



Office of the Chicago City
Clerk



SO2012-3322

Office of the City Clerk

City Council Document Tracking Sheet

Meeting Date: 5/9/2012

Sponsor(s): Austin, Carrie M. (34)

Type: Ordinance

Title: Amendment of Titles 2, 9, 7 and 11 of Municipal Code regarding taxicab medallion licenses, emergency abatements, city waste prevention program, and Chicago Green Business program

Committee(s) Assignment: Committee on Budget and Government Operations

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SUBSTITUTE
ORDINANCE

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

SECTION 1. This Section 1 applies to an ordinance that was reported out by a joint committee comprised of the Committee on the Budget and Government Operations and the Committee on License and Consumer Protection and passed by the City Council on May 9, 2012, amending various license-related provisions of the Municipal Code (for purposes of this ordinance, "the License Consolidation Ordinance").

SECTION 1A. Section 14 of the License Consolidation Ordinance is hereby amended by deleting in Section 4-4-314 the language struck through and by inserting in Section 4-4-314 the language underscored, as follows:

SECTION 14. 4-4-314 Restrictions on display of merchandise.

4-4-314 Restrictions on display of merchandise.

(a) Except as otherwise provided in this Code, it shall be unlawful for any person licensed to engage in any business under Title 4 to store, place, display or affix any ware, goods or merchandise on the exterior or outside of the licensed premises unless the licensed business is set back at least (10) feet from the public way or the property is fenced or otherwise screened in. If the licensed business is fenced, the fence must remain free and clear of all items.

~~(c)~~(b) Nothing in this section shall prohibit the placement of signs which are otherwise authorized by this Code.

~~(d)~~(c) Nothing in this section shall prohibit a business licensed in conformity with the requirements of Title 4 from holding a sidewalk sale, special event, promotion or street fair, if such sidewalk sale, special event, promotion or street fair is properly permitted.

~~(e)~~(d) Any person who violates any provision of this section or any rule or regulation promulgated thereunder shall be subject to the fine set forth in Section ~~4-4-297~~ 4-4-350. In addition, any person who violates any provision of this section or any rule or regulation promulgated thereunder or any combination thereof at least 3 times in any 12-month period shall be subject to license suspension or revocation or both. Each day that a violation continues shall constitute a separate and distinct offense.

SECTION 1B. Section 16 of the License Consolidation Ordinance is hereby amended by

deleting the language struck through and by inserting the language underscored, as follows:

SECTION 16. Chapter 4-6 Regulated Business License

**CHAPTER 4-6
REGULATED BUSINESS LICENSE**

Article 1. General Provisions

(Omitted text is unaffected by this ordinance)

Article VI. Tattooing, Body Piercing and Tanning Facility

Tattooing, ~~B~~body ~~P~~piercing and ~~T~~tanning ~~F~~facilities.

(Omitted text is unaffected by this ordinance)

(e) *Penalty.* Any person who violates any requirement of subsection (c)(1), (c)(2), (c)(3); or (c)(4) of this section or any rule or regulation promulgated thereunder shall be subject to a fine of not less than \$500.00 ~~and not~~ nor more than \$1,000.00 for each offense. Each day that a violation continues shall constitute a separate and distinct offense. Any person who violates any other requirement of this section or any rule or regulation promulgated thereunder shall be subject to a fine of not less than \$2,000.00 nor more than \$10,000.00 for each offense. Each day that a violation continues shall constitute a separate and distinct offense:

(Omitted text is unaffected by this ordinance)

Article VIII. Adult Family Care Center

4-6-080 Adult family care center.

(Omitted text is unaffected by this ordinance)

(g) *Penalty.* In addition to any other penalty provided by law, any person who violates any requirement of this ~~chapter~~ section or any rule or regulation promulgated thereunder shall be subject to a fine of not less than \$300.00 nor more than \$500.00 for each offense. Each day that a violation continues shall constitute a separate and distinct offense.

Article IX. Assisted Living Establishment

4-6-090 Assisted living establishment.

(Omitted text is unaffected by this ordinance)

(g) *Penalty.* In addition to any other penalty provided by law, any person who violates any requirement of this chapter section or any rule or regulation promulgated thereunder shall be subject to a fine of not less than \$300.00 nor more than \$500.00 for each offense. Each day that a violation continues shall constitute a separate and distinct offense.

Article X. Long-Term Care Facility

4-6-100 Long-term care facility.

(Omitted text is unaffected by this ordinance)

(g) *Penalty.* In addition to any other penalty provided by law, any person who violates any requirement of this chapter section or any rule or regulation promulgated thereunder shall be subject to a fine of not less than \$300.00 nor more than \$500.00 for each offense. Each day that a violation continues shall constitute a separate and distinct offense.

Article XI. Adult Family Care Home

4-6-110 Adult family care home.

(Omitted text is unaffected by this ordinance)

(g) *Penalty.* In addition to any other penalty provided by law, any person who violates any requirement of this chapter section or any rule or regulation promulgated thereunder shall be subject to a fine of not less than \$300.00 nor more than \$500.00 for each offense. Each day such that a violation continues shall constitute a separate and distinct offense.

(Omitted text is unaffected by this ordinance)

Article XIV. Secondhand Dealer in Children's Clothing and Children's Products

4-6-140 Secondhand dealer exclusively in children's clothing and children's products.

