



Office of the Chicago City  
Clerk



SO2011-8885

Office of the City Clerk

City Council Document Tracking Sheet

<b>Meeting Date:</b>	11/2/2011
<b>Sponsor(s):</b>	Emanuel, Rahm (Mayor)
<b>Type:</b>	Ordinance
<b>Title:</b>	Amendment of Municipal Code regarding various department functions and duties (2012 Management Ordinance)
<b>Committee(s) Assignment:</b>	Committee on Budget and Government Operations

**S U B S T I T U T E**  
**M A N A G E M E N T**  
**O R D I N A N C E**  
**AS AMENDED**

**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 as follows:

- Article I - Former Department of Revenue
- Article II - Former Department of the Environment
- Article III - Former Department of Fleet/General Services
- Article IV - Former Office of Compliance
- Article V - Administrative Hearings Consolidation
- Article VI - Advisory Councils Consolidation
- Article VII - Municipal Marketing
- Article VIII - Fee Waivers
- Article IX - Miscellaneous Amendments
- Article X - Condominium Registration Amendments
- Article XI - Permit Holds for Indebtedness
- Article XII - Amendments Regarding Water Supply Shut Off and Billing
- Article XIII - Severability; Statement of Purpose
- Article XIV - Effective Dates

**ARTICLE I - FORMER DEPARTMENT OF REVENUE**

**SECTION 1.** Chapter 1-19 of the Municipal Code of Chicago is hereby amended by adding the language underscored and by deleting the language struck through, as follows:

**1-19-010 Definitions.**

For purposes of this chapter the following definitions apply:

“Collection costs” means the expenses and time incurred by the city or its agents to

collect any debt due and owing.

“Debt due and owing” or “debt” means a specified sum of money owed to the city for fines, penalties, fees, interest, or other types of charges or costs imposed by this code, or administrative or judicial judgments after: (i) the period granted for payment has expired; (ii) the exhaustion of, or the failure to exhaust, judicial review procedures; or (iii) in the case of tax debt, an assessment has become final under Section 3-4-330 of this code.

“Department” means the department of finance.

“Director” means the director of revenue.

#### **1-19-020 Default in payment of fines – Recovery of collection costs and attorney's fees.**

*(Omitted text is unaffected by this ordinance)*

(b) the ~~director~~ comptroller may charge such debtor specified in subsection (a) of this section, collection costs and attorney's fees incurred by the city for collection of the fine. Any collection cost and attorney's fees billed shall be separately stated and identified in the department's billings. Any collection cost billed may be either the collection costs incurred as a result of the debtor's failure to pay the fine or a set amount specified in a ruling to be published by the department ~~of revenue~~, based on the average cost incurred by the city in collecting such fines generally.

#### **1-19-030 Failure to pay other debt – Recovery of collection costs.**

*(Omitted text is unaffected by this ordinance)*

(b) the ~~director~~ comptroller may charge such debtor specified in subsection (a) of this section, if the debt has remained unpaid for more than thirty days after the debt is due and owing, the costs incurred by the city in collecting the debt and may bill the debtor for the city's collection costs incurred as of the date of the billing. Any collection costs billed shall be separately stated and identified in the department's billings. Any collection costs billed may be either the collection costs incurred as a result of the debtor's failure to pay the debt or a set amount specified in a ruling to be published by the department ~~of revenue~~, based on the average cost incurred by the city in collecting such debts generally.

**SECTION 2.** Title 2 of the Municipal Code of Chicago is hereby amended by deleting section 2-4-060 and chapter 2-80, sections 2-80-010 through and including 2-80-080; by adding new sections 2-32-033, 2-32-092, 2-32-093, 2-32-094, 2-32-095, 2-32-096, 2-32-097, 2-32-098 and 2-32-205; by adding the language underscored; and by deleting the language struck through, as follows:

**2-12-050 Journal of council proceedings.**

*(Omitted text is unaffected by this ordinance)*

The city clerk shall provide duplicate copies of the journal of proceedings to members of the city council and the departments and agencies of the city government without charge. The city clerk shall have authority to charge a reasonable fee for providing a single duplicate copy of any journal of proceedings to persons outside the city government. The fee shall be based on the cost of duplicating the journal of proceedings, but shall not exceed the charges allowable under the Illinois Freedom of Information Act, as amended. The city clerk may also provide copies of the journal of proceedings to any person outside the city government who requests copies on a subscription basis. The fee for an annual subscription shall be \$600.00, to cover duplication costs, postage or other delivery charges incurred by the clerk, and the cost of maintaining subscription records. No duplication or subscription fee shall be charged to educational, charitable, religious, eleemosynary or veterans' organizations that are organized on a not-for-profit basis. Fees due under this section shall be paid to the department of finance revenue.

**2-14-105 Fines payable to the department of finance revenue.**

All fines and other monies paid to the city in accordance with this chapter shall be remitted to the department of finance revenue.

**2-22-040 Commissioner of buildings – Powers and duties.**

The duties of the commissioner of buildings shall be:

1. (a) to enforce the provisions of the building code, including all rules and regulations promulgated thereunder;

*(Omitted text is unaffected by this ordinance)*

9. except for approvals granted by the Zoning Administrator and governed by section 17-14-0202-O of the zoning ordinance, to issue any permits or grant any approvals relating to the construction and demolition of buildings or other structures, including permits and approvals on behalf of any other department or office, including any of the following: the Department of Buildings, ~~Environment~~, Water Management, Transportation, Streets and Sanitation, Housing and Economic Development, and Public Health and Finance Revenue; the Fire Department and the Mayor's Office for People with Disabilities; and in such cases any reference in this code to such other departments or offices may be considered a reference to the Department of Buildings or the Commissioner of the Department of Buildings.

10. To exercise the powers and to perform the duties given to the commissioner in the Chicago Zoning Ordinance.

**2-25-050 Powers and duties of the department.**

*(Omitted text is unaffected by this ordinance)*

(b) Powers and duties of the commissioner and the department. The powers and duties of the commissioner and department shall be as follows:

*(Omitted text is unaffected by this ordinance)*

(6) To exercise all rights, powers, duties, obligations and responsibilities that relate to:

- (i) the issuance or rescission of licenses and public way use permits;
- and
- (ii) the enforcement of license, permit and business taxation requirements formerly administered by the department of business affairs and consumer protection licensing. Provided, however, that nothing in this item (6) shall be construed to limit the powers of the department of finance revenue provided for in chapter 2-32 Section 2-80-060;

*(Omitted text is unaffected by this ordinance)*

(15) To investigate, including the power:

- (i) to determine whether all persons required by this Code to pay any tax or to secure any license, permit or franchise have complied with such requirements. Provided, however, that nothing in this item (15) shall be construed to limit the powers of the department of finance revenue provided for in chapter 2-32 Section 2-80-060. Provided further, that if the department finds that further investigation into a tax matter is warranted, the commissioner shall notify the department of finance revenue of such findings;

*(Omitted text is unaffected by this ordinance)*

#### **2-32-030 Comptroller – Powers and duties as fiscal agent.**

*(Omitted text is unaffected by this ordinance)*

~~He shall have authority to execute in the name of the city all necessary releases of claims, settlement of which has been legally authorized.~~

#### **2-32-033 Comptroller as director of revenue.**

For purposes of any law, statute or regulation that references the director of revenue or department of revenue of the City of Chicago, the comptroller and the department of finance shall occupy those roles, respectively.

