



# City of Chicago



O2022-3580

Office of the City Clerk

## Document Tracking Sheet

**Meeting Date:** 10/26/2022

**Sponsor(s):** Lightfoot (Mayor)

**Type:** Ordinance

**Title:** Amendment of Municipal Code Titles 2, 4, 6 and 11 regarding various department functions and duties including establishment of new Mayor's Office of Equity and Racial Justice (2023 Management Ordinance)

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

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OFFICE OF THE MAYOR  
CITY OF CHICAGO

LORI E. LIGHTFOOT  
MAYOR

October 26, 2022

TO THE HONORABLE, THE CITY COUNCIL  
OF THE CITY OF CHICAGO

Ladies and Gentlemen:

At the request of the Budget Director, I transmit herewith the 2023 Management Ordinance that amends various titles of the Municipal Code.

Your favorable consideration of this ordinance will be appreciated.

Very truly yours,

A handwritten signature in black ink that reads "Lori E. Lightfoot".

Mayor

## MANAGEMENT ORDINANCE

**WHEREAS**, The City of Chicago is a home rule unit of government as defined in Article VII, Section 6(a) of the Illinois Constitution; and

**WHEREAS**, As a home rule unit of government, the City of Chicago may exercise any power and perform any function pertaining to its government and affairs; and

**WHEREAS**, The management, structure, powers, and functions of its departments and agencies is a matter pertaining to the government and affairs of the City of Chicago; now, therefore,

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

This ordinance is organized into the following Articles, as follows:

Article I.	Governmental Organization and Operation
Article II.	Worker Protections
Article III.	Environmental Protections
Article IV.	Out-Of-City Water Service
Article V.	Short-Term Rental Reforms
Article VI.	CATCo
Article VII.	Severability; Superseder
Article VIII.	Effective Dates

### **ARTICLE I. GOVERNMENTAL ORGANIZATION AND OPERATION**

**SECTION 1.** Section 2-4-055 of the Municipal Code of Chicago is hereby amended by adding the language underscored, and by deleting the language struck through, as follows:

**2-4-055 ~~Chief sustainability officer~~ Mayor's Office of Climate and Environmental Equity.**

(a) ~~The Mayor may appoint an officer to be known as the chief sustainability officer, who shall serve at the pleasure of the Mayor. For the purposes of this section, the following terms shall have the following meanings:~~

"Community resilience" means the sustained ability of a community to use available resources to respond to, withstand, and recover from adverse situations.

"Climate justice" means the movement to address the disparity between who is causing the climate crisis and who is most impacted by such climate crisis.

"Climate Action Plan" means an inclusive, equitable, and ambitious plan for reduction of greenhouse gas emissions in the City, developed and issued publicly from time to time by the Chief Sustainability Officer and serving as the City's official climate change mitigation and adaptation strategy and implementation plan, including for all City departments and offices.

"Decarbonization" means the process of stopping or reducing carbon gases, especially carbon dioxide, from being released into the atmosphere.

"Green economy" means an economic sector that is low carbon, resource efficient, and socially inclusive. In a green economy, growth in employment and income are driven by public and private investment into such economic activities, infrastructure, and assets that allow

reduced carbon emissions and pollution, enhanced energy and resource efficiency, and prevention of the loss of biodiversity and ecosystem services.

"Environmental equity" means an outcome and a process that results in fair and just access to environmental opportunities and resources as well as fair and just distribution of climate and environmental risks, such that all City residents have the ability to thrive.

(b) ~~The~~ There is hereby established the Mayor's Office of Climate and Environmental Equity, which shall be led by a chief sustainability officer Chief Sustainability Officer, who shall have the following duties and responsibilities:

(1) To develop a coordinated and comprehensive equity-focused environmental policy agenda for the City of Chicago aimed at protecting residents and conserving the city's City's natural resources, to encourage and promote the continued beautification resiliency, adaptation, and long-term sustainability health of the city's City's streets, built environment, parkways, waterways, natural areas, and shoreline for the benefit of all residents;

(2) To provide strategic coordination and guidance for systematic reform of processes, practices, and functions for the City aimed at advancing sustainability, environmental justice, community resilience, and climate mitigation;

~~(2) (3) To develop and coordinate the implementation of a comprehensive long-term sustainability plan for the city, consistent with~~ guide City departments in creating, monitoring, and reporting on climate and environmental policy and programs in order to achieve the goals of the city's City's Climate Action Plan and other environmental and energy efficiency policies as developed pursuant to this Section regional, state, national, and international climate agreements;

~~(3) (4) To develop a coordinated and comprehensive energy policy and initiatives for the City of Chicago to improve energy efficiency and decarbonization across the city City and encourage innovation in renewable energy and affordability and access in the generation, storage, distribution, conversion, and consumption of energy;~~

(5) To develop policies and plans for waste reduction, diversion, and improved recycling policies and programs throughout the City, and to advance policies and recommendations consistent with the Chicago waste strategy;

~~(4) (6) To encourage and conduct studies, investigations and research relating to the physical, chemical, engineering, meteorological, and other aspects of environmental management, planning, and mitigation, independently or in conjunction with other federal, state, and local agencies and organizations, city City departments and sister agencies, as he or she the Chief Sustainability Officer may deem advisable and necessary;~~

~~(5) (7) To develop plans and proposals for joint cooperative investigation and research with public and private agencies and organizations on methods for reducing or eliminating land, air, and water pollution; with the goal of reducing emissions, advancing climate and environmental justice, and improving quality of life for all residents;~~

~~(6) To advise, consult and cooperate with other agencies of the state and federal governments, and other governmental agencies to improve and advance environmental protection;~~

~~(7) To collect, publish and disseminate appropriate educational literature and other information to other city departments and sister agencies and to the public for the purpose of advising of the necessity, purpose and methods for land, air and water pollution reduction and prevention and to secure cooperation in reducing such pollution;~~

(8) To educate and communicate to City departments, other governmental bodies, community and civic organizations, and the public as to the status and progress of the City of Chicago's sustainability and environmental and climate justice efforts, as well as opportunities for collaboration and innovation;

~~(8) (9)~~ To function as the ~~city's~~ City's central source for such research, literature, educational materials and other information regarding land, air and water pollution, energy efficiency and innovation, climate change, city-wide sustainability and environmental protection;

~~(9) To work cooperatively with all city departments and sister agencies to advance the environmental, climate, energy and sustainability goals of the city;~~

(10) To collaborate and partner with sister agencies and non-governmental bodies in developing policies, initiatives, and planning efforts aimed at integrating equity and racial justice goals into mitigating climate change and accelerating an equitable green economy;

~~(10) (11)~~ To enter into grant agreements, cooperation agreements and other agreements or contracts with governmental entities, private business, and civic and community groups to implement environmental enhancement, ~~and protection,~~ and sustainability programs, and to enter into and execute all such other instruments and to perform any and all acts, including the allocation and expenditure of funds subject to appropriation therefor, as shall be necessary or advisable in connection with the implementation of such agreements, including any renewals thereto; and

~~(11) To develop policies and plans for waste reduction and expanded and improved recycling policies and programs throughout the city, and to review, on an annual basis, lists of recyclable materials and source reduction measures.~~

(c) All ~~city~~ City departments and, to the extent permitted by law, sister agencies shall work cooperatively with the ~~chief sustainability officer~~ Chief Sustainability Officer to advance the environmental, climate, energy, and sustainability goals of the ~~city~~ City. The Mayor shall ensure sufficient funding for the Office of Climate and Environmental Equity to faithfully and fully execute these requirements.

(d) The Chief Sustainability Officer and the Office of Climate and Environmental Equity established under this section shall assume all rights, powers, duties, obligations, and responsibilities of the former Chief Sustainability Officer. Any policies, agreements, contracts, or other documents created by the Chief Sustainability Officer prior to the creation of this Office of Climate and Environmental Equity shall be continued under the jurisdiction of the Chief Sustainability Officer and the Office of Climate and Environmental Equity.

**SECTION 2.** Chapter 2-4 of the Municipal Code of Chicago is hereby amended by adding a new Section 2-4-100, as follows:

**2-4-100 Mayor's Office of Equity and Racial Justice.**

(a) For the purposes of this section, the following terms shall have the following meanings:

"Equity" means outcomes and processes that result in fair and just access to opportunity and resources that provide everyone the ability to thrive.

"Racial justice" means the elimination of racial inequality and advancement of collective prosperity for communities that have been most negatively impacted because of their race or ethnicity.

"Racial Equity Action Plan" means a multi-year strategic plan aiming to achieve equity and racial justice.

“Sister agencies” has the meaning ascribed to that term in Section 1-23-010.

(b) There is hereby established the Mayor’s Office of Equity and Racial Justice, which shall have the mission to:

(1) provide oversight and guidance for systematic reform of processes, practices, and functions for the City aimed at advancing equity in service delivery, resource distribution, policy creation, community engagements, and other government business on behalf of residents;

(2) build capacity of City employees to advance equity in their core work by developing, utilizing, and promoting best and promising practices and strategies; and

(3) strengthen, repair, and empower relationships between community members, private sector stakeholders, and government officials by developing, implementing, and leading engagements and initiatives aimed at advancing equity.