(Omitted text is unaffected by this ordinance)

(e) *Penalty.* In addition to any other penalty provided by law, any person who violates any requirement set forth in subsections (c)(1), (c)(2), (d)(3) or (d)(5) of this section or any rule of regulation promulgated thereunder shall be subject to a fine of not less than \$500.00 nor more than \$1,000.00 for each offense. Each day that a violation continues shall constitute a separate and distinct offense. Any violation of this section or any rule or regulation promulgated thereunder on two different days within any 12-month period may result in license suspension or revocation in accordance with the requirements set forth in Section 4-4-280.

Article XV. Junk Peddler

4-6-150 Junk peddlers.

(Omitted text is unaffected by this ordinance)

(g) *Penalty.* In addition to any other penalty provided by law, any person who violates any provision of this ~~chapter~~ section or any rule or regulation promulgated thereunder shall be subject to a fine of not less than \$500.00 nor more than \$1,000.00 for each offense. Each day that a violation continues shall constitute a separate and distinct offense. In addition, such violation shall be punishable as a misdemeanor by incarceration in the county jail for a term of not less than 7 days nor more than 180 days under the procedures set forth in Section 1-2-1.1 of the Illinois Municipal Code and under the provisions of the Illinois Code of Criminal Procedure.

Article XVI. Funeral Business

4-6-160 Funeral Business.

(Omitted text is unaffected by this ordinance)

Article XVIII. Hotel

4-6-180 Hotel.

(Omitted text is unaffected by this ordinance)

(e) *Prohibited acts.* It shall be unlawful for any licensee engaged in the business of hotel to:

(1) (i) rent any sleeping room by the hour or for any period of fewer than ten consecutive hours; or (ii) rent any sleeping room more than once within any consecutive ten hour period measured from the commencement of one rental to the commencement of the next rental; or (iii) advertise an hourly rate or any other rate for a sleeping room based on a rental period of fewer than ten consecutive hours. Provided, however, that clauses (i) and (ii) shall not apply to any hotel that is located within the central area as defined in Section 10-32-220(1) of this Code, or within three miles of property used for airport purposes at Chicago O'Hare International Airport, Midway Airport or ~~(e)~~ within 1.5 miles of the McCormick Place complex. Any person who violates any requirement of this subsection shall be subject to a fine of not less than \$500.00 nor more than \$1,000.00 for each offense. Each day that a violation continues shall constitute a separate and distinct offense.

(Omitted text is unaffected by this ordinance)

(f) *Penalty – License revocation – One year wait for new license – Exceptions.*

(1) In addition to any other penalty provided by law, any person who violates any requirement of this ~~chapter~~ section or any rule or regulation promulgated thereunder shall be subject to a fine of not less than \$250.00 nor more than \$500.00 for each offense. Each day that a violation continues shall constitute a separate and distinct offense ~~to which a separate fine shall apply.~~

(Omitted text is unaffected by this ordinance)

Article XIX. Board-Up Company

4-6-190 Board-up company.

(Omitted text is unaffected by this ordinance)

(g) *Penalty.*

(1) In addition to any other penalty provided by law, any person who violates any provision of this ~~chapter~~ section or any rule or regulation promulgated thereunder shall be subject to a fine of not less than \$500.00 nor more than \$1,500.00 for each offense. Each day that a violation continues shall constitute a separate and distinct offense.

(h) *Rules.* The commissioner of business affairs and consumer protection shall have the authority to promulgate reasonable rules and regulations necessary to implement the requirements of this section.

XX. Dry Cleaner:

(Omitted text is unaffected by this ordinance)

Article XXIII. Booting of Motor Vehicles

4-6-230 Booting of motor vehicles.

(Omitted text is unaffected by this ordinance)

(f) *Legal duties.* Each licensee engaged in the business of booting motor vehicles shall have a duty to:

(Omitted text is unaffected by this ordinance)

(8) maintain sufficient copies of this Section ~~4-6-250~~ 4-6-230 for distribution to any

person requesting a copy of this ordinance;

(Omitted text is unaffected by this ordinance)

(h) *Violation - Penalty.* In addition to any other penalty provided by law: Any person who violates any provision of this ~~chapter~~ section or any rule or regulation promulgated thereunder shall be subject to a fine of not less than \$1,000.00 nor more than \$2,000.00 for each violation. Any licensee who violates any provision of this section two times at one location within any 180-day period shall be prohibited from conducting booting operations at that location for a period of one week. Each day that a violation continues shall constitute a separate and distinct offense.

(Omitted text is unaffected by this ordinance)

Article XXV. Expediter Company

4-6-250 Expediter Company.

(a) *Definitions.* As used in this section:

(Omitted text is unaffected by this ordinance)

“Company” means any corporation, general partnership, limited partnership, limited liability company or other legal entity of any type. The term “company” does not include natural persons or sole proprietors, who shall be governed by the requirements set forth in Section ~~4-6-270~~ 4-6-260 of this Code.

(Omitted text is unaffected by this ordinance)

Article XXVI. Expediter/Natural Person

4-6-260 Expediter/Natural Person

(Omitted text is unaffected by this ordinance)

(e) *Prohibited acts.* It shall be unlawful for any licensee engaged in the business of expediter company to:

(Omitted text is unaffected by this ordinance)

In addition to any other penalty provided by law: Any person who violates any requirement of subsection (e)(1) through ~~(e)(6)~~ (e)(5), inclusive, of this section or any rule or regulation promulgated thereunder shall be subject to a fine of not less than \$2,000.00 nor more than \$5,000.00 for each offense. Any person who violates any requirement of subsection (e)(6)

through (e)(9), inclusive, of this section or any rule or regulation promulgated thereunder shall be subject to a fine of \$1,000.00 for the first offense; \$1,500.00 for the second offense; and \$2,000.00 for the third or any subsequent offense. Each day that a violation continues shall constitute a separate and distinct offense.