#### **2-32-080 Comptroller – Tax and revenue powers.**

In addition to the other powers conferred on him, the city comptroller shall have the powers enumerated in paragraphs A through F hereof:

A. To administer and enforce all the responsibilities, powers and duties delegated to him in every tax ordinance presently contained in or to be included in the Municipal Code of Chicago; provided, however, that where said tax revenues are now and are continued to be collected by the State of Illinois for and in behalf of the City of Chicago and remitted to the City of Chicago, the department of finance shall act solely in an advisory capacity with respect to such collections;

~~B. To succeed to all responsibilities, powers and duties pertaining to the collection of taxes, license fees, inspection fees, permit fees, compensation for franchises, and all other payments of money to the city previously or currently delegated to the department of revenue or to the director of revenue under provisions of the municipal code; To correct errors of tax designation on department records and to notify the city treasurer so that necessary adjustments and corresponding changes may be made;~~

*(Omitted text is unaffected by this ordinance)*

~~E. To make and enforce such reasonable rules and regulations as may be necessary to effectively administer any of the powers granted in the municipal code. All such rules and regulations shall be adopted only after notice to the general public and publication of the rules and regulations proposed to be adopted in one or more newspapers of general circulation in the city, no fewer than ten and no more than 30 days prior to the effective date of such rules and regulations. Upon adoption, such rules and regulations shall be maintained on file in the department of finance and shall be made available for public inspection during regular business hours; To take such steps, actions, and to request prosecutions by the corporation counsel's office, for the purpose of enforcing ordinances relating to revenue, tax, license and permit fees receivable by the City of Chicago;~~

F. To receive, hear and decide all protests and challenges to the determinations of tax liability of any taxpayer and to issue, tentative and final determinations of such claims;;

G. To accept payments made by credit card in categories of receivables designated by the comptroller, and to impose a surcharge on such payments to the extent allowed under the applicable credit card service agreement. Such surcharges, if any, shall not exceed the average cost payable to the city for credit card transactions. The comptroller shall post a notice setting forth the amount of applicable surcharges at all places where credit card payments are accepted.

#### **2-32-090 Employees handling public money – Appointment and removal.**

The comptroller; and the treasurer, ~~and the director of revenue~~ shall be held responsible for the fidelity of any person appointed by each such officer, respectively, who shall have the custody of public money, and the appointing officer may in his discretion remove any such employee for cause.

#### **2-32-092 Comptroller – Procurement of insurance for the city.**

In addition to the other powers conferred on him, the comptroller shall have the power to purchase, directly or through an insurance broker that he engages, and subject to the approval of the budget director, insurance for the city to cover risks in one or more categories.

**2-32-093 Comptroller-parking and parking administrator.**

(A) The comptroller shall serve *ex officio* as the traffic administrator provided for in section 9-100–010 of this code, and in that capacity, the comptroller has the power to appoint ticketing agents, who may include a person, or the person’s designee, acting pursuant to a concession agreement with the city governing the operation, maintenance, improvement, installation and removal of, and collection of fees from certain designated parking meters, for purposes of enforcing parking laws and regulations.

(B) In addition to the powers authorized in subsection (a), the comptroller has the following powers and duties:

(1) Subject to subsection (B)(4), to operate off-street parking facilities owned by the city, and to collect all fees and charges for the use of such facilities;

(2) To administer Chapter 9-100 of this Code;

(3) To negotiate and enter into intergovernmental agreements with the Illinois Secretary of State, and with other vehicle authorities and state agencies responsible for collecting and maintaining vehicle-related and driver-related information, for the purpose of sharing information relevant to motor vehicle registration and ownership and eligibility for parking-related privileges. Such agreements may include terms relating to indemnification by the City of Chicago and/or the payment of fees for such information, subject to the appropriation of funds;

(4) To direct the operation, maintenance, improvement, installation and removal of, and collection of fees from, parking meters consistent with the provisions of the code, and to determine comparable meter revenue rates pursuant to Section 9-68-050; provided however that if the city council authorizes a concession agreement for the operation, improvement, installation, removal and maintenance of, and collection of fees from, certain designated parking meters, all powers provided for in subsections (B)(1) and (4) of this section shall be performed consistent with the terms of such concession agreement;

(5) To negotiate and enter into, subject to the approval of the city council, licensing agreements or intergovernmental agreements for the use of the parking and compliance violation system, including any agreement for the marketing thereof.

**2-32-094 Indebtedness – Ineligibility for permits and acceptance of applications.**

(a) Definitions. As used in this section, unless the context indicates otherwise:

“Debt” shall have the meaning ascribed to the term in subsection (a) of Section 4-4-150.

“Otherwise resolved” or “otherwise resolves” means any debt that (1) has been discharged by the city council in accordance with terms and conditions fixed by the city council; or (2) is governed by an agreement for payment of the debt entered into by the person owing such

debt with a court of competent jurisdiction or the department of finance or the department of law or the State of Illinois or any appropriate city department or local, state or federal government agency or third party for the payment of all debts owed, if each person owing the debt is in compliance with the terms of the agreement; or (3) enforcement of which has been judicially stayed by a court of competent jurisdiction; or (4) is the subject matter of a good faith negotiation with the department of finance, as determined by the comptroller, to resolve a dispute contesting liability for, or the amount of, such debt; or (5) is dischargeable in bankruptcy and the person owing such debt has filed a petition in bankruptcy.

“Requested city action” means the issuance of the applicable license or permit or acceptance of the applicable application by the responsible department.

“Responsible department” means the city department responsible for issuing the applicable license or permit or for accepting the applicable application.

“Satisfied” or “satisfies” mean any outstanding debt that has been or is paid in full.

(b) Investigation authorized. If the issuance of a license or permit or acceptance of an application is prohibited under this Code to any person who has outstanding debt, the department of finance may investigate whether such person has outstanding debt.

(c) Notification required. If, as a result of an investigation under this section, the department of finance determines that any applicable person has outstanding debt, the department shall notify the person owing the debt of its determination and of the fact that such person is ineligible under the Code for the requested city action until such time that the outstanding debt is satisfied or otherwise resolved. The notification required under this subsection shall:

- (i) be in writing;
- (ii) notify the person owing the debt and, if required under the Code, such person’s agent, that the Municipal Code of Chicago prohibits the responsible department from granting the requested city action to persons who have outstanding debt;
- (iii) state that the department of finance has determined that an outstanding debt exists;
- (iv) describe the debt that is outstanding or inform the person owing the debt that, upon request, a description of the outstanding debt is available from the department of finance;
- (v) inform the person owing the debt of his or her right to contest the department of finance’s determination that an outstanding debt exists; and
- (vi) inform the person owing the debt of the circumstances under which an outstanding debt will be deemed to have been satisfied or otherwise resolved.

If notice is provided by mail, it shall be sufficient to mail the notice to the last address that the person owing the debt provided to the responsible department. The date of the notice shall be the date such notice is deposited in the mail, if served by first class mail; the date of



delivery, if served by personal service; or the date of service, if served in any other manner.

(d) (1) Right to petition. Upon request of the person owing the debt, the department of finance shall provide such person with a written description of such debt. The person owing the debt shall have ten business days from the date of the notice issued under subsection (c) to petition the comptroller to reverse the department's determination under subsection (b), by submitting in person or by mail, a written response to the comptroller that includes the following materials and information: (i) the full name, address and telephone number of the person owing the debt; (ii) a written statement signed by the person owing the debt setting forth facts, law or other information relevant to establishing a defense to the department's determination under subsection (b); (iii) a copy of the notice provided by the department under subsection (c) to the person owing the debt; and (iv) any documentary evidence that supports the written statement of the person owing the debt, including receipts for the payment of an alleged debt or other tangible proof that the debt has been satisfied or otherwise resolved.

(2) Final order. Within ten business days of receiving a petition under subsection (d)(1) from the person owing the debt, unless a longer period is mutually agreed upon, the comptroller shall enter an order granting or denying the petition. If the petition is denied, such order of the comptroller shall be accompanied by a written decision stating why the petition is being denied. Such order of the comptroller shall be final and may be appealed as provided by law. Upon issuance of such final order, the person seeking the requested city action shall not be eligible for such requested city action until such person satisfies or otherwise resolves the outstanding debt.

(e) Failure to file timely petition. If the person owing the debt fails to file a timely and proper petition under subsection (d)(1), such person shall be deemed to have waived his or her right under this section to contest the department's determination under subsection (c), and the requested city action shall not be granted until the outstanding debt is satisfied or otherwise resolved.

(f) Duration of validity of determination. If, in connection with any investigation conducted under subsection (b) of this section, the department of finance determines that a person does not have any outstanding debt or that an outstanding debt has been satisfied or otherwise resolved, the department may presume, for a period of 90 days from the date of such determination, that such determination is accurate and remains valid.