(c) The Office of Equity and Racial Justice shall be led by a Chief Equity Officer, who shall direct the Office in carrying out the following duties and responsibilities:

(1) to develop and coordinate the implementation and maintenance of:

(A) a coordinated and comprehensive equity and racial justice strategy for the City aimed at combating systemic racism and addressing the root causes of racial and social inequity throughout the City’s government and across the City;

(B) racial equity action plans created by each City department to articulate and guide strategy aimed at advancing equity and making it a permanent pillar in all departmental workstreams;

(i) All departments, unless directly exempted by the Chief Equity Officer, shall complete a racial equity action plan and report progress annually to the Chief Equity Officer;

(C) trainings, professional development, and technical assistance on equity and racial justice for City staff;

(2) to enter into grant agreements, cooperation agreements, and other agreements with governmental entities to implement social and racial equity programs;

(3) to research and plan processes, resources, and practices that will advance equity in how the City provides services and resources to residents;

(4) to educate and communicate to City departments, other governmental bodies, advisory councils, community and civic organizations, and the public regarding the status and progress of the City’s equity efforts, as well as opportunities available to advance progress and innovation;

(5) to monitor and provide written annual status and progress reporting of City departments’ racial equity action plans to the Mayor, City Council, and residents as part of the City’s budget process each fiscal year;

(6) to collaborate and partner with sister agencies, advisory councils, community and civic organizations, and the public in developing policies, initiatives, and planning efforts aimed at advancing equity and racial justice;

(7) to collaborate with relevant departments and entities as needed. Non-limiting examples of such collaboration include:

(A) the Office of Budget and Management to obtain relevant departmental data and information, and produce and publish reports to the Mayor, City Council, and members of the public;

(B) the Department of Public Health to secure relevant research and data, collaborate and develop research and analysis, jointly seek federal and philanthropic resources, and develop and implement of tools and best practices, such as health and racial equity impact assessments;

(C) the Department of Human Resources to access and analyze workforce data for equity dashboards and reporting, and develop workforce diversity and inclusion strategies;

(D) the Department of Procurement Services to access and analyze contracting data as it relates to diversity of contractors and vendors, particularly M.B.E. and W.B.E., as these terms are defined in Section 2-92-420 or Section 2-92-670, as appropriate, data and information, and in partnership with the Contracting Equity officer support the development and execution of procurement diversity and inclusion strategies;

(8) to hire additional officers and employees according to applicable City hiring laws.

(d) The Mayor shall ensure sufficient funding for the Office of Equity and Racial Justice to faithfully and fully execute these requirements.

**SECTION 3.** Section 2-51-050 of the Municipal Code of Chicago is hereby amended by adding the language underscored, as follows:

**2-51-050 Commissioner of Assets, Information, and Services – Powers and duties – Rulemaking.**

(a) *Duties and responsibilities.* The Commissioner of Assets, Information, and Services shall have the following duties and responsibilities:

*(Omitted text is unaffected by this ordinance)*

(12) Subject to approval of the Corporation Counsel as to form and legality, and except as otherwise provided in this subsection, to negotiate and execute on behalf of the City any lease, right-of-entry agreement or other document evidencing an agreement for the use and occupancy of real property, which may include terms providing for indemnification, for a term not to exceed 30 days. Such initial agreement may be extended, renewed or continued for up to an additional 150 days. Provided, however, that no extension, renewal or continuation of such initial agreement shall extend beyond a totality of 180 days, unless: (1) the agreement is referred to the Chicago City Council for review and full disclosure as to all parties, particulars, events and justifications meriting such extension, renewal or continuation; and (2) the Chicago City Council approves an extension, renewal or continuation of such agreement beyond a totality of 180 days. Provided further, that the Commissioner's power to negotiate and execute on behalf of the City any lease, right-of-entry agreement or other agreement for the use and occupancy of real property within the Chicago Riverwalk, including concession agreements for food, beverages, goods and services within the Chicago Riverwalk, shall be governed by Section 10-36-145;

*(Omitted text is unaffected by this ordinance)*

**SECTION 4.** Section 2-56-090 of the Municipal Code of Chicago is hereby amended by adding the language underscored, and by deleting the language struck through, as follows:

**2-56-090 Duty to cooperate.**

It shall be the duty of every elected or appointed officer, employee, department, agency, lobbyist engaged in the lobbying of elected or appointed City officers or employees, contractor, subcontractor, agent, or licensee of the ~~city~~ City, and every applicant for certification of eligibility for a ~~city~~ City contract or program, to cooperate with the inspector general in any inquiry undertaken pursuant to this chapter. Each department's premises, equipment, personnel, books, records and papers shall be made available as soon as practicable to the inspector general. Every ~~city~~ City contract and every bid, proposal, application or solicitation for a ~~city~~ City contract, and every application for certification of eligibility for a ~~city~~ City contract or program shall contain a statement that the person understands and will abide by all provisions of this chapter.

**SECTION 5.** Section 2-80-080 of the Municipal Code of Chicago is hereby amended by adding the language underscored, and by deleting the language struck through, as follows:

**2-80-080 Superintendent, Chief Administrator and Police Board – Selection; appointment.**

*(Omitted text is unaffected by this ordinance)*

(c) *Police Board.* When a vacancy occurs on the Police Board, the Commission shall, within 60 days, identify candidates eligible to fill the vacancy. Such candidates shall have the ~~same~~ qualifications ~~as those for Commissioners as set out listed~~ in Section 2-80-040(b)(1) through (b)(7) and (b)(9), and shall adhere to the Police Board Selection Criteria ~~contained in promulgated pursuant to~~ paragraph 532 of the Consent Decree. For each Police Board vacancy, the Commission shall submit to the Mayor three candidates it deems most qualified, except that, for an anticipated vacancy due to the expiration of a term, the Commission may submit only one eligible candidate for reappointment. Within 30 days thereafter, the Mayor shall ~~either select one of these candidates~~ select a candidate, or reject the candidates or reappointment candidate, and provide the Commission with a written explanation, which the Commission shall make publicly available no later than three business days after receipt. Within 30 days after this rejection, the Commission shall submit three new candidates to the Mayor, which shall not include any previous candidate. Within 30 days thereafter, the Mayor shall either select a candidate or reject the candidates and provide the Commission with a written explanation, which the Commission shall make publicly available no later than three business days after receipt. This process shall continue until the Mayor selects a candidate.

*(Omitted text is unaffected by this ordinance)*

**SECTION 6.** The date-based termination provision within Section 2 of an ordinance passed by the City Council, bearing City Clerk record number SO2021-5647, recorded on pages 44191-44192 of the Journal of the Proceedings of the City Council of the City of Chicago, Illinois, of January 26, 2022, pertinent page being 44192, is hereby repealed.

**SECTION 7.** Subject to the availability of duly appropriated funds, the Chief Procurement Officer is authorized to make such price adjustments in contracts that are active on the effective date of this ordinance as in her judgment are strictly necessary to effectively



meet the City's operational needs. A report of all contract modifications made by the Chief Procurement Officer pursuant to this section will be placed on file each quarter with the City Council Committee on the Budget and Government Operations.

**SECTION 8.** Section 2-112-110 of the Municipal Code of Chicago is hereby amended by adding the language underscored, and by deleting the language struck through, as follows:

**2-112-110 Commissioner – Additional powers and duties.**

(a) The Commissioner of Public Health shall have the following powers and duties:

*(Omitted text is unaffected by this ordinance)*

(4) To determine when a disease is communicable or epidemic, and establish quarantine regulations whenever it is deemed measures and rules necessary to protect the public health;

*(Omitted text is unaffected by this ordinance)*

**SECTION 9.** Section 2-152-051 of the Municipal Code of Chicago is hereby amended by adding the language underscored, and by deleting the language struck through, as follows:

**2-152-051 Salaries – Annual appropriation – Clerk, treasurer and mayor.**

The salaries of all officers and employees of the ~~city~~ City, not otherwise fixed, shall be determined and fixed by the ~~city council~~ City Council in the annual appropriation ordinance.

The annual salaries of the following officers elected in ~~2003~~ 2023 are hereby fixed as follows:

City Clerk And City Treasurer	Effective May 5, <del>2003</del> <u>22, 2023</u> .....	<del>\$122,210.00</del>	<u>\$161,016.00</u>
	Effective January 1, 2004.....	<del>\$125,880.00</del>	
	Effective January 1, 2005.....	<del>\$129,655.00</del>	
	Effective January 1, 2006.....	<del>\$133,545.00</del>	
Mayor	Effective May 5, <del>2003</del> <u>22, 2023</u> .....	<del>\$197,865.00</del>	
	Effective January 1, 2004.....	<del>\$203,800.00</del>	
	Effective January 1, 2005.....	<del>\$209,915.00</del>	
	Effective January 1, 2006.....	<del>\$216,210.00</del>	

Beginning with salaries that start January 1, 2024, the annual salaries for the City Clerk, City Treasurer and Mayor specified in this section shall be adjusted for each calendar year by applying to each the rate of inflation calculated based on the Consumer Price Index – Urban Wage Earners and Clerical Workers (Chicago All Items) (“CPI”) published by the United States Bureau of Labor Statistics, provided, however, that if the CPI increases by more than 5 percent in any year, the salary increase shall be capped at 5 percent. The Budget Director or the Budget Director’s designee shall determine such rate by comparing the figure for the most recent July with the figure for the previous July. Any adjustment shall take effect at the beginning of the first pay period for the following calendar year, e.g. the change in CPI calculated from 2022 to 2023 shall be the rate used to affect a salary that begins January 1, 2024.

The ~~city clerk~~ City Clerk, ~~city treasurer~~ City Treasurer, or ~~mayor~~ Mayor may choose not to have ~~his or her~~ the salary adjusted as set forth in this section for the term of office beginning

in ~~2003~~ 2023 by notifying the ~~city comptroller~~ City Comptroller in a sworn statement on a form provided by the ~~comptroller~~ Comptroller for that purpose. The notification must be filed no later than ~~May 4, 2003~~ 22, 2023 for incumbents. A person who receives a certificate of election to the office of ~~city clerk~~ City Clerk, ~~city treasurer~~ City Treasurer, or ~~mayor~~ Mayor and who was not the ~~city clerk~~ City Clerk, ~~city treasurer~~ City Treasurer, or ~~mayor~~ Mayor on ~~November 6, 2002~~ 18, 2022, may choose not to have ~~his or her~~ that salary adjusted for the term of office beginning in ~~2003~~ 2023 by notifying the ~~city comptroller~~ City Comptroller in a sworn statement on a form provided by the ~~comptroller~~ Comptroller for that purpose prior to taking the oath of office.

The City Clerk, City Treasurer, or Mayor may choose not to have the salary adjusted as set forth in this section for any given year as set forth in this section by notifying the Budget Director in a sworn statement on a form provided by the Budget Director for that purpose. This notification must be received by the Budget Director by September 15 for the choice to be effective for the following calendar year.

The choice shall be irrevocable during the term to which it applies but shall not bind a successor who succeeds to the office for the remainder of the term as the result of a vacancy. Prior to taking the oath of office, an individual appointed or elected to fill a vacancy may choose not to have ~~his or her~~ the salary for the remainder of the term of office adjusted from the salary as set forth in this section by notifying the ~~city comptroller~~ City Comptroller in a sworn statement on a form provided by the ~~comptroller~~ Comptroller for that purpose. If the ~~clerk~~ City Clerk, ~~treasurer~~ City Treasurer, or ~~mayor~~ Mayor elect not to take a salary increase in accordance with this section, the ~~comptroller~~ Comptroller is prohibited from making any payment in connection with any such increase.