(Omitted text is unaffected by this ordinance)

Article XXVIII. Home Repair

4-6-280 Home repair.

(Omitted text is unaffected by this ordinance)

(f) *Penalty.* Except as otherwise provided in this section, and in addition to any other penalty provided by law, any person who violates any provision of this ~~chapter~~ section or any rule or regulation promulgated thereunder shall be fined not less than \$500.00 nor more than \$5,000.00 for each offense. Each day ~~such~~ that a violation continues shall constitute a separate and distinct offense.

(Omitted text is unaffected by this ordinance)

SECTION 1C. Section 84 of the License Consolidation Ordinance is hereby replaced in its entirety, as follows:

SECTION 84. 4-168-050 Insurance - Required.

(a) Each applicant for a bicycle messenger service license shall provide proof that the applicant and each bicycle operator engaged by him has insurance coverage in the following minimum amounts arising in any way from the issuance of the license:

(Omitted text is unaffected by this ordinance)

(b) Any insurance policy required by this section must: (i) be in a form satisfactory to the commissioner, (ii) be maintained in full force and effect at all times throughout the duration of the license period, (iii) be issued by an insurer authorized to ensure in Illinois, and must (iv) provide that the policy will not be canceled and the amount of coverage will not be changed unless 60 30 days' prior written notice is given to the commissioner. A single violation of this section shall result in suspension or revocation of the license.

SECTION 1D. Section 149 of the License Consolidation Ordinance is hereby replaced in its entirety, as follows:

SECTION 149. 4-384-020 Animal care – License required when– Permit required for temporary animal exhibitions.

(a) No person shall engage in the business of a grooming facility, guard dog service, pet shop, animal day care facility, humane society, veterinary hospital or permanent animal exhibition; without having first obtained an animal care license to do so under this chapter; provided, however, that an animal care facility may, under that license, (1) buy or sell cats or dogs without a pet shop license; or (2) groom cats or dogs without a grooming facility license.

(b) No person shall engage in the business of temporary animal exhibition without first having obtained a permit to do so under Section 7-12-185.

(c) For purposes of this section, the terms “permanent” and “temporary” shall have the meaning ascribed to those terms in the definition of “animal exhibition” as set forth in Section 4-384-010.

SECTION 1E. Section 204 of the License Consolidation Ordinance is hereby amended by deleting the language struck through and by inserting the language underscored, as follows:

SECTION 204. The commissioner of business affairs and consumer protection is authorized to apply the issuance and license fee requirements of implement this ordinance to new applications and license renewals, as appropriate in a graduated fashion, pursuant to a schedule that conforms to the operational and administrative needs of the department of business affairs and consumer protection. The commissioner (1) shall conclude any such graduated phase-in with full implementation of this ordinance on January 1, 2013, and (2) shall provide during any such period of graduated implementation, in written or electronic form available to the general public and affected businesses, information regarding which licenses and associated requirements are being phased in before January 1, 2013, and the timing of any such phase-in.

SECTION 1F. Section 207 of the License Consolidation Ordinance is hereby amended by deleting the language struck through and by inserting the language underscored, as follows:

SECTION 207. Following due passage and approval, this This ordinance shall take full force and effect on June 16, 2012 ~~January 1, 2013~~. Provided, however, that:

(1) SECTION 4, SECTION 191, SECTION 192, SECTION 205 and SECTION 206 shall take full force and effect upon passage and approval;

(2) ~~SECTION 203 shall take full force and effect upon passage~~

and publication;

(3) ~~SECTION 204 shall take full force and effect 90 days after passage and publication; and~~

(4) ~~(2) SECTION 9, SECTION 13, SECTION 29, SECTION 31, SECTION 32, AND SECTION 37 and the amendments to Section 3-42-110(a) effected by SECTION 13,~~ shall take full force and effect after the expiration of all cigarette-vending machine operator licenses issued or renewed by the City's Commissioner of Business Affairs and Consumer Protection.

SECTION 2. Section 4-8-038 of the Municipal Code of Chicago is hereby amended by deleting the language struck through and by inserting the language underscored, as follows:

4-8-038 Shared kitchen license.

(Omitted text is unaffected by this ordinance)

(g) *License fee— Duration of license.*

(1) *Shared kitchen license:* The fee for a shared kitchen license shall be as set forth in Section 4-5-010 of this Code. Such shared kitchen license shall expire on the date indicated in ~~Section 4-4-021~~ on the face of the license.

(2) *Shared kitchen-supplemental license:* If the applicant for a shared kitchen-supplemental license applies simultaneously for a shared kitchen-supplemental license and a retail or wholesale food establishment license, the fee for such shared kitchen-supplemental license shall be as set forth in Section 4-5-010; such fee shall be in addition to the applicable retail or wholesale food establishment license fee set forth in Section 4-5-010; and such shared kitchen-supplemental license shall expire on the same date that the applicable retail or wholesale food establishment license expires ~~under Section 4-4-021~~. If the applicant for a shared kitchen-supplemental license does not apply simultaneously for a shared kitchen-supplemental license and a retail or wholesale food establishment license, the fee for such shared kitchen-supplemental license shall be calculated on a pro rata basis, based on the number of months remaining on the applicant's retail or wholesale food establishment license, and such shared kitchen-supplemental license shall expire on the same date that the applicant's applicable retail or wholesale food establishment license expires.

(Omitted text is unaffected by this ordinance)

SECTION 3. Section 4-8-039 of the Municipal Code of Chicago is hereby amended by deleting the language struck through and by inserting the language underscored, as follows:

4-8-039 Shared kitchen user license.

