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<b>Sponsor(s):</b>	Rahm Emanuel
<b>Type:</b>	Ordinance
<b>Title:</b>	Title 4-84 of Municipal Code amending various provisions to streamline license-related procedures
<b>Committee(s) Assignment:</b>	Committee on License and Consumer Protection

LICENSE



OFFICE OF THE MAYOR  
CITY OF CHICAGO

RAHM EMANUEL  
MAYOR

September 8, 2011

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

Ladies and Gentlemen:

At the request of the Commissioner of Business Affairs and Consumer Protection, I transmit herewith an ordinance amending various provisions of the Municipal Code to streamline license-related procedures.

Your favorable consideration of this ordinance will be appreciated.

Very truly yours,

Mayor

## ORDINANCE

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

**SECTION 1.** Section 4-84-010 of the Municipal Code of Chicago is hereby amended by deleting the language stricken through and by inserting the language underscored, as follows:

**4-84-010 Hospital defined.**

For the purposes of this chapter:

“Hospital” means any institution or establishment that satisfies the definition of a “hospital” as set forth in the Hospital Licensing Act, 210 ILCS ~~8513~~ 85/3, as amended; provided, however, that hospital shall not refer to any facility operated by any federal, state, county or local government, or any agency thereof.

**SECTION 2.** Section 4-84-066 of the Municipal Code of Chicago is hereby amended by deleting the language stricken through and by inserting the language underscored, as follows:

**4-84-066 Compliance with building provisions and fire regulations required.**

The building or buildings used ~~or to be used as~~ a hospital shall comply with the building provisions and fire regulations of this Code applicable thereto. Failure to comply with such provisions and regulations shall be grounds for suspension or revocation of any hospital license issued under this chapter.

**SECTION 3.** Section 4-92-030 of the Municipal Code of Chicago is hereby amended by deleting the language stricken through and by inserting the language underscored, as follows:

**4-92-030 Massage establishment license – Application procedure.**

Every applicant for a license to maintain, operate or conduct a massage establishment shall file an application, under oath, with the department of business affairs and consumer protection. ~~The department of business affairs and consumer protection shall refer copies of such application and all additional information to the plumbing section of the department of buildings and bureau of fire prevention. The city agencies shall, within 45 days, inspect the premises proposed to be operated as a massage establishment, and make recommendations to the department of business affairs and consumer protection concerning compliance with the codes of the City of Chicago. Upon receipt of the recommendations of the respective city agencies, the department of business affairs and consumer protection shall notify the applicant as to whether~~

~~his/her application has been granted, denied or held for further investigation. The period of such additional investigation shall not exceed an additional 30 days.~~ The department of business affairs and consumer protection shall advise the applicant in writing as to whether the application has been granted or denied. If the application is denied or held for further investigation, the department of business affairs and consumer protection shall advise the applicant in writing of the reason for such ~~refusal~~ denial or hold.

The failure or refusal of the applicant to promptly give any information relevant to the investigation of the application, or the submission of false, misleading or incomplete information on the application, or the refusal or failure of applicant to appear at any reasonable time and place for examination under oath regarding said application, or the refusal of applicant to submit to or cooperate with any inspection required ~~by this section~~ under this Code, shall be grounds for denial of the application.

**SECTION 4.** Section 4-92-050 of the Municipal Code of Chicago is hereby amended by deleting the language stricken through and by inserting the language underscored, as follows:

**4-92-050 Massage establishment license – Issuance conditions – Term.**

~~Upon receipt of the recommendations of the respective agencies and with the information contained in the application, together with all additional information provided therein, the department of business affairs and consumer protection shall direct the issuance of the license by the city clerk to the applicant to maintain, operate or conduct a massage establishment, unless~~ No license shall be issued under this chapter if the department of business affairs and consumer protection shall find:

(1) that the operation of the massage establishment as proposed by the applicant, if permitted, would not comply with the applicable laws of the State of Illinois and the City of Chicago, including but not limited to the building, health, ~~planning~~, housing, fire prevention and zoning codes of the City of Chicago; or

*(Omitted text is unaffected by this ordinance)*

**SECTION 5.** Section 4-92-060 of the Municipal Code of Chicago is hereby amended by deleting the language stricken through, as follows:

**4-92-060 Massage establishment license – Revocation and suspension.**

Any license issued for a massage establishment may be revoked or suspended by the commissioner of business affairs and consumer protection after a hearing, for a good cause. ~~The~~

licensee shall be given at least 15 days written notice of the charges and an opportunity for a public hearing before the commissioner of business affairs and consumer protection at which time the licensee may present evidence bearing upon the question.