The salaries of all officers and employees shall be as herein provided regardless of any prior inconsistent statute or ordinance.

**SECTION 10.** Section 2-152-150 of the Municipal Code of Chicago is hereby amended by adding the language underscored, and by deleting the language struck through, as follows:

**2-152-150 Applicants for employment – Disclosure of indebtedness to city City.**

(a) Whenever used in this section, the following words and phrases shall have the following meanings:

“Debt” means a specified sum of money owed to the city City for which the period granted for payment has expired.

(b) Every person who is given an offer of employment with the city City shall ~~file an affidavit with~~ submit a debt check application to the department ~~Department~~ of human resources ~~Human Resources~~ ~~disclosing any debt owed by the applicant to the city.~~

(c) A person offered employment with the City, but ~~No person who is given an offer of employment who owes a debt to the city City, shall not be hired by the City city until such indebtedness is paid in full.~~

(d)

~~(e) Notwithstanding the provisions of subsections (c) and (d) herein, the city may hire a person who owes a debt to the city if unless the commissioner~~ Commissioner of human resources ~~Human Resources~~ determines that such person:

(1) ~~Has entered into an agreement enrolled in a payment plan to pay the debts owed to the City with the department of finance~~ Department of Finance, or other appropriate city City department, with the ability for such enrollment to occur during the period after the offer of employment but required to happen before being hired by the City, for the payment of all debts owed to the city City and is in compliance with the agreement; or

(2) Is contesting liability for, or the amount of, the debt in a pending administrative or judicial proceeding; or

(3) Has filed a petition in bankruptcy and the debts owed the ~~city~~ City are dischargeable in bankruptcy.

(d) This section shall not apply to unpaid workers such as volunteers.

**SECTION 11.** Section 2-173-050 of the Municipal Code of Chicago is hereby amended by deleting the language struck through, as follows:

**2-173-050 No private cause of action.**

This chapter does not create or form the basis for liability on the part of the City, its agents, or agencies. A remedy for the violation of this chapter shall be through the City's disciplinary procedures for officers and employees under regulations including but not limited to this City personnel rules, union contracts, civil service commission rules, or any other agency rules and/or regulations. A person alleging a violation of this chapter against a member of the Chicago Police Department shall forward a complaint to the Civilian Office of Police Accountability, or any successor independent police review agency; all other complaints shall be forwarded to the Office of the Inspector General ("Inspector General") who shall process it in accordance with the complaint-processing procedures established in Chapter 2-56 of this Code ~~except that if the complaint is against any member of the City Council or any employee or staff person of any City Council committee, the Inspector General shall promptly transmit said complaint to the Chairman of the City Council Committee on Committees and Rules for processing or such successor committee having jurisdiction over said matters.~~ Nothing in this section shall preclude an individual from seeking injunctive or declaratory relief for a violation of this Chapter.

**ARTICLE II. WORKER PROTECTIONS**

**SECTION 1.** Section 2-25-200 is hereby amended by adding the language underscored and by deleting the language stricken, as follows:

**2-25-200 Office of Labor Standards.**

*(Omitted text is unaffected by this ordinance)*

(b) *Office of Labor Standards – Establishment – Powers and duties.* There is hereby established within the Department of Business Affairs and Consumer Protection an office of the municipal government, which shall be known as the Office of Labor Standards. Such Office shall include a Director, who shall be appointed by the Commissioner, and such other assistants and employees as provided for in the annual appropriation ordinance. The duties of the Office of Labor Standards, and of its Director, shall be to:

*(Omitted text is unaffected by this ordinance)*

(6) Administer and enforce ~~Chapters 6-105 and 6-110~~ Article II of Title 6, and administer Section 4-6-180(e)(6), of this Code;

*(Omitted text is unaffected by this ordinance)*

(c) ~~Director – Duties pertaining to Chapters 6-105 and 6-110 Article II of Title 6.~~ In connection with subsection (b)(6) of this section, the Director, consistent with the requirements of due process of law and in accordance with rules duly promulgated by the Commissioner, is authorized to: (i) receive complaints, which shall be filed by ~~an employee~~ a worker or other person on behalf of ~~an employee~~ a worker, of alleged violations; (ii) mediate disputes in connection with such complaints, if appropriate; (iii) investigate such complaints, as appropriate, and make findings of fact in connection with such investigations; (iv) issue notices of violation, as appropriate, if, following an investigation, the Director determines that there is reasonable cause to believe that a violation has occurred; (v) provide for a hearing following the issuance of any such notice of violation; (vi) conduct hearings; (vii) administer oaths, take testimony, issue subpoenas, and receive evidence in connection with such investigations or hearings; and (viii) otherwise enforce ~~Chapters 6-105 and 6-110 Article II of Title 6.~~ Any investigation conducted pursuant to this section shall be conducted in a fair and impartial manner. The name and other identifying information of the ~~employee~~ worker or person reporting a violation of ~~Chapters 6-105 and 6-110 Article II of Title 6~~ shall be kept confidential to the extent permitted by law unless such ~~employee~~ worker or person authorizes the Director in writing to disclose this information as the Director deems necessary or appropriate to enforce this section. The Director may investigate complaints in cases where the complainant is unknown or anonymous.

*(Omitted text is unaffected by this ordinance)*

**SECTION 2.** Section 6-100-020 of the Municipal Code of Chicago is hereby amended by adding the language underscored, as follows:

**6-100-020 Violation – Penalty.**

(a) Any violation of this article which does not state a penalty shall be punishable by a fine of not less than \$500.00 nor more than \$1,000.00 for each offense. Each violation of this article shall constitute a separate offense.

(b) Any violation of this article may also result in an adjudicator ordering relief as may be deemed necessary. Relief may include, but is not limited to, an order: to cease the illegal conduct complained of; to pay actual damages for injury or loss suffered by the worker; to pay appropriate punitive damages when the violator acted with actual malice, willfully, or with such gross negligence as to indicate a wanton disregard of the worker's rights; to hire, reinstate, or upgrade the worker with or without back pay or provide such fringe benefits as the worker may have been denied; to take such action as may be necessary to make the worker whole, including, but not limited to, awards of interest on the worker's actual damages and back pay from the date of the violation. These remedies shall be cumulative, and in addition to any fines imposed.

**ARTICLE III. ENVIRONMENTAL PROTECTIONS**

**SECTION 1.** Section 2-112-110 of the Municipal Code of Chicago is hereby amended by adding the language underscored, and by deleting the language struck through, as follows:

**2-112-110 Commissioner – Additional powers and duties.**

The Commissioner of Public Health shall have the following powers and duties:

(a) Public health related powers and duties:

*(Omitted text is unaffected by this ordinance)*

(5) To enforce Section 4-4-332, Article VIII of Chapter 7-28 and all other ~~code~~ Code provisions applicable to bed bugs;

*(Omitted text is unaffected by this ordinance)*

(b) Environmental protection powers and duties:

*(Omitted text is unaffected by this ordinance)*

(10) To issue an emergency or a non-emergency cessation order or an emergency or a non-emergency abatement order in accordance with the provisions of Section 11-4-025 of this Code and abate conditions that create a threat to public health;

*(Omitted text is unaffected by this ordinance)*

(15) Subject to the approval of the ~~corporation counsel~~ Corporation Counsel, to negotiate and execute on behalf of the City a lease, right of entry or other agreement authorizing the City to use or occupy, on a temporary basis, land owned or controlled by another for purposes of conducting an inspection, investigation, remediation, or other activities authorized in subsection (b) of this section;

*(Omitted text is unaffected by this ordinance)*

**SECTION 2.** Section 2-112-340 of the Municipal Code of Chicago is hereby amended by adding the language underscored, and by deleting the language struck through, as follows:

**2-112-340 Violation of rules and orders.**

Any person who ~~shall violate~~ violates any rule or order of the Department for which no penalty is specifically provided shall be fined not less than \$100.00 nor more than \$500.00 for each offense.

**SECTION 3.** Section 11-4-025 of the Municipal Code of Chicago is hereby amended by adding the language underscored, and by deleting the language struck through, as follows:

**11-4-025 Public nuisance cessation and abatement.**

*(Omitted text is unaffected by this ordinance)*

(b) *Emergency cessation and abatement.*

(1) *Emergency cessation – Authority.* The ~~commissioner~~ Commissioner is hereby authorized to issue an emergency cessation order to any person who the ~~commissioner~~ Commissioner concludes is (i) causing, creating or contributing to any activity or condition that poses an imminent and substantial risk to the public health or safety or to the environment; or (ii) operating a facility or conducting an activity without a required permit or other written authorization issued by the ~~commissioner~~ Commissioner.

(2) *Emergency abatement – Authority.* In the event that the ~~commissioner~~ Commissioner concludes that any person is causing, creating or contributing to any activity or condition that has created, or is creating, an imminent and substantial risk to the public health or safety or to the environment, then the ~~commissioner~~ Commissioner may order such person to abate the risk within a time frame prescribed by the ~~commissioner~~ Commissioner.

(3) *Duty to comply.* Upon service of an order issued under this subsection (b), the person to whom the order is issued shall immediately comply with the requirements of the order. The duty to comply with such order shall arise at the moment of service of the order and shall continue until the time of cancellation, if any, of such order by the ~~commissioner~~ Commissioner, or until the order automatically expires in accordance with subsection (b)(9) of this section. Submittal of a demand for hearing as set out in subsection (b)(6) of this section shall not relieve any person of the duty to comply with the order issued by the ~~commissioner~~ Commissioner.

(4) *Authority to abate.*

(i) If the person to whom an order was issued under this subsection (b) does not comply with the requirements in the order as ordered by the ~~commissioner~~ Commissioner, then the ~~commissioner~~ Commissioner may undertake any abatement activities reasonably necessary to correct any imminent and substantial risk to the public health or safety or to the environment.

(ii) Nothing in this subsection shall be construed to prevent the ~~commissioner~~ Commissioner from acting without issuing an emergency abatement or emergency cessation order, where issuing such order is not practicable and the activity or condition poses a current threat to public health or safety or to the environment, nor shall this section be construed to deny any common law right to anyone to abate a nuisance.