(Omitted text is unaffected by this ordinance)

(f) *License fee – Duration of license.*

(1) *Long-term user license:* The fee for a long-term user license shall be as set forth in Section 4-5-010 of this Code. Such long-term user license shall expire on the date indicated in ~~Section 4-4-021~~ on the face of the license.

(Omitted text is unaffected by this ordinance)

SECTION 4. Section 4-8-040 of the Municipal Code of Chicago is hereby amended by deleting the language struck through and by inserting the language underscored, as follows:

4-8-040 License fees.

The license fees shall be as set forth in Section 4-5-010 of this Code and shall be paid before any license may be issued. All licenses shall expire ~~in accordance with the terms of Section 4-4-021~~ on the date indicated on the face of the license.

(Omitted text is unaffected by this ordinance)

SECTION 5. Section 4-36-070 of the Municipal Code of Chicago is hereby amended by deleting the language struck through and by inserting the language underscored, as follows:

4-36-070 License – Fee – Termination.

The license fee set forth in Section 4-5-010 of this Code shall be payable annually. The general contractor license shall expire on the date indicated in ~~Section 4-4-021 of this Code~~ on the face of the license.

SECTION 6. Section 4-60-045 of the Municipal Code of Chicago is hereby amended by deleting the language struck through and by inserting the language underscored, as follows:

4-60-045 Registration of outside caterers.

(Omitted text is unaffected by this ordinance)

(b) The registration periods for each outside caterer shall be as ~~set forth in Section 4-4-021~~ required by the department. The local liquor control commissioner may revoke an outside caterer's registration for violation of any ordinance or law. Procedures for revocation shall be in accordance with the procedures for revocation of a business license under Chapter 4-4 of this Code. Revocation or suspension of an outside caterer's license for the sale of alcoholic liquor or for the preparation and sale of food, issued by another jurisdiction, shall act as revocation of the outside caterer's registration. A registered outside caterer must notify the local liquor control commissioner of each suspension or revocation of any such license by another jurisdiction, no later than the business day following the suspension or revocation. For purposes of this section, Saturday is a business day. Notification must be in writing, delivered by the outside caterer, or by messenger or transmitted by facsimile to a telephone number designated by the local liquor control commissioner.

SECTION 7. Section 4-60-060 of the Municipal Code of Chicago is hereby amended by deleting the language struck through and by inserting the language underscored, as follows:

4-60-060 Licenses – Fees and other policies.

(a) The fee for a city retailer's license for the sale of alcoholic liquor shall be as set forth in Section 4-5-010. Every applicant or licensee shall obtain a separate liquor license for each category of liquor license as defined in Section 4-60-010 that applies to the business to be conducted at the licensed establishment.

Every city retailer's license for the sale of alcoholic liquor shall expire according to the schedule contained in Section 4-4-021 on the date indicated on the face of the license. Retail liquor licensees holding valid licenses that expire on November 15, 2003, shall renew their licenses, regardless of when initially obtained, in accordance with Section 4-4-021 of this Code. Licensees who renew their licenses effective November 15, 2003, shall pay on a pro rata basis an amount to cover the appropriate period. ~~The commissioner may issue rules or regulations to administer the provisions of this paragraph.~~

(Omitted text is unaffected by this ordinance)

SECTION 8. Section 4-156-290 of the Municipal Code of Chicago is hereby amended by deleting the language struck through and by inserting the language underscored, as follows:

4-156-290 Definition.

As used in this chapter, a public place of amusement means any building or part of a building, park or other grounds used or intended to be used for any amusement as defined in Article I of this chapter; provided that any entity which is licensed as a children's activities services facility pursuant to ~~chapter 4-76~~ Chapter 4-75 of this Code shall not be considered a public place of amusement.

SECTION 9. Section 4-156-311 of the Municipal Code of Chicago is hereby amended by deleting the language struck through and by inserting the language underscored, as follows:

4-156-311 Notice requirements; objections.

(Omitted text is unaffected by this ordinance)

(d) (1) Within 30 days of the filing of an application for a public place of amusement license, no less than a majority of the legal voters residing within 250 feet of the location for which the license is sought may file a petition with the department of business affairs and consumer protection requesting the department to deny the license on the grounds that: (i) the license would cause substantial injury to the value of the property in the neighborhood in which it is to be located; (ii) the license would have an adverse effect on other commercial or industrial enterprises in the surrounding area; (iii) the license would have an adverse effect on traffic-flow or parking within the surrounding area; or (iv) the license would have an adverse effect on the character of the surrounding neighborhood because of the hours of operation of use. To be considered the petition shall be delivered no later than 30 days after the date on which the application for the license was filed and shall include the residence address of each person whose signature appears on the petition.

(2) After the petition signatures have been validated, the director of business affairs and consumer protection shall set a hearing date and shall provide notice of the hearing to the license applicant, to the voters listed on the petition and to the alderman of the ward in which the premises sought to be licensed is located. Notice shall be sent by first class, registered or certified mail. The commissioner of business affairs and consumer protection shall cause to be published, in a daily newspaper of general circulation in the city, a notice stating that a public hearing has been scheduled regarding the application for a public place of amusement license setting forth the address of the premises sought to be licensed and the date, time and location of the hearing. The hearing shall be commenced no later than 30 days after validated signatures have been received by the department of business affairs and consumer protection. The commissioner of business affairs and consumer protection or his designee may deny the license, upon a showing of due cause, for any of the grounds listed in ~~(i) through (v)~~ of paragraph (1) of this subsection (d). A decision denying ~~the application for a license may be appealed by the applicant to the department of business affairs and consumer protection's adjudication division a~~ public place of amusement license application pursuant to a hearing conducted under this

subsection shall be a final decision subject to appeal in the manner provided by law.