*(Omitted text is unaffected by this ordinance)*

**SECTION 6.** Section 4-108-030 of the Municipal Code of Chicago is hereby amended by deleting the language stricken through and by inserting the language underscored, as follows:

**4-108-030 License – Application – Investigation.**

*(Omitted text is unaffected by this ordinance)*

Every No license shall be issued under this chapter such unless the premises identified in the license application shall be investigated has been inspected by the department of environment and the director of the bureau of fire prevention, fire department to determine whether the applicable provisions of this Code are being complied with, and the approval of such officers noted thereon, compliance with the applicable provisions of this Code before a license shall be issued.

**SECTION 7.** Chapter 4-164 of the Municipal Code of Chicago is hereby repealed in its entirety.

**SECTION 8.** Section 4-208-050 of the Municipal Code of Chicago is hereby amended by deleting the language stricken through and by inserting the language underscored, as follows:

**4-208-050 Inspections.**

~~Before an initial license is issued, the department of buildings shall inspect and approve the premises for which the license is sought.~~ Each licensed hotel shall be inspected by the building department at least twice every year.

Such inspection shall cover all matters pertaining to the sanitary condition of the rooms, beds and bedding, including the ventilation of all rooms or occupied space, and also of the rooms or space occupied by servants or other employees, to ascertain the condition of such rooms with respect to light, heat, ventilation and general sanitation, ~~such investigation to~~ Such inspection shall be sufficiently accurate and complete as to convince said officials or their duly authorized representatives that the premises comply in all respects with the ventilation and sanitary

provisions of this Code and the laws of the State of Illinois pertaining to such establishments.

**SECTION 9.** Section 4-210-050 of the Municipal Code of Chicago is hereby amended by deleting the language stricken through and by inserting the language underscored, as follows:

**4-210-050 License issuance prohibited when.**

No license shall be issued under this chapter unless the following requirements are met:

*(Omitted text is unaffected by this ordinance)*

(2) The department of buildings and the fire department inspect the establishment before the initial license is issued;~~;~~provided, however, that no pre-license-issuance inspection shall be required by the department of buildings if, within the 12-month period prior to the date of submission of the license application, the applicant obtained a permit inspection or certificate of occupancy from the department of buildings for the premises identified in the license application. and thereafter Thereafter, the department of buildings and the fire department shall inspect the establishment once every two years;~~and to determine that it whether the establishment~~ complies with all applicable requirements of this Code.

*(Omitted text is unaffected by this ordinance)*

**SECTION 10.** Section 4-224-030 of the Municipal Code of Chicago is hereby amended by deleting the language stricken through and by inserting the language underscored, as follows:

**4-224-030 Inspections.**

The ~~section person-in-charge~~ of the mechanical inspection section of the department of buildings and the ~~division marshal in-charge~~ director of the bureau of fire prevention shall visit, or shall cause their respective designee to visit ~~be visited by any officer~~, all manufacturing establishments within the city ~~before a license required under this chapter may be issued~~ and as often as it such person-in-charge or director shall deem necessary to ~~see that~~ determine compliance with the applicable provisions of this chapter Chapter 4-224 and Code. are complied with and to determine whether the building or place within which the manufacturing establishment is conducted or is to be conducted complies with the provisions of this Code relating to health and sanitation, buildings and fire prevention and if If such premises are found to be in an ~~unsanitary or unsafe condition~~ violation of any applicable provision of this chapter or Code, the inspecting department shall require such alterations or arrangements to be made as may be necessary to ensure for the safety and health of the establishment's employees, pursuant to and compliance with the terms requirements of this chapter and other applicable provisions of this