(5) *Cancellation of order.* The ~~commissioner~~ Commissioner shall cancel a cessation or abatement order issued by the ~~commissioner~~ Commissioner in accordance with this subsection (b) when the ~~commissioner~~ Commissioner determines that the person to whom an order was issued has complied with the requirements in the order as ordered by the ~~commissioner~~ Commissioner. Cancellation of the ~~commissioner's~~ Commissioner's order shall be made in writing and shall be served in the same manner as an order or notice may be served.

(6) *Demand for a hearing.* The person to whom an order was issued pursuant to this subsection (b) shall have 14 calendar days from the service date of the order to notify the ~~commissioner~~ Commissioner, on the appropriate form as provided by the ~~commissioner~~ Commissioner, of ~~her or his~~ the person's demand for a hearing. Failure to notify the ~~commissioner~~ Commissioner of a demand for a hearing in accordance with this subsection shall constitute a waiver of the opportunity for a hearing.

(7) *Initiation of a hearing.* Within 7 calendar days of receiving a demand for a hearing on the appropriate form as provided by the ~~commissioner~~ Commissioner, the ~~commissioner~~ Commissioner shall initiate an administrative hearing in the ~~department of administrative hearings~~ Department of Administrative Hearings, ~~environmental safety hearings division~~ Environmental Safety and Consumer Affairs Hearings Division, specifying the basis for the order, any related violations alleged in the order, and any allegation of noncompliance with such order. At the time of initiating such hearing, the ~~commissioner~~ Commissioner shall serve notice upon the person demanding the hearing of the date, time, the location of the hearing, and the penalties for failure to appear at the hearing.

(8) *Hearing.* The hearing shall be commenced in the ~~department of administrative hearings~~ Department of Administrative Hearings, ~~environmental safety hearings division~~ Environmental Safety and Consumer Affairs Hearings Division, no later than 14 calendar days after the date on which the ~~commissioner~~ Commissioner received the demand for such hearing, unless a later hearing date is scheduled upon mutual consent of the parties. Upon the conclusion of the hearing, in addition to the finding of liability or no liability and imposing of

finances and penalties consistent with this section, the administrative hearings officer shall have the authority to affirm or vacate the ~~commissioner's~~ Commissioner's order.

(9) *Expiration of order.* If a hearing is not initiated or commenced in accordance with the terms set out in subsection (b)(7) or subsection (b)(8) above, then the order that would have been the subject of such hearing shall expire at 11:59 P.M. on the fourteenth calendar day after the date on which the ~~commissioner~~ Commissioner received notice of the demand for a hearing or at 11:59 P.M. on the hearing date scheduled upon mutual consent of the parties.

(c) *Non-emergency cessation and non-emergency abatement.*

(1) *Non-emergency cessation – Authority.* The ~~commissioner~~ Commissioner is hereby authorized to issue a non-emergency cessation order to any person, in the event that the ~~commissioner~~ Commissioner determines that any such person is violating any of the provisions of this Code which are under the jurisdiction of the ~~commissioner~~ Commissioner or the rules and regulations promulgated thereunder or the conditions of any permit or authorization issued thereunder, but such violation does not pose an imminent and substantial risk to the public health or safety or to the environment as defined in subsection (a)(1) above.

(2) *Non-emergency abatement – Authority.*

(A) If the ~~commissioner~~ Commissioner determines that any person is violating any of the provisions of this Code which are under the jurisdiction of the ~~commissioner~~ Commissioner or the rules and regulations promulgated thereunder or the conditions of any permit or authorization issued thereunder, but such violation has not created, or is not creating, an imminent and substantial risk to the public health or safety or to the environment as defined in subsection (a)(1) above, then the ~~commissioner~~ Commissioner may provide the person with a written order to address and correct the violation(s) within a time frame prescribed by the ~~commissioner~~ Commissioner.

(B) If the Commissioner determines that a public nuisance exists at a property, but the public nuisance does not create an imminent and substantial risk to the public health or safety or to the environment as defined in subsection (a)(1) above, then the Commissioner may provide the owner or operator of the property with a written order to address and correct the public nuisance within a time frame prescribed by the Commissioner.

(3) *Cancellation of order.* The ~~commissioner~~ Commissioner shall cancel a cessation or abatement order issued by the ~~commissioner~~ Commissioner in accordance with this subsection (c) when the ~~commissioner~~ Commissioner determines that the person to whom an order was issued has complied with the requirements in the order as ordered by the ~~commissioner~~ Commissioner. Cancellation of the ~~commissioner's~~ Commissioner's order shall be made in writing and shall be served in the same manner as an order or notice may be served.

(4) *Duty to comply and demand for a hearing.* Any person to whom the ~~commissioner~~ Commissioner issues an order under this subsection (c) shall comply with such order as ordered by the ~~commissioner~~ Commissioner; provided, however, that if the person contests the order, ~~she or he~~ the person shall notify the ~~commissioner~~ Commissioner within 15 calendar days from the service date of the order, on the appropriate form as provided by the ~~commissioner~~ Commissioner, of ~~her or his~~ the person's demand for a hearing. If the person notifies the ~~commissioner~~ Commissioner of ~~her or his~~ the person's demand for a hearing in accordance with this subsection, the order shall be stayed by the ~~commissioner~~ Commissioner until the ~~department of administrative hearings~~ Department of Administrative Hearings issues a final determination finding the person liable for one or more of the violations, or not liable for any of the violations, specified in the ~~commissioner's~~ Commissioner's order, or affirming or vacating the ~~commissioner's~~ Commissioner's order. Failure to notify the ~~commissioner~~ Commissioner of a demand for a hearing in accordance with this subsection shall constitute a waiver of the

opportunity for a hearing, and the person to whom the ~~commissioner~~ Commissioner issued an order shall comply with the order and shall not recommence any operations or activities prohibited by such order unless the order is cancelled by the ~~commissioner~~ Commissioner.

(5) *Initiation of a hearing.* Within 30 calendar days of receiving a demand for a hearing on the appropriate form as provided by the ~~commissioner~~ Commissioner, the ~~commissioner~~ Commissioner shall initiate an administrative hearing in the ~~department of administrative hearings~~ Department of Administrative Hearings, ~~environmental safety hearings division~~ Environmental Safety and Consumer Affairs Hearings Division, specifying the basis for the order, and any related violations alleged in the order. At the time of initiating such hearing, the ~~commissioner~~ Commissioner shall serve notice upon the person demanding the hearing of the date, time, the location of the hearing, and the penalties for failure to appear at the hearing. Upon the conclusion of the hearing, in addition to the finding of liability or no liability and imposing of fines and penalties consistent with this section, the administrative hearings officer shall have the authority to affirm or vacate the ~~commissioner's~~ Commissioner's order.

(6) *Expiration of order.* If a hearing is not initiated in accordance with the terms set out in subsection (c)(5) above, then the order that would have been the subject of such hearing shall expire at 11:59 P.M. on the thirtieth calendar day after the date on which the ~~commissioner~~ Commissioner received notice of the demand for a hearing.

(7) *Authority to abate.*

(A) If (i) the person to whom an order was issued under this subsection (c) does not comply with the requirements in the order as ordered by the ~~commissioner~~ Commissioner, and does not notify the ~~commissioner~~ Commissioner of ~~her or his~~ the person's demand for a hearing as provided in subsection (c)(4), or (ii) if any person does not comply with the requirements in the order after the ~~department of administrative hearings~~ Department of Administrative Hearings has affirmed the ~~commissioner's~~ Commissioner's order, and such order has not been stayed by a court of competent jurisdiction, then the ~~commissioner~~ Commissioner may proceed to control, remove, dispose or otherwise abate the nuisance.

(B) In the event that no viable or responsive owner or operator of a property where a public nuisance or any violation of this Code exists, the Commissioner may take appropriate steps in order to control, remove, dispose, or otherwise abate the nuisance or violation.

(d) *Order or notice.*

(1) *Content.* The order or notice issued by the ~~commissioner~~ Commissioner under this section shall (i) be in writing; (ii) specify the activities to be ceased or the nuisance to be abated or the violation(s) to be corrected; (iii) specify the time frame within which the activities must be ceased or the nuisance must be abated or the violation(s) must be corrected; (iv) specify any related violations, for which the ~~commissioner~~ Commissioner seeks any remedy, that the person to whom such order or notice is issued is alleged to have committed; (v) inform such person of the time and manner to request a hearing before the ~~department of administrative hearings~~ Department of Administrative Hearings, to present evidence as to why the person is not liable for all or any of the violations specified in the ~~commissioner's~~ Commissioner's order, and/or why the order should be vacated, and to contest any allegations specified in the order; and (vi) inform such person of the consequences of failing to request a hearing, and the consequences of failing to comply with the order or notice.

(2) *Manner of service.* An order or notice issued by the ~~commissioner~~ Commissioner under this section shall be served (i) by first class or priority mail, or express courier service at the person's residence address or, if the person is a business entity, at any mailing address identified for its registered agent or at its principal place of business; or (ii) by facsimile transmission or e-mail at the person's facsimile or e-mail address or, if the person is a



business entity, at the facsimile or e-mail address identified for its registered agent; or (iii) by personal service, including personal service upon an employee or agent of the alleged violator at a place of business of the alleged violator or otherwise if such service is reasonably calculated to give the alleged violator actual notice; or (iv) if service cannot be made by either of (i) or (ii) or (iii) above, when the alleged violator is the owner or manager of the property by posting a copy of the order or notice on the front entrance of the building or other structure where the violation is found, or if the property is unimproved or fenced off, by posting a copy of the order or notice in a prominent place upon the property where the violation is found.

(3) *Date of service.* An order or notice issued by the ~~commissioner~~ Commissioner under this section shall be deemed served (i) four days after mailing if issued by first class mail, (ii) upon delivery confirmation or four days after delivery to the United States Postal Service for delivery by priority mail with delivery confirmation if issued by priority mail, whichever occurs sooner, (iii) upon delivery confirmation or four days after delivery to an express courier service if issued by express courier service, whichever occurs sooner, (iv) at 9:00 A.M. on the next business day if issued by facsimile transmission or e-mail, (v) upon delivery if issued by personal service, or (vi) upon posting of the copy of the order or notice if issued as provided in subsection 11-4-025(d)(2)(iv) above.