(Omitted text is unaffected by this ordinance)

SECTION 10. Section 4-156-580 of the Municipal Code of Chicago is hereby amended by deleting the language struck through and by inserting the language underscored, as follows:

4-156-580 License – Term.

Each Class A license issued under Article IV of this chapter shall ~~be renewed pursuant to Section 4-4-021 of this Code~~ expire on the date indicated on the face of the license. Each Class B license issued under Article IV of this chapter shall be valid only on the date or dates, and at the location, specified on the license.

SECTION 11. Section 7-12-015 of the Municipal Code of Chicago is hereby amended by deleting the language struck through and by inserting the language underscored, as follows:

7-12-015 Executive Director – Powers and duties.

(Omitted text is unaffected by this ordinance)

(5) To enforce the provisions of Article XXII of Chapter 11-4 of this Code and to notify the commissioner of environment business affairs and consumer protection of any violation for which the commissioner of environment business affairs and consumer protection is authorized to issue an emergency abatement order as set forth in Section 11-4-3030(b)(1) of this Code;

(Omitted text is unaffected by this ordinance)

SECTION 12. Section 7-28-785 of the Municipal Code of Chicago is hereby amended by deleting the language struck through and by inserting the language underscored, as follows:

7-28-785 Collection bins.

(a) For purposes of this section only, the following definitions shall apply, unless the context clearly indicates otherwise:

(Omitted text is unaffected by this ordinance)

(j) A permit issued pursuant to this section shall be for a term of two years, and the

biennial fee shall be \$200.00 per lot. The permit shall expire on the date indicated in ~~Section 4-4-021~~ of this Code on the face of the permit.

(Omitted text is unaffected by this ordinance)

SECTION 13. Section 7-38-005 of the Municipal Code of Chicago is hereby amended by deleting the language struck through and by inserting the language underscored, as follows:

7-38-005 Food requirements.

(a) All food shall be protected from contamination and the elements while being stored, prepared, displayed or sold at a food establishment and during transportation to or between such establishments or vending machine locations, and so shall all food equipment, containers, utensils, food-contact surfaces and devices and vehicles, in accordance with the provisions of this chapter, ~~chapters 4-80~~ Chapters 4-8, 7-40 and 7-42 of this Code and the rules and regulations of the board of health.

(Omitted text is unaffected by this ordinance)

SECTION 14. Section 8-32-170 of the Municipal Code of Chicago is hereby amended by deleting the language struck through and by inserting the language underscored, as follows:

8-32-170 Exceptions and exclusions.

(Omitted text is unaffected by this ordinance)

(2) The limits set forth in this chapter do not apply to any public performance:

(A) conducted in accordance with the provisions of a special permit (not including a permit issued under section ~~4-268-030~~ 4-244-161 of this Code) granted by the city for the conduct of a public performance; or

(Omitted text is unaffected by this ordinance)

SECTION 15. Chapter 9-112 of the Municipal Code of Chicago is hereby amended by adding space between Section 9-112-010 and 9-112-020, and by bold-facing the heading of Section 9-112-020, as follows:

9-112-010 Definitions.

(Omitted text is unaffected by this ordinance)

"Wheelchair accessible vehicle" or "WAV" means a vehicle that a person in a wheelchair may enter and exit independently or with assistance while seated in a wheelchair. A WAV shall safely secure and restrain the wheelchair.

9-112-020 License required.

(Omitted text is unaffected by this ordinance)

SECTION 16. Section 9-112-100 of the Municipal Code of Chicago is hereby amended by deleting the language struck through, as follows:

9-112-100 Qualifications for license.

(a) In order to qualify for a license, whether upon initial application or upon application for renewal of a license:

(Omitted text is unaffected by this ordinance)

(4) an applicant for the issuance or renewal of a taxicab license shall submit a copy of the licensee's agreement with a taxicab affiliation licensed by the city. Provided, however, that a licensee need not be affiliated; if the licensee is an owner-operator.

(Omitted text is unaffected by this ordinance)

SECTION 17. Section 9-112-240 of the Municipal Code of Chicago is hereby amended by deleting the language struck through and by inserting the language underscored, as follows:

~~2-112-240~~ 9-112-240 **Medallion license only lease agreements.**

(Omitted text is unaffected by this ordinance)

SECTION 18. Section 9-112-250 of the Municipal Code of Chicago is hereby amended by deleting the language struck through and by inserting the language underscored, as follows:

~~2-112-250~~ 9-112-250 **Restriction on consecutive hours of operation.**

(Omitted text is unaffected by this ordinance)

SECTION 19. Section 9-112-260 of the Municipal Code of Chicago is hereby amended by inserting a period at the end of the heading, as follows:

9-112-260 Only licensed chauffeurs may operate licensed taxicabs.

(Omitted text is unaffected by this ordinance)

SECTION 20. Section 9-112-330 of the Municipal Code of Chicago is hereby amended by deleting the language struck through and by inserting the language underscored, as follows:

9-112-330 Insurance.

(Omitted text is unaffected by this ordinance)

(b) If any medallion license holder fails to maintain required insurance, the commissioner may immediately suspend the medallion license holder's taxicab vehicle license and impose a fine as set forth in section ~~9-12-630~~ 9-112-630 of this Code, in addition to all other applicable penalties, including license suspension, and/or license revocation. If a medallion license holder demonstrates a pattern of failing to maintain required insurance, the commissioner may revoke the license.

