



Office of the Chicago City  
Clerk



O2011-9772

Office of the City Clerk

City Council Document Tracking Sheet

**Meeting Date:** 12/14/2011

**Sponsor(s):** Laurino, Margaret (39)

**Type:** Ordinance

**Title:** Amendment of Title 4 of Municipal Code by creating new Chapter 4-48 regarding distribution of Yellow Pages Phone Books

**Committee(s) Assignment:** Committee on Finance

**ORDINANCE**

**WHEREAS**, City of Chicago residents and businesses receive hundreds of thousands of Yellow Pages Phone Books, commonly known as "the Yellow Pages" every year; and

**WHEREAS**, In many cases Yellow Pages Phone Books that have been delivered to private residences and businesses are not used by the recipient and create thousands of pounds of solid waste; and

**WHEREAS**, The collection and disposal of Yellow Pages Phone Books in the City of Chicago creates financial and operational burdens on the City's solid waste disposal system; and

**WHEREAS**, Yellow Pages Phone Books that have been delivered to private residences and businesses often sit on the porch, the steps, in front of the door to a home, or in front of multi-unit residential buildings for days or even weeks, creating neighborhood blight; and

**WHEREAS**, The information contained in Yellow Pages Phone Books is readily available on the Internet or may easily be made available on the Internet; and

**WHEREAS**, To protect the privacy of the City's residents and businesses, it is necessary to regulate the distribution of Yellow Pages Phone Books and provide an effective mechanism for the City's residents and businesses to opt-out of receiving Yellow Pages Phone Books; and

**WHEREAS**, To recover the costs of collection and disposal of Yellow Pages Phone Books and the costs of maintaining an Opt-out-registry, it is necessary to impose a solid waste recovery fee on the distribution of Yellow Pages Phone Books; now, therefore,

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

**SECTION I.** Title 4 of the Municipal Code of Chicago is hereby amended by inserting a new chapter 4-48, as follows:

**CHAPTER 4-48**

**DISTRIBUTORS OF YELLOW PAGES PHONE BOOKS**

**4-48-010 Definitions.**

For purposes of this chapter the following definitions shall apply:

- (1) "Commissioner" means the city's commissioner of business affairs and consumer protection.
- (2) "Display advertising" means business advertising that includes text or *various graphic elements exceeding the use of bold face type and color highlighting of the business name and telephone number.*

- (3) "Distributor" means a person or organization engaged in the business of arranging for the distribution of yellow pages phone books in the City; the term is intended to cover those persons or organizations who are primarily responsible for arranging for the publication and distribution of the yellow pages phone books and whose income is derived, at least in part, from the advertising contained in the yellow pages phone books. The term "distributor" is not intended to include those individuals whose role in the distribution of yellow pages phone books in the City is limited to driving on the streets and making physical delivery of the yellow pages phone books.
- (4) "Distribution" means the unsolicited delivery of more than four tons annually of yellow pages phone books to the addresses of residents and businesses within the city, but does not include the delivery of yellow pages phone books by membership organizations to their members or to other residents or businesses requesting or expressly accepting delivery.
- (5) "Membership organization" means an organization that is organized and operated primarily or exclusively for the purpose of providing services or benefits to a designated group of members (identified, for example, by having to pay membership dues or participating in membership events).
- (6) "Yellow pages phone book" means a publication that consists primarily of a listing of business names and telephone numbers and contains display advertising for at least some of those businesses (commonly, but not necessarily, printed on yellow paper).

#### **4-48-020 License -- Required.**

(a) It shall be unlawful for any person to engage in a business as a distributor of yellow pages phone books in the city without first obtaining an annual yellow pages phone book distributor license issued in accordance with the provisions of this chapter. The annual license is required regardless of where the publication of the yellow pages phone books takes place or the location of the business's offices, storage or transshipment facilities.

(b) The license required pursuant to this chapter is separate from and is in addition to any license required by any other section of this Code.

(c) A yellow pages phone book distributor license expires after a one-year period following its issuance.