~~Code and such laws as may be in force concerning health and sanitary measures.~~

**SECTION 11.** Section 4-228-020 of the Municipal Code of Chicago is hereby amended by deleting the language stricken through and by inserting the language underscored, as follows:

**4-228-020 Licensing provisions.**

(a) No person shall own, maintain, conduct, operate or engage in the business of motor vehicle repair for compensation within the City of Chicago, or hold himself/herself out as being able to do so, or act as an agent for another who is engaged in the motor vehicle repair business, or take custody of a motor vehicle within the City of Chicago for the purpose of repair without first obtaining a license from the City of Chicago to do so. If a person maintains a motor vehicle repair shop at more than one location, a license is required for each such location. The license issued to a motor vehicle repair shop authorizes the licensee and all its bona fide employees to engage in the business of motor vehicle repair. ~~Said license shall be issued in accordance with the provisions of Chapter 4-4 of the Municipal Code of the City of Chicago upon favorable recommendations from the department of business affairs and consumer protection and upon payment of the fee prescribed in this chapter.~~

*(Omitted text is unaffected by this ordinance)*

(c) Every motor vehicle repair shop shall pay the fee required by this chapter for each place of business operated by him/her within the City of Chicago and shall register with the commissioner of business affairs and consumer protection on forms prescribed by the commissioner. The applicant for a motor vehicle repair shop license shall, on his/her application, disclose the following information:

*(Omitted text is unaffected by this ordinance)*

~~(5) Proof that the applicant has scheduled a zoning compliance inspection, as provided in Section 11.12-7 of the Chicago Zoning Ordinance, of the premises for which the license is sought;~~

(65) The application shall be signed by the applicant or his/her local authorized agent, who shall be an individual responsible for the operation of the applicant's local motor vehicle repair business;

(76) A licensee shall not use or permit to be used more than one trade name at a single location;

(87) The commissioner may, at any time, require additional information of a licensee or an applicant to clarify items on the application.

*(Omitted text is unaffected by this ordinance)*

~~(f) The department of environment upon notice from the commissioner of business affairs and consumer protection of the receipt of an application for a Class III license shall inspect the place of business named in the application to determine compliance with the applicable environmental provisions of this Code.~~

**SECTION 12.** Section 4-228-030 of the Municipal Code of Chicago is hereby amended by deleting the language stricken through and by inserting the language underscored, as follows:

**4-228-030 Commissioner – Power and duties.**

In addition to the powers and duties elsewhere prescribed in this chapter the commissioner shall:

*(Omitted text is unaffected by this ordinance)*

(e) Establish procedures for accepting complaints from the public against any motor vehicle repair shop or mechanic relating to alleged violations of this chapter or rules and regulations promulgated pursuant to this chapter. The commissioner shall establish by regulation criteria upon which the necessity for investigation of investigate complaints, shall be determined. Such criteria investigation may include, without limitation, the alleged financial loss to the complainant, the indication of recurring incidence of fraud or deceptive practices, or the essential nature of the service provided to the safe operation of the vehicle.

*(Omitted text in subsection (e) and in the remainder of this section are unaffected by this ordinance)*

**SECTION 13.** Section 4-228-050 of the Municipal Code of Chicago is hereby amended by deleting the language stricken through, as follows:

**4-228-050 Misrepresentation of quality of parts.**

*(Omitted text is unaffected by this ordinance)*

~~The department of business affairs and consumer protection shall monitor the practices of~~

~~motor vehicle repair shops by submitting city-owned vehicles for service and by submitting the written report of the motor vehicle repair shop to its own officers for determination of accuracy and fairness.~~

**SECTION 14.** Section 4-232-160 of the Municipal Code of Chicago is hereby amended by deleting the language stricken through, as follows:

**4-232-160 License – Application – Investigation.**

*(Omitted text is unaffected by this ordinance)*

~~The director of the bureau of fire prevention shall investigate the premises named in the application to determine whether the applicable provisions of this Code have been complied with.~~

**SECTION 15.** This ordinance shall take full force and effect upon its passage and approval.