SECTION 21. Section 9-114-25 of the Municipal Code of Chicago is hereby amended by deleting the language struck through and by inserting the language underscored, as follows:

~~9-114-25~~ 9-114-025 **Temporary permits - Fees.**

(Omitted text is unaffected by this ordinance)

SECTION 22. Section 9-114-100 of the Municipal Code of Chicago is hereby amended by deleting the language struck through and by inserting the language underscored, as follows:

9-114-100 license License emblem to be affixed.

(Omitted text is unaffected by this ordinance)

SECTION 23. Section 9-114-240 of the Municipal Code of Chicago is hereby amended by inserting a period at the end of the heading, as follows:

9-114-240 Removal or change of officer.

(Omitted text is unaffected by this ordinance)

SECTION 24. Section 9-114-420 to an ordinance passed on January 18, 2012 and published at pages 19118-19174 of the *Journal of the Proceedings of the City Council of Chicago* is hereby amended by deleting the language struck through, as follows:

9-114-420 Impoundment of vehicle – Notification of owner – Penalty.

(a) The owner of record of any motor vehicle that is used for the transportation or the solicitation for the transportation of passengers for hire in violation of Section 9-114-020 shall be liable to the city for an administrative penalty of \$2,000.00 plus any towing and storage fees applicable under Section 9-92-080. Any such vehicle shall be subject to seizure and impoundment pursuant to this section. This subsection shall not apply if the vehicle used in the violation was stolen at that time and the theft was reported to the appropriate police authorities within 24 hours after the theft was discovered or reasonably should have been discovered. ~~Notwithstanding any other provision of this section, no vehicle shall be subject to towing and impoundment under this section prior to 60 days after the effective date of this chapter; provided that this chapter shall not affect the towing and impoundment of any vehicle that is towed prior to the effective date of this chapter.~~

(The remainder of this section is unaffected by this ordinance)

SECTION 25. Section 9-64-170 of the Municipal Code of Chicago is hereby amended by deleting the language struck through and by inserting the language underscored, as follows:

9-64-170 Parking restrictions – Special types of vehicles.

(Omitted text is unaffected by this ordinance)

(e) For the purposes of this section;

“eCommercial truck” means (i) a motor vehicle marked, emblazoned, or otherwise represented as being used for the transportation of property in the furtherance of any commercial or industrial enterprise, for hire or not for hire; or (ii) motor vehicles carrying merchandise or supplies of a commercial or industrial nature; or (iii) “junk vehicles” ~~as defined in Section 4-216-010.~~

Junk vehicle(s) means any truck, automobile or other motorized vehicle used to collect junk, as defined in Section 4-6-150(a), dispose of junk or transport junk from one place to another.

(Omitted text is unaffected by this ordinance)

SECTION 26. Section 10-36-358 of the Municipal Code of Chicago is hereby amended by deleting the language struck through and by inserting the language underscored, as follows:

10-36-358 Police powers for designated employees; duties of scavengers.

(a) The commissioner of aviation may designate employees of the department of aviation to have the powers of members of the police force to serve process or notice for violations occurring at any airport of Sections ~~4-4-310, 4-260-040, 4-260-060, 4-260-080, 4-260-090~~ 4-6-010, 4-6-130(e)(7), 4-6-130(e)(8), 4-6-130(e)(13), 4-6-130(e)(14), 7-12-420, 7-28-060, 7-28-070, 7-28-080, 7-28-120, 7-28-150, 7-28-210, 7-28-220, 7-28-225, 7-28-227, 7-28-230, 7-28-240, 7-28-260, 7-28-261, 7-28-270, 7-28-280, 7-28-300, 7-28-301, 7-28-302, 7-28-303, 7-28-305, 7-28-310, 7-28-315, 7-28-331, 7-28-360, 7-28-380, 7-28-390, 7-28-395, 7-28-400, 7-28-410, 7-28-440, 7-28-450, 7-28-460, 7-28-510, 7-28-660, 7-28-680, 7-28-690, 7-28-710, 7-28-720, 7-28-735, 8-4-135, 10-8-220, 10-28-340, 10-8-460 and 10-8-480 of the Municipal Code of Chicago as those sections are now or hereafter amended. A copy of the designation, and any amendments thereto, shall be kept by the commissioner of aviation and shall be available to the public upon request. The powers granted by this section are expressly limited to the service of such process or notice for violations of the specified Code sections, and this section shall not be construed as granting additional law enforcement powers. During the term of any concession and lease agreement between the City of Chicago and a private operator with respect to Chicago Midway Airport, the commissioner of aviation may delegate the powers set forth in this paragraph to the Chicago Police Department, another department of the City of Chicago with jurisdiction over such matters or the private operator.

(Omitted text is unaffected by this ordinance)

(d) In addition to the requirements of Section ~~4-260-060~~ 4-6-130(e)(7), every licensed scavenger that provides service at a site located at Chicago O'Hare International Airport or Chicago Midway Airport shall inform the commissioner of aviation of the suspension of service at such site within three days after the suspension of service. The notice shall be in a form specified by the commissioner of aviation and shall identify the licensed scavenger, the location

at which the service has been suspended and the name and nature of business conducted at the site.

(Omitted text is unaffected by this ordinance)

SECTION 27. Section 11-4-2080 of the Municipal Code of Chicago is hereby amended by deleting the language struck through and by inserting the language underscored, as follows:

11-4-2080 City waste prevention program.