(g) Refunds. Upon written application by any person determined under this section to owe debt, and subject to any applicable rules contained in this Code relating to refunds, the City or any third party collecting payments on behalf of the City shall refund any payment that was received from such person for any debt that the City or a court of competent jurisdiction determines was not owed by such person.

### **2-32-095 Payments, permits and licenses – Investigations for compliance.**

The department of finance shall investigate and determine whether all persons required by

the municipal code to pay any tax or secure any license, permit or franchise have complied with such provisions and, in cases of evasion of payment, the department shall serve notices of delinquency and upon advice, counsel and representation of the corporation counsel, shall request proceedings to be instituted to enforce such provisions and collections. Nothing in this section limits the powers of the department of business affairs and consumer protection provided for in Section 2-25-050.

**2-32-096 Comptroller-rules and regulations.**

The comptroller is authorized to make and enforce such reasonable rules and regulations as may be necessary to effectively administer any of the powers granted the comptroller in this code. All such rules and regulations shall be adopted only after notice to the general public and publication of the rules and regulations proposed to be adopted in one or more newspapers of general circulation in the city, no fewer than ten and no more than 30 days prior to the effective date of such rules and regulations. Upon adoption, such rules and regulations shall be maintained on file in the department of finance and shall be made available for public inspection during regular business hours.

**2-32-097 Succession – Transfer of powers.**

The comptroller and the department of finance shall assume all rights, powers, duties, obligations and responsibilities of the former director and department of revenue. The comptroller shall succeed to the rights and duties of the former director of revenue under existing contracts, agreements or other programs. Any matter pending before the director or department of revenue as of January 1, 2012 shall be continued under the jurisdiction of the comptroller and the department of finance. All books, records, papers, documents, property, real and personal, unexpended appropriations and pending business in any way pertaining to the rights, powers, duties, obligations and responsibilities transferred to or vested in the director or department of revenue shall be delivered and transferred to the comptroller and the department of finance. All rules or regulations issued by the former director or department of revenue, in effect as of January 1, 2012, shall remain in effect until amended or repealed by the comptroller.

**2-32-098 Effect of transfer on prior actions.**

The transfer of the powers and functions from the director of revenue and the department of revenue to the comptroller and the department of finance shall not affect any act done, ratified or confirmed, or any right accrued or established, or any action or proceeding had or commenced in a civil, administrative or criminal cause before such transfer takes effect, but such actions or proceedings may be prosecuted and continued by the comptroller or applicable department having jurisdiction of the subject matter to which such litigation or proceeding pertains.

**2-32-205 Internal compliance.**

(a) The comptroller is authorized:

(1) to conduct and direct audits of the city's systems of internal controls regarding finance, accounting, compliance and ethics;

(2) to monitor and perform risk assessments of city departments, employees, contractors and agents, and to require the assistance of city departments in the development of compliance plans and measures to address high-risk activities;

(3) to review the performance of governmental officers, employees, functions and programs in order to detect and prevent noncompliance within the programs and operations of the city government;

(4) to recommend appropriate corrective action, including the development of compliance plans and the development of compliance-related education and training, designed to mitigate any identified risk areas;

(5) to assess and provide advice regarding compliance controls incorporated in city departments' policies and procedures; and

(6) to enter into agreements or contracts for the purpose of engaging the assistance of outside auditors, consultants or other services necessary to carry out the functions provided for in this section. Such agreements and contracts shall be subject to approval by the corporation counsel as to form and legality and subject to the approval of the budget director as to funding.

### **2-32-650 Certificate of payment of special assessment.**

The ~~comptroller~~ director of revenue is hereby authorized to issue certificates of payment of special assessments, certifying to the payment to the ~~comptroller~~ director of revenue of any special assessment of which he has a record in his office, upon payment by the applicant therefor of a fee of \$10.00 for each such certificate. The certificate shall state the number of the warrant, the number of the installment, the name of the payer, the date of payment, the description of the property, and the amount paid, and shall otherwise be in such form as may be approved by the comptroller.

### **2-45-100 Program applications, administration and closing costs – Fees.**

The commissioner shall have the authority to charge fees in the amount specified and as provided in this section for the processing of program applications and administration and closing costs: (1) of programs administered by the department, and (2) relating to the sale of city-owned property. Such fees shall be made payable to the department of finance revenue. The fees shall be nonrefundable and shall not guarantee approval of an application or adequacy of funding. The amount of such fees shall be as follows:

*(Omitted text is unaffected by this ordinance)*

### **2-92-380 Contracts restrictions – Disclosure of debts to city – Outstanding parking violations.**

*(Omitted text is unaffected by this ordinance)*

(c) Notwithstanding the provisions of subsection (b) herein, no such debt or outstanding parking violation complaint shall be offset from the contract price if one or more of the following conditions are met:

(1) The contracting party has entered into an agreement with the department of finance revenue, or other appropriate city department, for the payment of all debts owed to the city and the contracting party is in compliance with the agreement; or

*(Omitted text is unaffected by this ordinance)*

**2-100-140 Police and fire signal boxes – Installation on private property.**

Any person desiring to have installed by the city, in or upon any private property, any police or fire signal box or boxes, shall make application, in writing, to the commissioner of streets and sanitation. Such application shall, in the case of a fire signal box, first be submitted by the commissioner of streets and sanitation to the fire commissioner, and in the case of a police signal box, to the superintendent of police, and if approved by the officer to whom the same is submitted as aforesaid, such box or boxes shall be installed by the department of streets and sanitation, and shall be under the control of the city and subject to all ordinances now in force or which may hereafter be passed in reference to police or fire signal boxes. Upon completion of the installation of a fire signal or police signal box, the difference between the sum of money so deposited with the comptroller director of revenue and the actual cost of the work shall be returned to the person making such application, unless the actual cost has been in excess of the sum deposited, in which case the applicant shall be required to pay the excess cost.

**2-100-150 Police and fire signal boxes – Installation fee.**

The applicant shall deposit with the comptroller director of revenue, at the time said application is made, a sum of money equal to the approximate cost or expense for the material and labor necessary to install such police or fire signal box or boxes, to be determined by the commissioner of streets and sanitation, and in addition hereto, the annual fee for inspection and maintenance herein fixed.

**2-100-160 Police and fire signal boxes – Inspection fee.**

Any person that now has installed, or shall hereafter have installed, by the city in or upon any private property, any police or fire signal box or boxes, shall pay to the comptroller director of revenue an annual fee for inspection and maintenance thereof of \$10.00 for each box now or hereafter installed; and for failure to pay said fee, or for any violation of any of the provisions of this Code in reference thereto, the commissioner of streets and sanitation may order such box or boxes removed.

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

*(Omitted text is unaffected by this ordinance)*

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

(1) Has entered into an agreement with the department of finance revenue, or

other appropriate city department, for the payment of all debts owed to the city and is in compliance with the agreement; or

*(Omitted text is unaffected by this ordinance)*

**2-152-180 Bonds for city officers.**

Each of the following officers, before entering upon the duties of his office, shall execute a bond payable to the city in the penal sum of the amount hereinafter set opposite the title of the office, with good and sufficient sureties to be approved by the city council conditioned for the faithful performance of the duties of the office and the payment of all monies received by such officer, ~~and in case of the commissioner of welfare administration such bond shall be conditioned also that he will treat every poor person committed to his care with humanity and afford him the necessary attention and will fulfill his agreement for the keeping of such poor according to the true intent and meaning thereof:~~

City clerk	\$5,000.00
<del>Director of revenue</del> <u>Comptroller</u>	250,000.00
City treasurer	2,000,000.00
Mayor	10,000.00
Chief procurement officer	50,000.00
<del>Welfare administration, commissioner of</del>	<del>100,000.00</del>

Officers who, by virtue of their office, are required or authorized to act in any other official capacity shall not be required to execute an additional bond before entering upon the duties of their respective offices ex officio.

**2-152-190 Bonds for subordinate officers and employees.**

The city comptroller, the city clerk, and the city treasurer, ~~and the director of revenue~~ may severally require any of their subordinate officers or employees to give bond payable to such officer and the City of Chicago, or either of them, in the penal sum of such amount as may be required by him, with good and sufficient sureties to be approved by him, conditioned for the faithful performance of the duties of the office or position and the payment of all monies received by such subordinate officer or employee.