(d) Application for a yellow pages phone book distributor license shall be on a form prescribed by the commissioner, and shall be accompanied by the license fee established in this section, the annual report form required by section 4-48-030, and any recovery fees required by section 4-48-050.

(e) The annual license fee for the yellow pages phone book distributor license is \$1,000.00.

(f) No license issued pursuant to this chapter shall be transferable.

#### **4-48-030 Opt-Out Registry.**

(a) The commissioner is authorized and directed to establish the city's opt-out-registry to serve as a clearinghouse for residents and businesses to register and indicate their desire not to receive delivery of some or all yellow pages phone books. The registry shall maintain a list of the addresses of all residents and businesses who have indicated their desire not to receive delivery of yellow pages phone books. The registry shall be conveniently accessible to all residents and businesses and provide for notification by mail, telephone, email, and online registration. The addresses of those residents and businesses who have registered with the city's opt-out-registry indicating their desire not to receive delivery of yellow pages phone books shall remain on the registry until such time as the resident or business moves or notifies the registry of their desire to be removed.

(b) The commissioner or her designee shall make available to all licensed distributors the addresses of all residents and businesses who have registered with the city's opt-out-registry indicating their desire not to receive delivery of yellow pages phone books. Licensed distributors shall provide the city's opt-out-registry with accurate and current contact information, including address and phone number, and shall provide the city's opt-out-registry on a routine basis with the addresses of all residents and businesses who have notified the distributor directly of their desire not to receive delivery of yellow pages phone books.

(c) No more than 30 days prior to distributing any yellow pages phone books within the city, distributors shall download the addresses of those residents and businesses who have registered with the city's opt-out-registry indicating their desire not to receive delivery of yellow pages phone books.

(d) Distributors shall not make delivery of yellow pages phone books to the address of any resident or business who registered with the city's opt-out-registry, prior to 30 days before the date of delivery, indicating their desire not to receive delivery of yellow pages phone books.

(e) The commissioner is directed to issue an annual report to the City Council evaluating the operation and impact of the city's opt-out-registry. The commissioner will identify needed improvements, concerns expressed by residents or businesses, and make recommendations for changing or enhancing the program.

#### **4-48-040 Distribution Requirements.**

(a) Distributors shall prominently and conspicuously display on a portion of the front cover of each yellow pages phone book distributed within the city the telephone number, website and mailing address, in a format specified by the commissioner, that residents and businesses may use to notify the city's opt-out-registry of their desire not to receive delivery of yellow pages phone books.

(b) Distributors shall also prominently and conspicuously display on their websites a link to the city's opt-out-registry together with information regarding the process for residents and businesses to opt-out of receiving delivery of yellow pages phone books.

(c) Distributors shall retain the list of opt-out addresses from the city's opt-out registry that was used at the time of delivery. This list shall be made available to the commissioner upon request for purposes of investigation or appeal.

(d) The content of all yellow pages phone books, and any materials included therewith, distributed within the city shall be recyclable.

**4-48-050 Denial, Suspension or Revocation.**

Failure of a licensee to comply with any provision of this chapter is sufficient grounds for the denial, suspension or revocation of the license. A license suspended or revoked may not be reinstated without prior payment of all outstanding fees and penalties.

**4-48-060 Enforcement.**

Any person who fails to comply with any provision of this chapter shall be subject to a fine not less than \$200.00 and not more than \$500.00 for each violation.

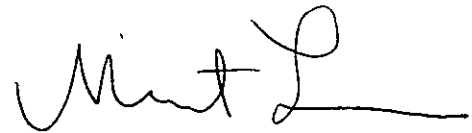
**4-48-070 Rules and regulations.**

The commissioner is authorized to adopt such rules and regulations that she deems appropriate for the effective administration and enforcement of the provisions of this chapter.

**SECTION II. Severability.**

Should any subsection, paragraph, sentence, clause or phrase of this chapter be declared unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining portions of this chapter.

**SECTION III.** This ordinance shall take effect upon passage and approval.



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Alderman, 39<sup>th</sup> Ward