(a) ~~On or before January 1, 1996, the department of environment shall conduct a waste audit of each city department and recommend waste prevention measures for common waste-producing activities and equipment.~~ Each city department shall practice waste prevention, wherever possible. On a biannual schedule ~~or before June 1, 1997, and biannually thereafter,~~ the department of streets and sanitation shall review the waste prevention activities of each city department and prepare a report that summarizes the impact of those activities.

(Omitted text is unaffected by this ordinance)

SECTION 28. Section 11-5-024 of the Municipal Code of Chicago is hereby amended by deleting the language struck through and by inserting the language underscored, as follows:

11-5-024 Hauler certification and reporting requirements.

(a) As a condition of receiving, renewing and maintaining a license or permit as a scavenger, refuse hauler or recycling facility, each such licensee, permittee or applicant for such a license or permit shall meet the following criteria:

(Omitted text is unaffected by this ordinance)

(3) The licensee or permittee shall submit semi-annual written reports to the commissioner. Reports shall be submitted on or before August 31st, of each year, summarizing recycling activities between January 1st and June 30th and on or before February 28th, of each year, summarizing recycling activities between July 1st and December 31st. Each report shall set forth the following data and information on materials collected from customers serviced within the city:

(Omitted text is unaffected by this ordinance)

(v) The percentage of customers not contracting for recycling services. The commissioner shall review and approve the adequacy of these reports as a prerequisite to the issuance of any City of Chicago license or permit for the collection and processing of municipal

waste or recyclable materials. If the reports are not filed in a timely manner, or if the information provided is incomplete, the commissioner may request that the department of business affairs and consumer protection withhold a license until such time that the report is made complete. The timely submission of the above reports shall constitute compliance with the reporting requirements under Sections ~~4-260-045~~ 4-6-130(e)(4) and 11-4-2535 of the Municipal Code.

(Omitted text is unaffected by this ordinance)

SECTION 29. Sections 11-6-010 of the Municipal Code of Chicago is hereby amended by deleting the language struck through and by inserting the language underscored, as follows:

11-6-010 Establishment of program.

Pursuant to the powers and authorities granted under Section (6)(a), Article VII of the 1970 Constitution of the State of Illinois, and the home rule powers granted thereunder, the Chicago Green Business Program is hereby established by the City of Chicago, a home rule unit of government. The Chicago Green Business Program shall be administered by the department of ~~the environment~~ business affairs and consumer protection.

SECTION 30. Section 11-6-020 of the Municipal Code of Chicago is hereby amended by deleting the language struck through and by inserting the language underscored, as follows:

11-6-020 Definitions.

(Omitted text is unaffected by this ordinance)

“Chicago Green Business” means any business that is certified as a Chicago Green Business by the department of ~~the environment~~ business affairs and consumer protection.

(Omitted text is unaffected by this ordinance)

SECTION 31. Section 13-4-010 of the Municipal Code of Chicago is hereby amended by deleting the language struck through and by inserting the language underscored, as follows:

13-4-010 Definitions.

For the purpose of this Code, the following terms shall be construed as follows:

(Omitted text is unaffected by this ordinance)

Home for the Aged: ~~For definition see Section 4-96-010.~~ means a facility licensed or

required to be licensed under this Code which is operated not-for-profit under the auspices of a religious, fraternal, charitable or other nonprofit organization, or operated not-for-profit under an endowment, which through its ownership or management, and as its principal objective, provides maintenance, personal care, nursing or sheltered care to aged persons, and in the conduct of which provides such service(s) to not less than three persons over 60 years of age, who are not related to the applicant or owner by blood or marriage.

Home Occupation. See Section ~~4-380-010~~ 4-6-270(a) for the definition.

(Omitted text is unaffected by this ordinance)

SECTION 32. Section 13-56-100 of the Municipal Code of Chicago is hereby amended by deleting the language struck through and by inserting the language underscored, as follows:

13-56-100 Class C-3, schools.

(Omitted text is unaffected by this ordinance)

Type III Schools: Type III schools shall include:

(a) Day care centers/two-to-six of 100 children or less located on either the second floor, first floor or the basement but not on more than one floor provided, however, that locations on the second floor shall be permitted in fire-resistive buildings only.

(b) Day care centers/under two of 30 children or less located on the ground level only, as that level is defined in Section ~~4-72-010~~ 13-4-010.

(c) Day care centers/under two and two-to-six that are combined into one facility of 100 children or less located on the ground level only as that level is defined in Section ~~4-72-010~~ 13-4-010.

SECTION 33. Section 15-4-130 of the Municipal Code of Chicago is hereby amended by deleting the language struck through and by inserting the language underscored, as follows:

15-4-130 Amounts of hazardous material.

A hazardous materials license, as specified in Section ~~4-115-010~~ 4-6-210, shall be required under any of the following conditions:

(Omitted text is unaffected by this ordinance)

SECTION 34. Section 15-4-160 of the Municipal Code of Chicago is hereby amended by deleting the language struck through and by inserting the language underscored, as follows:

15-4-160 Amounts of acetylene gas and calcium carbide.

A hazardous materials license, as specified in Section ~~4-115-010~~ 4-6-210, shall be required when:

(Omitted text is unaffected by this ordinance)

SECTION 35. Section 15-4-210 of the Municipal Code of Chicago is hereby amended by deleting the language struck through and by inserting the language underscored, as follows;

15-4-210 Flammable liquids.

A hazardous materials license, as specified in Section ~~4-115-010~~ 4-6-210, shall be required to keep on hand or store for use in any business 30 gallons or more of any flammable liquid having a flashpoint below 200 degrees Fahrenheit or 93 degrees Centigrade (closed cup tester). Provided, however, that nothing herein contained shall require any filling station duly licensed under any other provision of this Code, to obtain a license hereunder.