*(Omitted text is unaffected by this ordinance)*

**2-158-090 Procedures.**

*(Omitted text is unaffected by this ordinance)*

(j) Before a closing can take place: (1) the department shall obtain from the department of finance ~~revenue~~ a current statement that the purchaser has no outstanding debt to the City. For purposes of this paragraph, "debt" means a specified sum of money owed to the

City for which the period granted for payment has expired; and (2) the purchaser shall submit the Economic Disclosure Statement ("EDS") required by the city, containing the ownership information required by Chapter 2-154 of the code and the other representations, disclosures and acknowledgments contained in the EDS.

*(Omitted text is unaffected by this ordinance)*

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

**3-4-020 Definitions.**

When any of the following words or terms are used herein, whether or not capitalized, they shall have the meaning or construction ascribed to them in this section:

*(Omitted text is unaffected by this ordinance)*

"City council" means the city council of the city.

"Department" or "~~department of revenue~~" means the department of finance ~~revenue~~ of the city.

~~"Director" or "director of revenue" means the director of revenue of the city.~~

*(Omitted text is unaffected by this ordinance)*

**3-4-040 Notice.**

A. Unless otherwise provided, whenever the department or the comptroller ~~director~~ is required to give notice under this chapter, or under any tax ordinance, notice may be given by: (1) first class, express or priority mail, registered or certified mail (with or without return receipt requested), or overnight carrier any of which shall be addressed to the person concerned at the person's last known address or, if the person is not a natural individual, addressed to the person concerned at the address identified as the address of the person's registered agent, officer, partner or other agent or (2) personal service on the person, or if the person is not a natural individual, on the person's registered agent, officer, partner or other agent.

B. Unless otherwise provided, whenever notice is required to be given, it shall be given not less than seven calendar days prior to the day fixed for any hearing or the doing of any act by the comptroller, department, ~~the director~~, or any agent or employee of the department.

*(Omitted text is unaffected by this ordinance)*

**3-4-080 Confidentiality.**

A. (1) All information that the department or the department of administrative hearings receives from returns or reports from any investigation, or from any hearing conducted under this chapter, or under any tax ordinance, shall be confidential and shall be used for official

purposes only.

(2) Any person who divulges confidential information in any manner and for any purpose, except in accordance with a proper judicial order, or as otherwise provided by law, shall be subject to a term of incarceration not to exceed six months or a fine not to exceed \$500.00 or both.

B. Nothing in this chapter shall prevent the comptroller ~~director~~ from publishing or making available to the public the names and addresses of persons filing returns ~~on~~ or reports under this chapter, or under any tax ordinance, or from publishing or making available reasonable statistics concerning the operation of a tax by grouping the contents of returns so that the information in any individual return is not disclosed.

C. Nothing in this chapter shall prevent the comptroller ~~director~~ from furnishing to the United States government, to the government of any state or to any federal or state officer or agency, for exclusively official purposes, information received by the department in administering this chapter or any tax ordinance; provided, however, that the other government or governmental officer or agency agrees to furnish tax information requested by the department.

*(Omitted text is unaffected by this ordinance)*

### **3-4-100 Credits and refunds.**

*(Omitted text is unaffected by this ordinance)*

F. Any credit or refund allowed under this section will bear simple interest at the rate of three percent per annum, calculated daily, based on a 365 day calendar year, from the date the department received the erroneous payment or remittance until the date the comptroller ~~director~~ approves in writing a credit or refund; provided, however, that interest will not accrue on a credit or refund resulting from overpayments of an annual return tax, requested pursuant to Section 3-4-186(H) of this chapter.

G. (1) Except as provided in Section 3-4-330 of this chapter or by order of court, no credit or refund shall be allowed for any sum paid or remitted in satisfaction of a final assessment or in settlement of any claim for taxes, interest or penalties asserted by the department.

(2) No credit or refund shall be allowed if a claimant owes the city a debt, as defined by Section 4-4-150 of this Code; provided, however, that the department may allow a credit or refund if the comptroller ~~director~~ determines that: (a) the claimant has entered into an agreement with the department or other appropriate city department for the payment of all debts owed the city and such claimant is in compliance with the agreement; or (b) the claimant is contesting liability for or the amount of the debt in a pending administrative or judicial proceeding; or (c) the claimant has filed a petition in bankruptcy and the debts owed to the city are dischargeable in bankruptcy.

H. A claim for credit or refund shall be acknowledged in writing by the comptroller director. The written ~~acknowledgement~~ acknowledgment shall identify the claim and state the date upon which it was received.

I. (1) As soon as practicable after a claim for credit or refund is filed, the comptroller director shall examine the credit or refund request and determine the amount of credit or refund due, if any, and shall issue a written notice to the claimant of a tentative determination.

(2) The tentative determination of claim shall be prima facie correct and the claimant shall have the burden of proving with books, records, or other documentary evidence that the determination is incorrect.

(3) If the claimant disagrees with the tentative determination, the claimant may file with the department a written protest. The written protest which shall be on a form prescribed by the comptroller director must be filed within 35 days of receiving the written notice of tentative determination of a claim.

(4) If a timely protest is filed with the department, the comptroller director shall refer the protest to the department of administrative hearings upon the written request of the taxpayer or tax collector or at such earlier time as the comptroller director deems appropriate. The department of administrative hearings thereupon shall fix the time and place for a hearing, give written notice thereof, and appoint an administrative law officer who shall conduct the hearing. The director of the department of administrative hearings may also promulgate additional governing procedures for the conduct of hearings held under this section.

*(Omitted text is unaffected by this ordinance)*

J. The comptroller director may issue to a claimant a letter of credit if the comptroller director determines that a claimant may be able to use the credit in the foreseeable future or may issue a refund, in lieu of a letter of credit. Refunds shall be paid in the order of issuance from funds appropriated to the department for that purpose.

### **3-4-120 Statute of limitations.**

A. Except as provided by subsection B., C. or D. of this section, the comptroller director shall not issue any notice of tax determination and assessment to a taxpayer or tax collector for any period more than four years after the end of the calendar year in which the return for the period was filed with the department or the end of the calendar year in which the return for the period was due, whichever occurs later.

B. No statute of limitations applies where the person named in the tax determination and assessment: (1) filed a fraudulent tax return or remittance return or otherwise committed fraud; (2) failed to remit collected taxes to the department; or (3) agrees to waive the applicable statute of limitations.

C. If for any tax, during any four year period for which the comptroller director may



issue a notice of tax determination and assessment, the total tax paid or remitted was less than 75 percent of the total tax due for that four year period, then subject to the provisions of subsection B. of this section the comptroller ~~director~~ may issue a notice of tax determination and assessment to a taxpayer or tax collector for all periods that commenced on or after six calendar years prior to the January 1 immediately preceding the date on which the notice of tax determination and assessment is issued.

*(Omitted text is unaffected by this ordinance)*

### **3-4-130 General presumptions and burden of proof.**

It shall be presumed that any tax, interest, penalty or nontax debt assessed by the comptroller ~~director~~ is due and owing until the contrary is established. The person assessed has the burden of proving with documentary evidence, books and records that any tax, interest, penalty or nontax debt assessed by the comptroller ~~director~~ is not due and owing.

## **ARTICLE II. POWERS OF THE COMPTROLLER ~~DIRECTOR~~**

### **3-4-150 General powers.**

A. (1) In addition to the powers provided in other provisions and chapters of this Code, including Chapter 2-32 ~~2-80~~ of this Code, the comptroller ~~director~~ is empowered to adopt, promulgate, and enforce rules and regulations pertaining to the administration and enforcement of the provisions of this chapter and any tax ordinance.

(2) The comptroller ~~director~~ may from time to time prescribe and publish rules or regulations concerning the manner, format and medium in which tax returns are to be filed and tax payments or remittances are to be made. Any such rules or regulations shall include a provision allowing a taxpayer or tax collector who may suffer a financial or other hardship to file and pay or remit by other means, if the taxpayer or tax collector demonstrates the hardship in a written application to the comptroller ~~director~~. Any such rules or regulations may also include a penalty of \$20 per incident for failure to comply with the rules or regulations, which shall be in lieu of the penalties provided by Sections 3-4-200, 3-4-210 and 3-4-220 of this chapter. If the comptroller ~~director~~ determines that the taxpayer or tax collector had reasonable cause for the failure to comply, then the \$20 penalty shall be waived.