(e) *Penalty, cost recovery and remedies.*

(1) *Penalty.* Failure to comply with an order or notice issued under this section constitutes a violation of this section and is a separate and distinct violation from any related or unrelated violations of any other provision of this Code. Any person who violates subsection (b) of this section shall pay a penalty of \$5,000 per day for every day the person is in violation; and any person who violates subsection (c) of this section shall pay a penalty of \$500 per day for every day the person is in violation. Such person incurs daily penalties for her or his violations of an order or a notice during the pendency of that order or notice, regardless whether that order or notice is ultimately cancelled or modified by the ~~commissioner~~ Commissioner.

(2) *Cost recovery.* The ~~city~~ City shall be authorized to bring a civil action to recover penalties from the person to whom an order or notice was issued under this section, and up to the amount of three times the abatement costs incurred by the department plus its attorney fees may be recovered in an appropriate action instituted by the ~~corporation counselor~~ Corporation Counsel or in a proceeding initiated by the ~~commissioner~~ Commissioner at the ~~department of administrative hearings~~ Department of Administrative Hearings.

(3) *Liability.* In addition to the penalties set forth herein-above, any person adjudicated liable for any related or unrelated offenses alleged by the ~~commissioner~~ Commissioner in an administrative hearing held pursuant to this section shall also be liable for all applicable penalties for those violations.

(4) *Injunction.* In addition to any other remedies, penalties or means of enforcement, the ~~commissioner~~ Commissioner may request the ~~corporation counselor~~ Corporation Counsel to make application on behalf of the ~~city~~ City to any court of competent jurisdiction for an injunction requiring compliance with this section or for such other order as the court may deem necessary or appropriate to secure such compliance.

**SECTION 4.** Section 11-4-120 of the Municipal Code of Chicago is hereby amended by deleting the language struck through, as follows:

#### **11-4-120 Definitions.**

Except as otherwise defined for purposes of a specific subsection, section, article or chapter in this Title 11, whenever the following words and phrases are used in this Title 11, they shall have the meanings ascribed to them in this section:

*(Omitted text is unaffected by this ordinance)*

"Recycle" or "recycling" means any process by which materials that would otherwise become municipal waste are collected, separated, or processed for the purpose of returning them to the economic mainstream in the form of raw materials for new, reused or reconstituted products, but does not include the recovery of materials for fuel in combustion or energy production processes. This definition shall not prohibit any recycling facility from recovering and using biogas or other fuel generated as a byproduct of a recycling activity, as approved by the commissioner, while the facility is otherwise primarily engaged in recycling.

*(Omitted text is unaffected by this ordinance)*

**SECTION 5.** Section 11-4-620 of the Municipal Code of Chicago is hereby amended by adding the language underscored as follows:

**11-4-620 Permitting of facilities, devices, or processes for control of air pollution.**

*(Omitted text is unaffected by this ordinance)*

(c) *Exceptions.* An air pollution control permit shall not be required for any of the following equipment or under the following circumstances:

- (1) Residential heating plants;
- (2) Indoor fireplaces;
- (3) Self-service laundry washers and dryers;
- (4) Air conditioners and refrigerators;
- (5) Gas-fired cooking equipment;
- (6) Residential emergency or standby generators serving buildings of four or fewer dwelling units;
- (7) Bench-scale laboratory equipment used exclusively for chemical or physical analysis;
- (8) Repair, replacement, modification, or relocation specifically authorized or required under applicable federal or state law; provided, however, that in the case of such a repair or modification, the owner or operator shall notify the Commissioner in writing at least seven days prior to commencing the repair or modification;
- (9) Repair, replacement, modification, or relocation necessitated by an emergency before permission can be obtained, if the Commissioner subsequently determines that such action was taken based on a reasonable belief that an emergency had arisen, and that serious consequences would have resulted if the action was deferred; or
- (10) Other equipment or circumstances exempted by the Commissioner in accordance with rules promulgated pursuant to this article.

*(Omitted text is unaffected by this ordinance)*

**SECTION 6.** Section 11-4-1935 of the Municipal Code of Chicago is hereby amended by adding the language underscored, and by deleting the language struck through, as follows:

**11-4-1935 Construction site reprocessing authorization.**

(a) (1) Written authorization required. No person shall engage in the reprocessing or temporary storage of reprocessible construction/demolition materials on a construction site in the City without having first obtained a written construction site reprocessing authorization from the Commissioner. Application for a construction site reprocessing authorization shall be made on forms provided by the Commissioner for such purpose. Applicants shall provide the following information:

- (i) the applicant's contact information;
- (ii) written consent from the owner, or the owner's authorized agent, of the property on which the reprocessing or temporary storage will occur;
- (iii) a description and estimated quantity of the material proposed to be reprocessed or temporarily stored;
- (iv) a description of the planned end-use for the reprocessed material;

and

(v) any other information reasonably deemed necessary by the Commissioner to ensure the construction site reprocessing operation can operate as proposed, is protective of public health and the environment, and will not cause a public nuisance.

(2) Conditions for issuance of authorization. Except as otherwise provided in subsection (a)(2)(3) and subsection (a)(3)(4) of this section, the Commissioner shall not issue a construction site reprocessing authorization unless reprocessible construction/demolition materials generated from construction, demolition or renovation may be reprocessed, as defined in Section 11-4-1910, and stored on a temporary basis on the site at which the construction, demolition or renovation occurred if all of the following requirements are met:

- (i) before any reprocessing occurs on the demolition site, such reprocessing is reviewed, authorized and approved in writing by the Commissioner; and
- (ii) the owner of the property on which the reprocessing or temporary storage occurs or the owner's authorized agent consents in writing to such reprocessing and temporary storage; and

(iii) the construction/demolition material to be reprocessed does not contain lead, asbestos or any other hazardous material of the type that renders recycling of such material illegal or impossible; and

(iv) prior to reprocessing such construction/demolition material, the contractor (A) verifies that each load of material to be reprocessed does not contain lead, asbestos or any other hazardous material of the type that renders recycling of such material illegal or impossible; and (B) creates and maintains a written record documenting the results of such verification; and (C) provides a copy of the written record required under this paragraph (iv) to the owner or operator of the property on which the reprocessing occurs. The written record required under this paragraph (iv) shall be kept on file by the owner or operator and contractor for a period of three years and, upon request by any authorized city official, shall be made available without undue delay for inspection by such authorized city official; and

(v)(ii) all reprocessing of such construction/demolition material occurs on the site at which the demolition occurred; and

(vi)(iii) the reprocessed construction/demolition material is used solely on the site at which the demolition occurred for construction activities occurring on such site; and

(vii)(iv) the contractor is in compliance with the setback requirements for equipment and materials set forth in subsection (a)(4)(5) of this section.

(2)(3) Governmental entities – Requirements. A governmental entity, as defined in Section 11-4-1910, shall not be subject to the requirement set forth in paragraph (vi) of subsection (a)(1) of this section, and such governmental entity may transfer for reuse off the site at which the demolition occurred any reprocessible construction/demolition material generated from such demolition if all of the following requirements are met:

*(Omitted text is unaffected by this ordinance)*

~~(3)~~(4) *Good faith reprocessor – Requirements.* A person shall not be subject to paragraphs (v) and (vi) of subsection (a)(1) of this section, and may reprocess construction/demolition material on a site at which the demolition did not occur, if all of the following requirements are met:

*(Omitted text is unaffected by this ordinance)*

~~(4)~~(5) *Setback requirements.* No reprocessing device or stockpile of reprocessable construction/ demolition material or of reprocessed construction/demolition material shall be located in the following places:

*(Omitted text is unaffected by this ordinance)*

(6) *Operating requirements.* Prior to reprocessing such construction/demolition material, the contractor shall:

(i) verify that each load of such material to be reprocessed does not contain lead, asbestos, or any other hazardous material of the type that renders recycling of such material illegal or impossible;

(ii) create and maintain a written record documenting the results of such verification; and

(iii) provide a copy of the written record required under this subsection (a)(6) to the owner or operator of the property on which the reprocessing occurs. The written record required under this subsection (a)(6) shall be kept on file by the owner or operator and contractor for a period of three years and, upon request by any authorized City official, shall be made available without undue delay for inspection by such authorized City official.

~~(5)~~(7) *Duration of authorization.* The written authorization issued under subsection (a)(1) of this section shall be valid for a period of three months, as measured from the date on which such authorization is issued. Provided, however, that upon application to the Commissioner, such authorization may be extended for an additional period(s) of time, each of which additional period shall not exceed three months, so long as construction/demolition material requiring reprocessing and reprocessing equipment remain on the site. Any reprocessable or reprocessed construction/demolition material that is not used on or removed from the site within three months of the date on which the temporary authorization is issued or extended under this section shall be subject to the construction site cleanliness rules and regulations for the maintenance of construction site stockpiles and prevention of the off-site dispersion of dust and debris from construction sites promulgated by the department under Section 11-4-765.

~~(6)~~(8) *Enforcement.* It shall be unlawful for any person to violate any of the requirements set forth in this subsection (a). In addition to any other penalty provided by law, any person who violates any of the requirements of this subsection (a) shall be subject to the penalty set forth in subsection (d) of this section. In addition, any authorization issued under this subsection (a) shall be subject to suspension or revocation for cause by the Commissioner following notice in accordance with the applicable provisions of subsection (d) of Section 11-4-025 and an opportunity to demand a hearing in accordance with the procedures set forth in subsection (c) of Section 11-4-025.

*(Omitted text is unaffected by this ordinance)*

**SECTION 7.** Section 11-4-2550 of the Municipal Code of Chicago is hereby amended by adding the language underscored, and by deleting the language struck through, as follows:

**11-4-2550 Permit – Fees.**

(a) The term of a recycling facility permit shall be for no more than three years. The three-year permit fee shall be:

Class I.....\$300.00

Class II

Less than 500 tons per day.....\$1,500.00

500 to 1,000 tons per day.....\$2,250.00

More than 1,000 tons per day.....\$3,000.00

Class III.....\$3,000.00

Class III recycling facility permit for a not-for-profit applicant that conducts a composting operation of less than 4,000 tons per year.....\$300.00

Class IV.....\$3,000.00

Class V.....\$4,500.00

Permits for less than a three-year period shall be assessed a prorated fee.

(b) ~~An~~ The term of an urban farm accessory composting operation permit shall ~~have a three-year term~~ be for no more than three years. The three-year permit fee shall be \$300.00.

Permits for less than a three-year period shall be assessed a prorated fee.

