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|--|---------------------------------------|
| (64) Private booting operation (Chapter 4-233) | <del>\$2200.00</del> <u>\$4000.00</u> |
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*(Omitted text is unaffected by this ordinance)*



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Proco Joe Moreno  
Alderman, 1<sup>st</sup> Ward