B. (1) The comptroller ~~director~~ may correct or amend any tax return or remittance return at any time.

(2) The comptroller ~~director~~ is authorized to determine and assess any tax, interest or penalty due under this chapter, or under any tax ordinance, and may amend a tax determination and assessment at any time before it becomes final. Any tax determination and assessment, or amended tax determination and assessment, shall be deemed prima facie correct and the burden shall be on the person assessed to prove the contrary.

C. (1) In addition to the comptroller's ~~director's~~ authority to determine and collect any nontax debt by any other means, the comptroller ~~director~~ is further authorized to

assess any nontax debts due and owing the city by adding them to a tax determination and assessment.

(2) The department may issue, correct or amend any assessment of any nontax debt at any time before the tax determination and assessment becomes final. All initial nontax debt assessments and any amended nontax debt assessments shall be deemed prima facie correct and the burden shall be on the person assessed a nontax debt to prove the contrary.

D. The department is authorized to examine the books and records of any taxpayer or tax collector during business hours of the day to verify the accuracy of any return made or, if no return was made, then to ascertain and assess the tax imposed by any tax ordinance.

E. In the course of any audit, investigation or other inquiry, the comptroller ~~director~~ may require any taxpayer or tax collector to file information on a form prescribed and furnished by the department.

F. The comptroller ~~director~~ shall provide for a conference between a taxpayer or tax collector and a representative of the department to be held after the audit of the taxpayer or tax collector is completed and at least 20 calendar days before the comptroller ~~director~~ issues a notice of tax determination and assessment; provided, however, that the department shall not be required to hold a conference if the comptroller ~~director~~ determines in his or her sole discretion either (a) that delay will jeopardize the collection of any unpaid taxes or (b) that the taxpayer or tax collector will not agree to a date for holding the conference that is within 14 calendar days after the department notifies the taxpayer or tax collector that the audit has been completed. Conferences shall be held in person if deemed practicable by the department or otherwise by telephone.

G. The comptroller ~~director~~, with the approval of the corporation counsel, may compromise all disputes in connection with any tax or interest due or any tax, interest or penalty assessed.

H. For any debt arising in connection with a tax for which returns are required to be filed with the department, if the comptroller ~~director~~ determines in his or her discretion that the costs of billing, maintaining, processing and otherwise administering the debt would exceed the amount of the debt itself, then the comptroller ~~director~~ may order that no billing, maintaining, processing or other administrative costs be incurred with respect to such debt; provided, however, that such action on the part of the comptroller ~~director~~ shall not be construed as a release, cancellation or discharge of the debt itself.

### **3-4-152 Problems resolution.**

The comptroller ~~director~~ shall establish a problems resolution committee within the staff of the department, which shall have as its primary purpose the resolution of complex administrative or processing problems concerning taxes, expediting of matters when unreasonable delays have occurred, ensuring that taxpayer rights are protected in the

administration of the tax laws and giving of priority treatment to time- sensitive inquiries or cases of a truly urgent nature. The committee shall consider matters referred to it by the comptroller director in his or her sole discretion, either at the request of a taxpayer or otherwise as the comptroller director may determine. Any communication, recommendation, action or decision of the comptroller director or committee regarding the problems resolution process shall be confidential and shall be within the sole discretion of the comptroller director or committee.

### **3-4-153 Financial hardship.**

The comptroller director shall establish a financial hardship committee within the staff of the department to consider written applications for abatement of tax liabilities that have been assessed by the comptroller director, including related interest and penalties, in cases involving a demonstrated uncertainty as to collectability of the assessment within a reasonable period of time. The committee shall make recommendations to the comptroller director. The comptroller director shall deny any application where it is determined that the applicant has committed fraud or has otherwise failed to make good faith efforts to comply with the city's tax laws. Pursuant to Section 3-4-150 of the Municipal Code, any reduction of liability shall be subject to approval by the corporation counsel. Any communication, recommendation, action or decision of the comptroller director or committee regarding the financial hardship process shall be confidential and shall be within the sole discretion of the comptroller director or committee.

### **3-4-180 Duty to produce documents.**

A. If, during an audit or investigation, any taxpayer or tax collector fails to make its books and records available for inspection by the department, then the comptroller director may serve written notice by United States registered or certified mail or by personal service on the person being audited or investigated to produce the requested documents within 45 days from the date the notice is received. The comptroller director may extend the 45-day time limit.

B. If the taxpayer or tax collector fails to provide the documents requested in subsection A of this section within the time so provided, then (1) the comptroller director may issue a tax determination and assessment based on the best estimate of the person's tax liability, or (2) the comptroller director may issue a subpoena requiring the attendance of any person having personal knowledge of any relevant facts and may issue subpoenas duces tecum for the production of books, records, papers or memoranda. In addition, the comptroller director may issue a citation for each day beyond the 45-day time limit, or extension thereof, that the documents are not tendered and may request the city's corporation counsel to bring, or cause to be brought, an action to impose fines for disobeying or refusing to comply with a request made under this section. Fines shall be as provided for in Section 3-4-310 of this chapter.

### **3-4-186 Annual returns.**

A. For all periods beginning on or after January 1, 2000, returns for taxes and other revenue measures set forth in subsection B. of this section (the "annual return taxes") shall be filed with the department on an annual basis. Each annual return shall be on a form prescribed

by the comptroller ~~director~~ and shall be filed on or before August 15 of each year. Except for the first annual return due on or before August 15, 2000, which shall cover the period January 1, 2000 to June 30, 2000, annual returns shall report tax liabilities and other applicable information for the 12-month period ending the immediately preceding June 30 (the “annual tax year”).

*(Omitted text is unaffected by this ordinance)*

C. Every taxpayer or tax collector, except for taxpayers or tax collectors that make estimated tax payments pursuant to Section 3-4-188 of this chapter, shall file an annualization schedule with each annual return. The annualization schedule shall report the amounts subject to tax for each tax period during the applicable annual tax year and such other information as the comptroller ~~director~~ may reasonably require.

*(Omitted text is unaffected by this ordinance)*

E. For all tax returns due from January 1, 2000 through June 30, 2004, if a taxpayer or tax collector fails to file an annual return within the time or in the manner required by this section, then a late filing penalty equal to the greater of one percent of the total tax due for the applicable annual tax year or five percent of any amount payable with the annual return will apply, unless the comptroller ~~director~~ determines that the taxpayer or tax collector had reasonable cause for the failure to file the annual return within the time or in the manner required. For all tax returns due after June 30, 2004, the provisions of section 3-4-200 shall apply.

*(Omitted text is unaffected by this ordinance)*

H. (1) If, for any annual return tax, the total amount paid or remitted to the department by a taxpayer or tax collector during an annual tax year exceeds the amount shown as due on the taxpayer’s or tax collector’s annual return for such year, then such taxpayer or tax collector may elect on the annual return either (a) to request the department to issue a refund in the amount of such overpayment or (b) to apply the overpayment as a credit against future liabilities for such annual return tax; provided, however, that the option of applying an overpayment as a credit against future liabilities shall not be available as to overpayments that result from amounts that have been collected from other persons and not unconditionally repaid.

*(Omitted text is unaffected by this ordinance)*

(3) Nothing contained in this subsection (H) shall prohibit the comptroller ~~director~~ from assessing additional taxes, interest or penalties owed by a taxpayer or tax collector in the event that the comptroller ~~director~~ determines, within any applicable statute of limitations period, as a result of an audit or otherwise, that the amounts reported as owed, paid or available for use as credits during an annual tax year were incorrect.

**3-4-187 Tax payments.**

A. Except for taxpayers or tax collectors that make estimated payments in accordance with Section 3-4-188 of this chapter, every taxpayer or tax collector that is required to pay or remit an annual return tax directly to the department shall pay or remit the actual amount of tax due on or before the last day of the month following the monthly tax period (or quarterly tax period if applicable) in which the liability was incurred. This subsection will apply to all periods beginning on or after January 1, 2000. The tax shall be accompanied by a payment or remittance coupon as prescribed by the comptroller ~~director~~.