**SECTION 8.** Section 11-4-2640 of the Municipal Code of Chicago is hereby amended by adding the language underscored, and by deleting the language struck through, as follows:

**11-4-2640 Facility requirements.**

In addition to any other requirements under the ~~Municipal Code~~, rules ~~and regulations~~ or a permit and its conditions, recycling facilities ~~permitted~~ requiring a permit under this article shall meet the following requirements:

*(Omitted text is unaffected by this ordinance)*

**ARTICLE IV. OUT-OF-CITY WATER SERVICE**

**SECTION 1.** Section 11-12-640 of the Municipal Code of Chicago is hereby amended by adding the language underscored, and by deleting the language struck through, as follows:

**11-12-640 Out-of-city service.**

The ~~commissioner~~ Commissioner is authorized to supply water at the ~~city~~ City limits to ~~private persons or corporations for all~~ premises located in any area outside the corporate limits of the ~~city~~ City, but only when specifically in each case authorized to do so by order of the ~~city council~~ City Council. The authority herein granted to the said ~~commissioner~~ Commissioner shall not be extended to private persons or corporations when said service can be furnished by the city, village, township or sanitary district within the boundaries of which the private persons or corporations are located; provided, however, when said service cannot be furnished immediately then upon written notice to said ~~commissioner~~ Commissioner from the properly

authorized officials that they have no water supply in the immediate vicinity and have no objection to the City of Chicago supplying said service, provided it meets with the other city's city, village, township or sanitary district's approval, then the service may be obtained after it is duly authorized so to do by an order of the ~~city council~~ City Council.

**SECTION 2.** Section 11-12-660 of the Municipal Code of Chicago is hereby amended by adding the language underscored, and by deleting the language struck through, as follows:

**11-12-660 Permit.**

Upon the approval of such application by the ~~commissioner~~ Commissioner, said ~~commissioner~~ Commissioner may authorize the issuance of a permit to tap the ~~city's~~ City's water mains at a location to be designated by ~~him~~ the Commissioner for the purpose of securing water supply for the premises of applicant, said permit to be issued to and the work therein authorized to be done by a bonded and licensed plumber in accordance with the ordinances of the ~~city~~ City. The fee for issuing such permit shall be ~~\$10.00~~ 100.00, plus an additional \$50.00 for each connection of three inches or less in diameter and an additional \$25.00 100.00 for each connection over three inches in diameter.

Such permit shall ~~not only~~ be transferred or assigned to another person upon issuance of an updated permit to the transferee. On or before December 31 of each year, the Commissioner shall deliver a report to the City Council summarizing all transfers of out-of-city accounts.

## ARTICLE V. SHORT-TERM RENTAL REFORMS

**SECTION 1.** Section 4-4-120 of the Municipal Code of Chicago is hereby amended by adding the language underscored, and deleting the language struck through, as follows:

**4-4-120 Unlicensed businesses – Liability of third-party facilitator.**

*(Omitted text is unaffected by this ordinance)*

(c) As used in this section:

*(Omitted text is unaffected by this ordinance)*

"Property" means real or personal property.

"Third-party facilitator" or "facilitator" means any person who operates or maintains an application to connect customers with clients. The term "third-party facilitator" or "facilitator" does not include: (1) short term residential rental intermediaries ~~or short term residential rental advertising platforms as these~~ that terms are is defined in Section 4-13-100; or (2) transportation network providers as defined in Section 9-115-010; or (3) any other category of persons exempt from this section by express provisions of this Code

**SECTION 2.** Section 4-5-010 of the Municipal Code of Chicago is hereby amended by adding the language underscored, and by deleting the language struck through, 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.

*(Omitted text is unaffected by this ordinance)*

- |      |   |   |
|------|---|---|
| (36) | Short Term Residential Intermediary (4-13) Rental | <p>If the intermediary has 1,000 or more short term residential rentals listed on its platform: \$10,000.00 license fee, plus a \$60.00 per unit fee for each short term residential rental listed on its platform;</p> <p>If the intermediary has 500 to 999 short term residential rentals listed on its platform: \$7,500.00 license fee, plus a \$60.00 per unit fee for each short term residential rental listed on its platform; and</p> <p>If the intermediary has <u>100</u> to 499 short term residential rentals listed on its platform: \$5,000.00 license fee, plus a \$60.00 per unit fee for each short term residential rental listed on its platform; -</p> <p><u>If the intermediary has 50 to 99 short term residential rentals listed on its platform: \$1,000.00 license fee, plus a \$60.00 per unit fee for each short term residential rental listed on its platform;</u></p> <p><u>If the intermediary has 25 to 49 short term residential rentals listed on its platform: \$500.00 license fee, plus a \$60.00 per unit fee for each short term residential rental listed on its platform;</u></p> <p><u>If the intermediary has 10 to 24 short term residential rentals listed on its platform: \$350.00 license fee, plus a \$60.00 per unit fee for each short term residential rental listed on its platform; and</u></p> |
|------|---|---|

If the intermediary has 1 to 9 short term residential rentals listed on its platform: \$250.00 license fee, plus a \$60.00 per unit fee for each short term residential rental listed on its platform.

(37) ~~Short Term Residential Rental Advertising Platform (4-13)~~

~~If the advertising platform has 1,000 or more short term residential rentals listed on its platform: \$10,000.00 license fee; If the advertising platform has 500 to 999 short term residential rentals listed on its platform: \$7,500.00 license fee; and If the advertising platform has 1 to 499 short term residential rentals listed on its platform: \$5,000.00 license fee.~~

*(Omitted text is unaffected by this ordinance)*

(42 ~~44~~) Sports Wagering (Article VII of Chapter 4-156)

*(Omitted text is unaffected by this ordinance)*

**SECTION 3.** Chapter 4-13 of the Municipal Code of Chicago is hereby amended by deleting Article III in its entirety, adding the language underscored, and by deleting the language struck through, as follows:

**ARTICLE I. DEFINITIONS (4-13-100 et seq.)**

**4-13-100 Definitions.**

As used in this chapter:

*(Omitted text is unaffected by this ordinance)*

"Licensee" has the meaning ascribed to that term in Section 4-4-005.

"Platform" means an internet-enabled application, mobile application, or any other digital platform used to connect guests with a ~~short term residential rental provider~~ Provider.

"Provider" means a ~~short term residential rental provider~~ any person who offers for rent a short term residential rental.

"Restricted residential zone" has the meaning ascribed to that term in Section 4-17-010.

"Shared housing host" has the meaning ascribed to that term in Section 4-14-010.



~~"Shared Housing Ordinance" means the ordinance passed by the Chicago City Council on June 22, 2016 and published in the Journal of the Proceedings of the City Council of the City of Chicago on pages 27712 – 27770 of that same date, as amended from time to time.~~

"Shared housing unit" has the meaning ascribed to that term in Section 4-14-010.

"Shared housing unit operator" means any person that requires a shared housing unit operator license under Chapter 4-16 of this Code.

"Short term residential rental" means a dwelling unit located within the City that is rented as, or held out as being used as, a shared housing unit, bed-and-breakfast establishment, or vacation rental, or dwelling units that require a license or registration under this Code to engage in the business of short term residential rental.

~~"Short term residential rental intermediary" or "intermediary" means any person who, for compensation or a fee: (1) uses a platform to connect guests with a short term residential rental provider for the purpose of renting a short term residential rental, and (2) primarily lists shared housing units on its platform.~~

~~"Short term residential rental advertising platform" or "advertising platform" means any person who, for compensation or a fee: (1) uses a platform to connect guests with a short term residential rental provider for the purpose of renting a short term residential rental, and (2) primarily lists licensed bed and breakfast establishments, vacation rentals or hotels on its platform or dwelling units that require a license under this Code to engage in the business of short term residential rental.~~

~~"Short term residential rental provider" means any person who offers for rent a short term residential rental.~~

*(Omitted text is unaffected by this ordinance)*

## **ARTICLE II. SHORT TERM RESIDENTIAL RENTAL INTERMEDIARY (4-13-200 et seq.)**

### **4-13-200 License – Required.**

No person shall engage in the business of short term residential rental intermediary without first having obtained an intermediary license under Article II of this Chapter 4-13. The holder of an intermediary license is entitled to primarily list shared housing units short term residential rentals on its platform in accordance with this Article II. Listings on the intermediary's platform of ~~vacation rentals, bed and breakfast establishments and hotels~~ are also permitted in accordance with this chapter.

### **4-13-210 License application – Additional information required.**

(a) In addition to the requirements set forth in Section 4-4-050, an application for, and, if requested, renewal of, a license to engage in the business of short term residential rental intermediary shall be accompanied by the following information:

(1) the name, address and contact information of the intermediary's local contact person;

(2) an affidavit from the local contact person identified in the license application attesting that such local contact person: (i) is designated for service of process; (ii) is authorized by the applicant or licensee to take remedial action and to respond to any violation of this Code; and (iii) maintains a residence or office located in the ~~city~~ City;

(3) proof of all required insurance, as set forth in Sections 4-13-220(a) and 4-13-220(b);

(4) a written plan, subject to the approval of the commissioner, describing the applicant's procedures, processes and policies for ensuring that the applicant and any ~~short term residential rental provider~~ Provider utilizing the platform are, and will remain, in compliance with this Chapter 4-13;

(5) a quality of life plan, subject to the approval of the ~~commissioner~~ Commissioner, meeting the requirements of Section 4-13-220(h); and

(6) any other information that the ~~commissioner~~ Commissioner may reasonably require in connection with the issuance or renewal of the license.

(b) It is a condition of the license that all information in the application be kept current. Any change in required information shall be reported to the ~~department~~ Department in accordance with Section 4-4-050(b).

#### **4-13-215 Attestation – Acknowledgment – Required.**

The intermediary shall be required to make available in a conspicuous place on its platform an electronic copy of a summary of the following requirements of the Shared Housing Ordinance, including: (1) the provider's need to obtain from the ~~department~~ Department a valid registration or license number, as applicable, for the short term residential rental prior to advertising it for rent, listing it on the platform, renting it or booking it for future rental; (2) the requirement that a shared housing host must be a natural person; (3) the eligibility requirements for registration or licensure with the department Department of a shared housing unit short term residential rental, as set forth in Chapters 4-13, ~~and 4-14, and 4-16~~ and Sections 4-6-180, 4-6-290 and 4-6-300 of this Code, when applicable; and (4) the potential penalties for violation of this Chapter the Shared Housing Ordinance. As a condition of listing a ~~shared housing unit short term residential rental~~ on the platform, the intermediary shall require the ~~shared housing host~~ Provider to: (1) attest that the ~~host~~ Provider has reviewed the summary of the requirements of this ordinance, and (2) acknowledge that the listing, rental and operation of ~~shared housing units~~ short term residential rentals in the City are subject to those requirements.