SECTION 36. Section 15-4-230 of the Municipal Code of Chicago is hereby amended by deleting the language struck through and by inserting the language underscored, as follows:

15-4-230 Liquefied fume hazard gases.

A hazardous materials license, as specified in Section ~~4-115-010~~ 4-6-210, shall be required to keep on hand or store for use in any business liquefied fume, hazard gases in single unit tank cars.

SECTION 37. Section 15-4-240 of the Municipal Code of Chicago is hereby amended by deleting the language struck through and by inserting the language underscored, as follows:

15-4-240 Oxygen and hydrogen.

A hazardous materials license, as specified in Section ~~4-115-010~~ 4-6-210, shall be required to generate or compress oxygen or hydrogen in any form of generator, holder, container or associated apparatus.

SECTION 38. Section 15-4-250 of the Municipal Code of Chicago is hereby amended by deleting the language struck through and by inserting the language underscored, as follows:

15-4-250 Nitrocellulose products.

A hazardous materials license, as specified in Section ~~4-115-010~~ 4-6-210, shall be required to keep any nitrocellulose products in excess of 25 pounds.

SECTION 39. Section 15-4-252 of the Municipal Code of Chicago is hereby amended by deleting the language struck through and by inserting the language underscored, as follows:

15-4-252 Lumberyards and lumber storehouses.

(a) A hazardous materials license, as specified in Section ~~4-115-010~~ 4-6-210, shall be required to conduct or operate a lumberyard or lumber storehouse.

(Omitted text is unaffected by this ordinance)

SECTION 40. Section 15-4-254 of the Municipal Code of Chicago is hereby amended by deleting the language struck through and by inserting the language underscored, as follows:

15-4-254 Sawdust, shavings and excelsior.

A hazardous materials license, as specified in Section ~~4-115-010~~ 4-6-210, shall be required to keep or store for the purpose of selling at wholesale or retail, sawdust, shavings, excelsior or other similar flammable materials.

SECTION 41. Section 15-4-256 of the Municipal Code of Chicago is hereby amended by deleting the language struck through and by inserting the language underscored, as follows:

15-4-256 Sale of solid fuel and firewood.

(a) It shall be unlawful for any person to engage in the business of a dealer in solid fuel, within the fire limits of the city, without first having obtained a hazardous materials license, as specified in Section ~~4-115-010~~ 4-6-210, therefor; provided, that no license shall be required of any dealer in solid fuel for any place of business operated or conducted by such dealer in solid fuel and licensed as such by any municipality which has adopted an ordinance granting privileges similar to those contained in this section.

(Omitted text is unaffected by this ordinance)

SECTION 42. Section 15-4-257 of the Municipal Code of Chicago is hereby amended

by deleting the language struck through and by inserting the language underscored, as follows:

15-4-257 Storage of solid fuel not for retail.

(a) It shall be unlawful for any person to keep, pile or store on any lot, plot of ground, railroad siding, switch track or other place within the fire limits of the city, any solid fuel in quantities greater than 1,000 tons without first having obtained a hazardous materials license, as specified in Section ~~4-115-010~~ 4-6-210, ~~to so do~~. Provided, however, that this requirement shall not apply to any person conducting or operating a coal yard licensed under this chapter.

(Omitted text is unaffected by this ordinance)

SECTION 43. Section 15-4-258 of the Municipal Code of Chicago is hereby amended by deleting the language struck through and by inserting the language underscored, as follows:

15-4-258 Fuel oil dealers.

(a) It shall be unlawful for any person to engage in the business of fuel oil dealer without first having obtained a hazardous materials license, as specified in Section ~~4-115-010~~ 4-6-210, ~~to so do~~.

(Omitted text is unaffected by this ordinance)

SECTION 44. Section 15-4-259 of the Municipal Code of Chicago is hereby amended by deleting the language struck through and by inserting the language underscored, as follows:

15-4-259 Fuel oil storers.

(a) It shall be unlawful for any person to keep on hand or store fuel oil for use in any business, other than the business of dealer in such oil, without first procuring a hazardous materials license, as specified in Section ~~4-115-010~~ 4-6-210, ~~so to do~~ for each location, place or premises where such person keeps on hand or stores for use any such oil. Provided, however, that no license shall be required of any person who keeps on hand or stores fuel oil in a quantity less than 2,150 gallons for use exclusively in the heating of any building.

(Omitted text is unaffected by this ordinance)

SECTION 45. Section 15-28-980 of the Municipal Code of Chicago is hereby amended by deleting the language struck through and by inserting the language underscored, as follows:

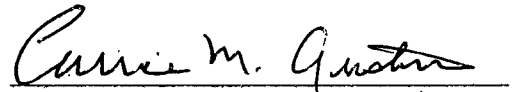
15-28-980 Capacity regulations.

Not more than 25 pounds of nitrocellulose shall be manufactured or reclaimed in other

than a nitrocellulose building or a nitrocellulose room constructed as required; provided, however, that completely manufactured nitrocellulose enclosed within sealed shipping containers, meeting the regulations of the Interstate Commerce Commission for containers for nitrocellulose may be stored in one or more standard fireproof vaults located in any building, except such as are prohibited under ~~Section 4-128-090~~ of this Code.

SECTION 46. Chapter 16-6 of the Municipal Code of Chicago is hereby amended by repealing Section 16-6-105, in its entirety.

SECTION 47. This ordinance shall take full force and effect upon its passage and approval.


Alderman Carrie M. Austin, 34th Ward