*(Omitted text is unaffected by this ordinance)*

**3-4-189 Consolidated returns and payments.**

Taxpayers and tax collectors that have multiple business sites shall file a single annual consolidated return for each annual return tax, accompanied by a site schedule which separately reports the tax liability of each business site. When paying or remitting taxes, a taxpayer or tax collector shall use a single coupon covering all of its business sites for each annual return tax. The consolidated annual return and site schedule shall be on forms prescribed by the comptroller ~~director~~.

**3-4-190 Interest on tax debts.**

*(Omitted text is unaffected by this ordinance)*

C. (1) Notwithstanding subsection A. of this section, if a hearing is held pursuant to Section 3-4-340 in connection with a tax determination and assessment, and a final assessment is not issued within 90 days of the latest of the following:

- (a) the conclusion of the hearing;
- (b) the latest date (including extensions) on which any motion, brief or memorandum became due;
- (c) the latest date on which the protesting party filed any motion, brief or memorandum; or
- (d) the date on which the transcript of the hearing is delivered to the department, then no interest shall accrue on the tax liability from the end of the applicable 90-day period to the date that the final assessment is issued.

(2) During any period that interest is tolled pursuant to this Subsection C., the department of administrative hearings shall transmit to the comptroller ~~director of revenue~~ on a monthly basis a written report setting forth the status of the administrative law officer's decision.

**3-4-200 Late penalties.**

A. If a tax ordinance does not impose a penalty for late filing of a tax return remittance ~~return~~ required by the ordinance and the return is not filed within the time or in the manner provided by the ordinance, then a late filing penalty equal to ten percent of the total tax

due for the period the return is being filed shall apply; provided, however, that for all periods after December 31, 1999, a late filing penalty equal to five percent shall apply; provided further, however, that for all tax returns due after June 30, 2004, a late filing penalty equal to the greater of the following shall apply: (1) one percent of the total tax due for the applicable return period, up to a maximum penalty of \$5,000.00; or (2) five percent of any amount payable with the return. This penalty shall not apply if the failure to file penalty provided by Section 3-4-210 applies or if the late filing penalty provided by Section 3-4-186 E. applies.

*(Omitted text is unaffected by this ordinance)*

C. If the comptroller ~~director~~ determines that the taxpayer or tax collector had reasonable cause for any of the following:

- (1) paying late;
- (2) remitting late;
- (3) underpaying the applicable tax;
- (4) filing a late or incomplete tax return; or
- (5) filing a late or incomplete remittance return, then the applicable penalty

shall be waived.

### **3-4-210 Failure to file penalty.**

If a tax ordinance does not impose a penalty for failure to file a tax return or remittance return required by the ordinance and no return is filed prior to the department issuing a notice of tax deficiency or a notice of tax liability to the taxpayer or tax collector, then a failure to file penalty equal to 25 percent of the total tax due for the applicable reporting period shall apply, unless the comptroller ~~director~~ determines that such failure to file a return was due to reasonable cause. This penalty may apply in addition to any late payment or remittance penalty provided by Section 3-4-200B of this chapter.

### **3-4-230 Failure to remit collected taxes penalty.**

A. If a tax collector (1) knowingly collects any tax imposed by any tax ordinance, and (2) fails to remit the tax collected to the department before the department issues a notice of tax deficiency or notice of tax liability, then a penalty equal to 50 percent of the total tax collected and not remitted shall apply, unless the comptroller ~~director~~ determines that such failure to remit collected taxes was due to reasonable cause.

*(Omitted text is unaffected by this ordinance)*

### **3-4-240 Reasonable cause standards.**

The comptroller ~~director~~ may promulgate standards for determining reasonable cause. If the comptroller ~~director~~ does not promulgate such standards, then the reasonable cause determination shall be made by applying the reasonable cause criteria of the United States Internal Revenue Service, as these standards may be amended.

**3-4-265 Voluntary disclosure.**

A. The comptroller ~~director~~ shall issue written guidelines setting forth the terms and conditions applicable to the department's voluntary disclosure program, which permits eligible taxpayers and tax collectors to self- assess and pay their outstanding tax liabilities and interest in exchange for the waiver of all penalties. The guidelines, which may be amended from time to time, may permit eligible taxpayers and tax collectors to pay interest at a rate less than the amount set forth in Section 3-4-190 of this chapter and to pay not more than those liabilities arising during the four-year period immediately prior to the date on which a taxpayer or tax collector applies to participate in the program.

*(Omitted text is unaffected by this ordinance)*

**3-4-300 Liens and right to levy.**

*(Omitted text is unaffected by this ordinance)*

D. In addition to any other remedy provided by this chapter or otherwise by law, and pursuant to Section 8-3-15 of the Illinois Municipal Code, as amended, and the Illinois Retailers' Occupation Tax Act, as amended, the city may enforce its lien on personal property:

1. By levying on personal property or the rights to personal property. The term "levy" includes the power of distraint and seizure by any means; provided, however, the department must first demand payment of the assessed amount. If payment is not made within 10 days following receipt of the written demand and if no judicial or other review is pending, then the department may issue a warrant requesting the sheriff of Cook County to levy on the property and rights to such property found within the city, for payment of the amount of tax, interest, penalties and costs due. The sheriff may seize and sell such property or property rights so found and shall return to the city the money collected from the sale, less the normal fees for his or her services in executing the warrant.

2. After a written demand as provided in subsection D1 of this section is made, the comptroller ~~director~~ also may serve process to levy on accounts or other intangible assets of a final assessee held by any bank, bank holding company, trust company, savings bank, industrial bank, land bank, safe deposit company, private banker, savings and loan association, building and loan association, credit union, currency exchange, cooperative bank, small loan company, sales finance company, investment company or any person owed by a bank or bank holding company.

*(Omitted text is unaffected by this ordinance)*

**3-4-305 Removal of liens.**

Upon the written request of any affected person, the comptroller ~~director~~ shall have removed at the department's own expense any improper lien recorded by the department and shall make every reasonable effort to correct the affected party's credit record. The comptroller ~~director~~ also shall issue appropriate orders to ensure that liens are placed or maintained on

property only when authorized by law.

**3-4-325 Erroneous written information or written advice.**

In the event that a taxpayer or tax collector demonstrates reasonable reliance upon erroneous written information or written advice from the department or the corporation counsel, then the comptroller ~~director~~ shall abate any taxes, interest or penalties that result from such information or advice.

**3-4-330 Right to protest tax determination and assessment.**

A. Any person to whom the comptroller ~~director~~ issues a tax determination and assessment shall be given written notice of the tax determination and assessment along with written demand for payment. The person named in the tax determination and assessment may file with the department a written protest. The written protest must be filed within 35 days of receiving the notice of tax determination and assessment.

B. The protest shall be on a form prescribed by the comptroller ~~director~~, and shall state the grounds for objecting to the tax determination and assessment.

*(Omitted text is unaffected by this ordinance)*

E. The comptroller ~~director~~ at any time may add to any tax determination and assessment the amount of any nontax debt due and owing the city. In this event, the affected party shall be given notice and shall be given an opportunity to show that the nontax debt is not due and owing. This showing may be made in any hearing held in response to a tax protest and petition for hearing.

**3-4-340 Hearing procedures.**

A. 1. If a timely protest is filed with the department, the comptroller ~~director~~ shall refer the protest to the department of administrative hearings upon the written request of the taxpayer or tax collector or at such earlier time as the comptroller ~~director~~ deems appropriate. The department of administrative hearings thereupon shall fix the time and place for a hearing, give written notice thereof, and appoint an administrative law officer who shall conduct the hearing. The director of the department of administrative hearings may also promulgate additional governing procedures for the conduct of hearings held under this section.

*(Omitted text is unaffected by this ordinance)*

D. The department's books, papers, records and memoranda or parts thereof may be proved in any hearing or legal proceeding by the original documents or by reproduced copy under the certificate of the comptroller ~~director~~. Without further proof, such original documents or reproduced copy shall be admissible into evidence before the department.