#### **4-13-220 Legal duties.**

*(Omitted text is unaffected by this ordinance)*

(e) *Compliance with rental, homeowners association and cooperative building agreements – Required.* Each licensee under this Article II shall post a notice on its platform informing ~~short term residential rental providers~~ Providers that the ~~provider~~ Provider must comply with all existing applicable rental agreements or homeowners association or cooperative building rules or restrictions regarding rental of the short term residential rental for transient occupancy.

(f) *Descriptive listing information – Required.* Each licensee under this Article II shall post a notice on its platform informing ~~short term residential rental providers~~ Providers that every listing on the intermediary's platform must include the information required under Section 4-14-040(a)(1) through (a)(4), inclusive.

(g) *Process to remove listings from a platform – Required.* Each licensee under this Article II shall establish a process, to be approved by the ~~commissioner~~ Commissioner, that enables a ~~short term residential rental provider~~ Provider to remove from the intermediary's platform any or all of the provider's listings on such platform.

(h) *Process to address quality of life concerns due to units on ineligible list – Required.* Each licensee under this Article II shall establish and comply with a process, to be approved by the ~~commissioner~~ Commissioner, for mitigating the impact on quality of life of any short term residential rental determined by the ~~department~~ Department to be ineligible for listing on a platform under Section 4-13-260 ~~or any hotel, bed and breakfast establishment or vacation rental that is not properly licensed under Chapter 4-6 of this Code.~~

(i) *Compliance with written plan – Required.* Each licensee under this Article II shall comply with any written plan approved by the ~~commissioner~~ Commissioner pursuant to Section 4-13-210(a)(4).

(j) *Posting license and registration numbers on listings – Notification to providers – Required.*

(1) Each licensee under this Article II shall advise ~~short term residential rental providers~~ Providers, by posting a notice in a conspicuous place on its platform or otherwise, that such ~~providers~~ Providers are required under the Code to: (i) obtain a valid registration or license number, as applicable, for the short term residential rental prior to advertising it for rent, listing it on the platform, renting it, or booking it for future rental; and (ii) post the applicable registration or license number on the platform as part of the provider's listing.

(2) Each licensee under this Article II shall establish a process, to be approved by the ~~commissioner~~ Commissioner, to ensure that ~~providers~~ Providers have the ability to include the registration or license number, as applicable, of any ~~shared housing unit, hotel, bed and breakfast establishment or vacation rental~~ short term residential rental listed by such provider on the licensee's platform.

(k) *Approved means of data transmission – Required.* Each licensee under this Article II shall use an approved application program interface ("API") or other approved electronic means required by the ~~department~~ Department to transmit data and other communications to the ~~department~~ Department and to receive data and other communications from the ~~department~~ Department.

**4-13-230 Shared housing units – Registration of unit by provider ~~Provider with department Department required – Advertising, listing, renting, and booking for future rental prohibited when.~~**

~~(a) Shared housing hosts – Duties – Prohibited acts. Prior to advertising for rent, listing on a platform, renting, or booking for future rental any short term residential rental or portion thereof, the shared housing host Provider shall either: (i) successfully register such unit short term residential rental with the department Department in accordance with if so required pursuant to Section 4-14-020, as evidenced by the assignment of a unique registration number to such unit by the department Department; or (ii) ensure the short term residential rental is licensed pursuant to Sections 4-6-180, 4-6-290, or 4-6-300, as applicable. It shall be unlawful for any shared host to advertise for rent, list on a platform, rent, or book for future rental, any shared housing unit: (1) until such time that the department Department assigns a unique registration number to the shared housing unit; or (2) at any time while departmental approval of the registration is pending; or (3) without including the registration number on any advertisement, listing, rental agreement, or booking. Any shared housing host who violates this subsection (a) shall be subject to the penalty set forth in Section 4-14-090(a).~~

~~(b) Departmental duties. Upon receipt of a registration application for a shared housing unit, the department shall determine whether the unit identified in the registration application is eligible for such registration under Section 4-14-030(a). If the department determines that the shared housing unit is eligible for registration, the department shall assign a unique registration number to the shared housing unit and shall notify the shared housing unit of such fact. If the department determines that the shared housing unit is ineligible for registration under Section 4-13-260, the notification and hearing process set forth in Section 4-13-260(b) shall apply.~~

**4-13-235 Intermediaries – Prohibition on booking service transactions – Applicable when.**

It shall be unlawful for any licensee under this Article II to process or complete any booking service transaction for any: (1) shared housing unit or portion thereof, unless such unit has first been registered with the department Department within the meaning of Section 4-13-230(a), or (2) vacation rental, bed-and-breakfast establishment or hotel, or any portion thereof, unless such establishment is properly licensed under Chapter 4-6 of this Code.

**4-13-240 Data and reports – Required.**

(a) *Departmental report – Required.* Each licensee under this Article II shall submit to the department Department, every two months, a report, in a form approved by the ~~commissioner~~ Commissioner, that contains the following information about each of the short term residential rentals listed through the intermediary's platform during the applicable reporting period: (i) the total number of short term residential rentals listed on the platform during the applicable reporting period; (ii) the license or registration number of each short term residential rental listed on the platform during the applicable reporting period; (iii) the address, including the unit number if applicable, of each short term residential rental listed on the platform during the applicable reporting period; (iv) the exact number of nights that each short term residential rental listed on the platform was rented to guests during the applicable reporting period; (v) the amount of rent paid by guests in connection with the rental of each short term residential rental listed on the platform during the applicable reporting period; (vi) the total amount of tax paid by the intermediary to the city City under Section 3-24-030 in connection with the rental of each short term residential rental listed on the platform during the applicable reporting period; and (vii) a cumulative tally to

date of the number of nights that each short term residential rental listed on the platform is booked for rental during the remaining months of the applicable calendar year.

(b) *Additional departmental reports – Required when.* Upon request by the ~~commissioner~~ Commissioner, each licensee under this Article II shall submit to the ~~department~~ Department, in a form and manner prescribed by the ~~commissioner~~ Commissioner, data identifying the total number of ~~shared housing unit~~ short term residential rental that have been rented for more than 30 nights, or for any other period of nights during the current, previous, or subsequent calendar year, that the ~~commissioner~~ Commissioner reasonably determines is necessary to assist the ~~department~~ Department in enforcing this Chapter 4-13 or Chapters 4-14 or 4-16 or Sections 4-6-180, 4-6-290 and 4-6-300 of this Code.

(c) *Aldermanic report – Required.* Each licensee under this Article II shall have a duty to submit to each alderman and to the ~~department~~ Department, every two months, a report, in a form approved by the ~~commissioner~~ Commissioner, that contains, on a ward specific basis for the respective ward, the information set forth in items (i) through (vii) of subsection (a) of this section about each of the short term residential rentals listed on the intermediary's platform during the applicable reporting period.

(d) *Maintaining books and records – Required.* Each licensee under this Article II shall keep accurate books and records and maintain such books and records for a period of three years.

(e) *Additional reports and data.* Each licensee under this Article II shall provide additional reports and data to the department as provided by the ~~commissioner~~ Commissioner in rules.

(f) *Form of data and report submission.* The information contained in the reports required under subsections (a), (b) and (c) of this section may be submitted in an anonymized form that removes personally identifiable information about the ~~short term residential rental provider~~ Provider. Provided, however, that if the information required under subsections (a), (b) or (c) has been submitted in an anonymized form and the ~~commissioner~~ Commissioner requires de-anonymized information about a the ~~short term residential rental provider~~ Provider or short term residential rental in connection with an audit conducted by the ~~department~~ Department to determine compliance with this Chapter 4-13 or Chapters 4-14 or 4-16 of this Code, or the ~~commissioner~~ Commissioner reasonably determines that a ~~short term residential rental provider~~ Provider or short term residential rental is: (i) the scene of a crime or other illegal act under investigation by any local, State or Federal law enforcement agency, or (ii) operating in violation of this Chapter or Chapters 4-14 or 4-16 of this Code or any other applicable provision of this Code, including, but not limited to, the Chicago Zoning Ordinance, the ~~commissioner~~ Commissioner may issue an order, in the form of a subpoena, directing the intermediary to provide the information in a de-anonymized form, including, but not limited to, the name of the ~~short term residential rental provider~~ Provider, the address of the short term residential rental, the details of the unit's rentals, and any information within the control or possession of the intermediary regarding the guests of the ~~shared housing unit~~ short term residential rental or the rental of the unit. The intermediary shall, within 21 calendar days of the date on which such order is issued, either provide the de-anonymized information or file a legal objection to such order in writing with the ~~commissioner~~ Commissioner. If the intermediary or shared housing host files a legal objection, the ~~commissioner~~ Commissioner shall provide a hearing on the objection within 10 business days, as provided by rule. The ~~commissioner~~ Commissioner determination shall be final and may be appealed in the manner provided by law. Nothing in this subsection shall be considered a

limitation or restriction on the ~~commissioner's~~ Commissioner's powers and duties under Chapter 2-25.