*(Omitted text is unaffected by this ordinance)*



H. 1. At any hearing held under this chapter, the tax determination and assessment and the assessment of any nontax debt shall be prima facie correct and the protesting party shall have the burden of proving with books, records and other documentary evidence that it is incorrect. When interpreting any issue of law pertaining to a tax ordinance, the administrative law officer shall apply any applicable rules and regulations issued by the comptroller ~~director of revenue~~ pursuant to chapter 2-32 ~~Section 2-80-040(h)~~ or any tax ordinance.

*(Omitted text is unaffected by this ordinance)*

**3-4-350 Powers of the finance committee.**

A. In addition to the powers granted to it by the code, the committee on finance shall have the power to investigate the operation, effect, administration and enforcement of any city tax ordinance or revenue measure by the department ~~of revenue~~ or by any executive department, establishment or agency charged with the administration of taxes or revenue measures.

B. The committee on finance shall from time to time make available the findings, conclusions and results of any review or investigation for public examination and analysis.

C. Not more than twice a year, the committee on finance may hire a certified public accounting firm, which is a member in good standing of the Illinois Certified Public Accountants Society, to conduct an investigation of the operations of the department ~~of revenue~~ for the purposes set forth in subsection A of this section. The certified public accounting firm shall report its findings to the committee on finance. The certified public accounting firm, its employees, partners, and agents shall have access to all documents, including tax returns, that the certified public accounting firm deems necessary to conduct its investigation. Supplying such documentation to the certified public accounting firm shall be considered an official purpose under Section 3-4-080 of this chapter. The certified public accounting firm, its employees, partners, and agents shall be bound by the requirements of Section 3-4-080 of this chapter and shall not release or divulge any individual taxpayer information to any other person, except as provided in Section 3-4-080 of this chapter; provided, however, that, as a result of the investigation by the certified public accounting firm and after review with the comptroller ~~director~~, the comptroller ~~director~~ shall provide the chief administrative officer of the committee on finance with individual taxpayer information when any question arises regarding the equitable administration and enforcement of the city's tax ordinances or revenue measures. Any violation of Section 3-4-080 of this chapter shall subject the violator to the punishments prescribed in that section.

*(Omitted text is unaffected by this ordinance)*

**3-12-020 Charge for sewer service and use of sewerage system.**

(a) A charge for sewer service and use of the sewerage system of the City of Chicago is hereby established. The charge shall be an amount equal to the percentage set forth in the

below Table, of the amount charged for water service pursuant to Chapter 11-12 of this Code, whether such water service is metered or otherwise; property which is exempt from payment of a water service charge pursuant to subsection (c) of Section 11-12-540 of this Code shall be exempt from payment of a sewer usage fee, but property exempt from payment of a water service charge under other provisions of Section 11-12-540 of this Code shall pay for sewer usage an amount equal to the percentage set forth in the below Table, of the water rate which would be otherwise applicable, but for an exemption pursuant to Section 11-12-540. However, such property as is owned and used in the immediate conduct of carrying out the purpose of any charitable, religious or educational institution, including the residence occupied by the janitor or caretaker of a religious institution if located on the premises of such religious institution, shall be exempt from the first \$500.00 charge for sewer service per semiannual billing period.

Year	2008	2009	2010
Percentage	84%	85%	86%

A late payment penalty assessed at a monthly rate of one and one-quarter percent shall be imposed on all sewer usage fees billed after November 1, 1991 for which payment in full is not received within 24 calendar days from the date the bill therefor was sent, as shown by the records of the department of finance revenue. Where the correctness of a bill is disputed and where complaint of such incorrectness has been made prior to the time the usual penalty would be imposed, and where the adjusting of such complaint requires additional time, the penalty may be held in abeyance up to and including the tenth day succeeding the resending of such bill.

*(Omitted text is unaffected by this ordinance)*

**3-12-030 Statement to be rendered.**

The rates and charges calculated and applied to the billed party shall be added to and separately recited upon a statement of charges for water consumption and sewer use. Such statement shall be prepared and sent to the billed party in such time periods as established by the comptroller director of revenue. All revenues received in payment of sewer use rates, charges and penalties shall be deposited to the sewer revenue fund. Whenever any sewer use charges shall remain unpaid after the expiration of 30 days from the date of such statement the water supply for the premises so serviced and delinquent shall be subject to termination, and the service shall not be resumed until all sewer bills in arrears shall have been paid, including accrued penalties, and all applicable fees set out in Section 11-12-120 have been paid for termination and resumption of water supply service. The comptroller director of revenue shall enforce the provisions of this section; provided that the commissioner of water management shall be responsible for the termination or resumption of the water supply service.

**3-12-040 Delinquent charges to be lien on premises.**

Charges for sewer service shall be a lien upon the premises served pursuant to the law thereto pertaining. When such charges have been delinquent for a period of 60 days the comptroller director of revenue may cause a statement of lien to be recorded against the

premises served and delinquent in the form and manner provided by law. The failure to record such a lien or to mail notice thereof shall not affect the right of the city to foreclose or adjudicate such lien, by an equitable action in accordance with the statutory requirements therefor and in the same manner as provided for water service in Section 11-12-490 et seq. The comptroller ~~director of revenue~~ shall execute releases of such liens on behalf of the city upon receipt of payment thereof.

**3-12-070 Late payment penalty.**

(a) A late payment penalty assessed at a monthly rate of one and one-quarter percent shall be imposed on all sewer usage fees billed under Section 3-12-060 for which payment in full is not received within 24 calendar days from the date the bill therefor was sent as shown by the records of the department of finance ~~revenue~~. Where the correctness of a bill is disputed and where complaint of such incorrectness has been made prior to the time the usual penalty would be imposed, and where the adjusting of such complaint requires additional time, the penalty may be held in abeyance up to and including the tenth day succeeding the resending of such bill.

(b) The rates and charges calculated and applied under Section 3-12-060 shall be recited upon a statement of charges for sewer use. Such statement shall be prepared and sent to the billed party in such time periods as established by the comptroller ~~director of revenue~~. All revenues received in payment of such sewer use rates, charges, and penalties shall be deposited to the sewer revenue fund established under Section 3-12-010. Upon notice from the comptroller ~~director of revenue~~ to the commissioner of water management that such sewer use charges shall remain unpaid after the expiration of 30 days from the date of such statement, the sewer service for the premises so serviced and delinquent shall be subject to termination by the commissioner of water management, and the service shall not be resumed until all sewer bills in arrears shall have been paid, including accrued penalties, and an amount equal to the actual costs of disconnection and reconnection shall have been paid for termination and resumption of service. Except as otherwise provided herein, the comptroller ~~director of revenue~~ shall enforce the provisions of this section; provided that the commissioner of water management shall be responsible for termination or resumption of the sewer service.

*(Omitted text is unaffected by this ordinance)*

(d) Charges for sewer service hereunder shall be a lien upon the premises served pursuant to the law thereto pertaining. When such charges have been delinquent for a period of 60 days, the comptroller ~~director of revenue~~ may cause a statement of lien to be recorded against the premises served and delinquent in the form and manner provided by law. The failure to record such a lien or to send notice thereof shall not affect the right of the city to foreclose or adjudicate such lien, by an equitable action in accordance with the statutory requirements therefor and in the same manner as provided for water service in Section 11-12-490, et seq., of this Code. The comptroller ~~director of revenue~~ shall execute releases of such liens on behalf of the city upon receipt of payment thereof.

**3-16-020 Definitions.**

When any of the following words or terms are used in this chapter, they shall have the meaning or construction ascribed to them in this section:

A. "City" means the City of Chicago, Illinois.

B. "Department" or "~~department of revenue~~" means the department of finance revenue of the city.

C. "~~Director~~" or "~~director of revenue~~" means ~~the director of revenue of the city.~~

C. D. "Mooring or docking fee" means the consideration paid for the mooring or docking or the right to the mooring or docking of any watercraft, valued in money, whether received in money or otherwise, determined without any deductions whatsoever, but not including any consideration paid for the mooring or docking of a watercraft in the loading or unloading of goods or materials, or the boarding or unboarding of passengers, in the conduct of an interstate transportation business

D. E. "Watercraft" means any boat, vessel or other craft used or capable of being used as a means of transportation on water.