**4-13-260 Ineligibility – Listing on platform by a provider prohibited when.**

(a) *Conditions of ineligibility for listing.* A short term residential rental shall be ineligible for registration with the ~~department~~ Department as a shared housing unit or for licensure as a bed-and-breakfast establishment or vacation rental, and shall not be listed by a provider on a platform, under the following conditions:

(1) *Nuisance.* When, in the determination of the ~~commissioner~~ Commissioner, the rental of the short term residential rental creates a nuisance because at least two separate incidents involving illegal activity or objectionable conditions, as those terms are defined in Section 4-14-010, occurred, in any combination, during a 12-month period: (i) in the short term residential rental operated by the Provider; or (ii) in or on the premises in which the short term residential rental is located; or (iii) in the short term residential rental's parking facility; or (iv) on adjacent property. For purposes of determining whether any nuisance occurred during a 12-month period, such illegal activity or objectionable conditions shall be limited to acts of the guests or invitees' of the guests, or to acts otherwise involving circumstances having a nexus to the operation of the short term residential rental while rented to a guest; or

*(Omitted text is unaffected by this ordinance)*

(5) *Suspension or revocation.* When any license or registration of any Provider ~~person engaged in the business of short term residential rental or shared housing unit operator~~ is suspended or revoked under this Code; or

*(Omitted text is unaffected by this ordinance)*

(9) *Building owner prohibits all vacation rentals or shared housing units from operating in such building.* If the building contains five or more dwelling units, when the owner of the building or an individual authorized by the owner of the building notifies the ~~commissioner~~ Commissioner, in a manner prescribed by rule, that no ~~licensed vacation rentals or shared housing units~~ short term residential rentals are permitted to operate anywhere in such building. Provided, however, that if the building is a cooperative building, condominium building or building governed by a homeowners' association, the requirement that such building must contain five or more dwelling units shall not apply for purpose of this subsection (a)(9); or

*(Omitted text is unaffected by this ordinance)*

(11) *Short term residential rental* ~~Shared housing unit or vacation rental~~ *is located in a restricted residential zone and was not a legally established use as of the effective date of the ordinance establishing such zone.* If the short term residential rental is a shared housing unit or vacation rental, when: (i) such short term residential rental is located in a restricted residential zone, and (ii) such shared housing unit or vacation rental, as applicable, was not a legally established use within the meaning of Section 4-17-070 as of the effective date of the ordinance establishing such restricted residential zone; or

*(Omitted text is unaffected by this ordinance)*

(b) *Ineligibility for listing on a platform – Notification process.* Upon determining that a short term residential rental is ineligible under this subsection to be listed on a platform, the ~~commissioner~~ Commissioner shall notify the ~~short term residential rental provider~~ Provider and intermediary, in writing, of such fact and of the basis for the determination of ineligibility. Such notice shall include a statement informing the ~~short term residential rental provider~~ Provider and the intermediary that such ~~provider~~ Provider may, within 10 calendar days of the date on which the notice was sent, request, in a form and manner prescribed by the ~~commissioner~~ Commissioner in rules, a hearing before the ~~commissioner~~ Commissioner to contest the determination of ineligibility for listing. The notice shall also advise the ~~short term residential rental provider~~ Provider and intermediary that the ~~provider~~ Provider is entitled to present to the ~~commissioner~~ Commissioner any document, including affidavits, related to the ~~commissioner's~~ Commissioner's determination. If requested, a hearing before the ~~commissioner~~ Commissioner shall commence within 10 business days of receipt of such request. Within 60 calendar days of completion of the hearing the ~~commissioner~~ Commissioner shall either affirm or reverse such determination based upon the evidence presented. The ~~commissioner's~~ Commissioner's determination shall be final and may be appealed in the manner provided by law. If a ~~short term residential rental provider~~ Provider fails to request a hearing within the prescribed time, the ~~commissioner's~~ Commissioner's determination shall be final and the short term residential rental shall be deemed ineligible for listing on the platform.

#### **4-13-270 Departmental duties.**

(a) *Duty to maintain a database of short term residential rentals.* The ~~commissioner~~ Commissioner shall maintain a database, by address, of all short term residential rentals currently licensed by or registered with the ~~department~~ Department under the applicable provisions of this Code.

(b) *Duty to maintain ineligibility database.* The ~~commissioner~~ Commissioner shall prepare and maintain a database of all short term residential rentals that are ineligible to be advertised for rent by a provider, listed on a platform by a provider, rented by a provider, or booked for future rental by a provider. Such database, which shall be updated by the ~~commissioner~~ Commissioner without undue delay following a determination of ineligibility under Section 4-13-260, shall include the date on which the database was most recently updated and shall be made available by the ~~commissioner~~ Commissioner to all licensed platforms in a form and manner prescribed by the ~~commissioner~~ Commissioner.

(c) *Duty to maintain prohibited buildings list – Removal process.* The ~~commissioner~~ Commissioner shall maintain a list, which shall be known as the prohibited buildings list, identifying the address(es) of all buildings whose owner(s), including any applicable homeowners association or board of directors, or an individual authorized by the owner of the building ~~has~~ notified the ~~commissioner~~ Commissioner, pursuant to Section 4-13-260(a)(9), that no ~~vacation rentals or shared housing units~~ short term residential rentals, in any combination, are permitted to operate anywhere in such building. The ~~commissioner~~ Commissioner shall: (1) post the prohibited building list on the City of Chicago website; (2) establish a process by rule for verifying any notification received from a building owner(s) requesting the ~~commissioner~~ Commissioner to include such building on the prohibited buildings list; and (3) establish a process, by rule, to enable building owners to remove buildings from the prohibited buildings list.

(d) *Duty to maintain restricted residential zone list.* The City Clerk shall publicly post online a list of current restricted residential zones in conformity with Section 4-17-060.

**ARTICLE III. ~~SHORT TERM RESIDENTIAL RENTAL ADVERTISING PLATFORM (4-13-300 et seq.)~~**

*(Article III is deleted in its entirety.)*

**ARTICLE IV. ENFORCEMENT (4-13-400 et seq.)**

**4-13-400 Rules.**

The ~~commissioner~~ Commissioner is authorized to promulgate rules necessary or appropriate to implement this chapter.

**SECTION 4.** Chapter 4-17 of the Municipal Code of Chicago is hereby amended by adding the language underscored, and by deleting the language struck through, as follows:

**4-17-010 Definitions.**

As used in this Chapter:

*(Omitted text is unaffected by this ordinance)*

"Shared housing unit(s)" has the meaning ascribed to that term in Section 4-14-010.

~~"Short term residential rental advertising platform" has the meaning ascribed to that term in Section 4-13-100.~~

"Short term residential rental intermediary" has the meaning ascribed to that term in Section 4-13-100.

~~"Short term residential rental provider~~ Provider" has the meaning ascribed to that term in Section 4-13-100.

"Vacation rental(s)" has the meaning ascribed to that term in Section 4-6-300.

**4-17-070 Lawfully established uses – Permitted.**

If a shared housing unit or vacation rental that is located within a restricted residential zone was registered with or licensed by the City under Chapter 4-16 of this Code or Section 4-6-300 as of the effective date of the ordinance establishing such zone, such shared housing unit or vacation rental shall be deemed to be lawfully established and, notwithstanding any ordinance under this Chapter to the contrary, may be listed on a short term residential rental intermediary's platform ~~or short term residential rental advertising platform~~ or rented in conformity with Chapter 4-16 or Section 4-6-300, as applicable, until such time that the applicable registration or license is allowed to expire, as evidenced by non-renewal of the registration or license, or ownership or tenancy of the shared housing unit or vacation rental, as applicable, is transferred to another person. The burden of proof shall be on the ~~short term residential rental provider~~ Provider to establish that the shared housing unit or vacation rental was properly registered with or licensed by the ~~city~~ City as of the effective date of the ordinance establishing the restricted residential zone.



## ARTICLE VI. CATCO

### SECTION 1. Findings.

The City of Chicago ("City") is a home rule unit of government as defined in Article VII, Section 6(a) of the Illinois Constitution, and, as such, may exercise any power and perform any function pertaining to its government and affairs; and

The City owns and operates Chicago O'Hare International Airport ("O'Hare") and possesses the power and authority to lease its premises and facilities and to grant other rights and privileges with respect thereto; and

Pursuant to ordinance O2018-1124 (the "AULA Ordinance"), printed in the *Journal of the Proceedings of the City Council of the City of Chicago* for the regular meeting held on March 28, 2018, on pages 72584 through 73289, the City Council of the City of Chicago (the "City Council") authorized the Mayor of the City of Chicago (the "Mayor") to execute a new form of Chicago O'Hare International Airport Airline Use and Lease Agreement (defined therein, the "New Airline Use and Lease Agreement") with air carriers specified therein as well as other air carriers as may be recommended by the Commissioner of the Chicago Department of Aviation (the "Commissioner") from time to time; and

The Mayor has exercised authority delegated under the AULA Ordinance to execute agreements in the form of the New Airline Use and Lease Agreement with multiple air carriers that operate at O'Hare; and

Pursuant to ordinance SO2018-3040 (the "CATCo Ordinance"), printed in the *Journal of the Proceedings of the City Council of the City of Chicago* for the regular meeting held on April 18, 2018, on pages 75691 through 76016, the City Council authorized the Mayor to execute a new agreement with the Chicago Airlines Terminal Consortium ("CATCo") substantially in the form attached thereto; and

On May 12, 2018, the Mayor and CATCo executed an agreement (the "CATCo Agreement") substantially in the form of the agreement approved by the CATCo Ordinance; and

Certain provisions of the CATCo Agreement conflict with those in the New Airline Use and Lease Agreement; and

It is therefore necessary and desirable for the City to enter into an amendment of the CATCo Agreement to correct for any such conflicts.

**SECTION 2.** The Mayor or the Mayor's proxy is hereby authorized to execute, upon the recommendation of the Commissioner, an amendment to the CATCo Agreement to correct for conflicts between the CATCo Agreement and the New Airline Use and Lease Agreement solely by removing from CATCo's duties CATCo's responsibility to hire and oversee a Scheduling Manager and a Ramp Manager, each as defined in the CATCo Agreement. For the avoidance of doubt, the authorization to execute an amendment to the CATCo Agreement herein is limited exclusively to those described in this Section 2.

**SECTION 3.** The Commissioner and such other City officials and employees as may be required are authorized to take such actions and execute such other documents as may be necessary or desirable to implement the objectives of this article.

## ARTICLE VII. SEVERABILITY, SUPERSEDER

**SECTION 1.** The provisions of this Ordinance are declared to be separate and severable. The invalidity of any provision of this Ordinance, or the invalidity of the application thereof to any person or circumstance, shall not affect the validity of the remainder of this Ordinance, or the validity of its application to other persons or circumstances.

**SECTION 2.** In the event of a conflict or inconsistency between this ordinance and any other ordinance, resolution, motion, or order, this ordinance shall prevail.

## **ARTICLE VIII. EFFECTIVE DATES**

**SECTION 1.** Following passage and approval, this ordinance shall become effective January 1, 2023, with the exception of Article I, Sections 3 and 9, Article IV, and Article VI, which shall become effective upon passage and approval.