**3-16-030 Tax imposed.**

*(Omitted text is unaffected by this ordinance)*

C. (1) The taxpayer shall pay the tax to the person charging the mooring or docking fee. The tax shall be paid on or before the date the mooring or docking fee is paid.

(2) If the person charging the mooring or docking fee has not collected the tax on behalf of the city, then the taxpayer shall pay the tax directly to the department ~~of revenue~~ on or before the last day of the month following the month in which the docking or mooring fee is paid. The tax payment shall be accompanied by a remittance return on a form prescribed by the comptroller ~~director~~.

**3-16-050 Collection of tax by owners, managers or operators of mooring and docking facilities.**

*(Omitted text is unaffected by this ordinance)*

B. The comptroller ~~director~~ may adopt a rule requiring watercraft owners and operators to obtain a sticker emblem to indicate that the tax has been paid to a tax collector or the department.

C. Every owner, manager, or operator of mooring or docking facilities within the City of Chicago shall file a sworn tax return with the department ~~of revenue~~ showing tax receipts received with respect to mooring and docking fees upon forms prescribed by the comptroller ~~director of revenue~~. All tax returns shall be filed with the department on an annual basis on or before August 15 of each year in accordance with Sections 3-4-186 and 3-4-189 of this Code. All tax remittances shall be made in accordance with either Section 3-4-187 (payment

of actual tax liabilities) or Section 3-4-188 (payment of estimated taxes).

D. Every owner, manager or operator of mooring or docking facilities in the City of Chicago shall keep books and records showing the prices, rents or charges made or charged, and occupancies taxable under this chapter. The ~~comptroller~~ director of revenue, or his or her designate, shall at all reasonable times have full access to said books and records.

E. On behalf of the city, the ~~comptroller~~ director of revenue is authorized to renew any existing agreement for collection of the tax imposed by this chapter, in which case the terms of the agreement shall control over any contrary provisions in subsections A through D of this section.

**3-16-055 Registration.**

A. Every person required to collect the tax imposed by this chapter shall register with the department on a form prescribed by the ~~comptroller~~ director no later than 30 calendar days after becoming subject to tax collection responsibilities.

*(Omitted text is unaffected by this ordinance)*

**3-20-020 Definitions and construction.**

For the purposes of this chapter, when any of the following words or terms are used, they shall have the meaning and construction ascribed to them in this section:

*(Omitted text is unaffected by this ordinance)*

E. "~~Department of revenue~~" or "~~department~~" means the department of finance ~~revenue~~ of the City of Chicago.

F. "~~Director of revenue~~" or "~~director~~" means the ~~director of the department of revenue of the City of Chicago.~~

*(Omitted text is unaffected by this ordinance)*

**3-20-030 Employer's expense tax.**

*(Omitted text is unaffected by this ordinance)*

C. If it is impractical to apportion such work or service aforesaid either because of the peculiar nature thereof or on account of unusual bases of compensation, or for any other similar reason, then the numbers of such individuals attributable to work performed or services rendered in the City of Chicago shall be determined in accordance with rules and regulations adopted or promulgated by the ~~comptroller~~ director of revenue for this purpose, and in furtherance of the purposes of this ordinance. If the ~~comptroller~~ director of revenue determines that the percentage of work attributable to the City of Chicago for any one or more employers is

a relatively stable percentage, then the comptroller director is hereby authorized to establish that percentage as a prima facie percentage of work attributable to the City of Chicago; provided, however, that the comptroller director shall condition the establishment of such fixed percentage upon the obligation of the employer to report immediately to the comptroller director any significant change in his mode of business which might or will have some effect upon the portion of work performed or service attributable to the City of Chicago.

*(Omitted text is unaffected by this ordinance)*

**3-20-050 Payments, returns and extensions of time.**

A. The taxes herein imposed shall become due and payable for the preceding calendar quarter on the last day of the month following said calendar quarter and shall be considered delinquent if not paid on or before such date. Each employer subject to the tax herein imposed shall execute and file an employers' expense tax return, on forms prepared for that purpose by the department ~~of revenue~~, concurrently with the payment of taxes imposed herein.

B. Each employer in the City of Chicago, whether subject to the tax herein imposed or not, shall prepare and maintain at some accessible place within the City of Chicago permanent, just and accurate books, papers and records setting forth the name and address of each commission merchant or employee performing work or rendering services in whole or in part for said employer in the City of Chicago, designating that portion of the work for each such commission merchant or employee attributable to the City of Chicago, plus the aggregate number of all such individuals whose work or service is attributable to the City of Chicago, and such other and further pertinent information as the comptroller director ~~of revenue~~ may require in furtherance of the purposes of this ordinance.

*(Omitted text is unaffected by this ordinance)*

**3-20-070 Duties of the department and comptroller director ~~of revenue~~.**

It shall be the duty of the department ~~of revenue~~ to collect and receive the tax imposed by this ordinance. The department shall keep an accurate and separate account of all such tax payments received by it showing the name and address of the taxpayer and the date of each payment. The comptroller director ~~of revenue~~ is hereby empowered to adopt and promulgate, and to enforce, rules and regulations relating to any matter or thing pertaining to the administration and enforcement of the provisions of this ordinance, including provisions for reexamination, correction and amendment of all returns. The comptroller director, or any agent or employee designated in writing by him, is hereby authorized to examine the books, papers and records of any employer or alleged employer during regular business hours, in order to verify the accuracy of any return made, or if no return was made, to ascertain the tax imposed by this ordinance.

**3-20-080 Registration.**

A. Every employer subject to the tax imposed by this chapter shall, within ten days

after he commences business within the City of Chicago, file in the office of the department of ~~revenue~~ a certificate setting forth the name under which such business is, or is to be, conducted or transacted and the full name or names and address or addresses of the individual or individuals conducting or transacting the same, unless the party so certified is a corporation or trustee, in which event it shall set forth its said principal office or place of business and when and where incorporated or organized. Said certificate shall be executed and duly acknowledged by the person or persons so conducting or intending to conduct said business or by the president or secretary of the corporation, as the case may be.

B. In the event of a change in the identity of an employer, or termination of his operations, a similar certificate setting forth the facts with respect to such change or termination shall be filed in the office of the department of ~~revenue~~ within ten days thereafter.

**3-24-020 Definitions – Construction.**

A. For the purpose of this chapter, whenever any of the following words, terms or definitions are used herein, they shall have the meaning ascribed in this section:

1. "City" means the City of Chicago.
2. "Department of ~~revenue~~" or "~~department~~" means the department of ~~revenue~~ finance of the City of Chicago.

*(Omitted text is unaffected by this ordinance)*

**3-24-040 Tax to be borne by tenant.**

The ultimate incidence of and liability for payment of said tax shall be borne by the lessee or tenant of any such hotel accommodations. The tax herein levied shall be in addition to any and all other taxes. It shall be the duty of every owner, manager or operator of hotel accommodations to secure said tax from the lessee or tenant of said hotel accommodations and pay over to the department of ~~revenue~~ said tax under rules and regulations prescribed by the comptroller ~~director of revenue~~ and as otherwise provided by this chapter.

**3-24-060 Tax return to be filed.**

A. Every owner, manager, or operator of hotel accommodations within the City of Chicago shall file a sworn tax return on a monthly basis with the department of ~~revenue~~ showing tax receipts received with respect to hotel accommodation space rented or leased during the preceding monthly period, upon forms prescribed by the comptroller ~~director of revenue~~. At the time of filing said tax return, the owner, manager or operator of hotel accommodations shall pay to the department of ~~revenue~~ all taxes due for the period to which the tax return applies. The remittance and return shall be due on the last day of the month following the month for which the return and remittance is made.

*(Omitted text is unaffected by this ordinance)*

**3-24-070 Records to be kept.**

Every owner, manager or operator of hotel accommodations in the City of Chicago shall keep books and records showing the prices, rents or charges made or charged, and occupancies taxable under this ordinance. The comptroller director of revenue, or his designate, shall at all reasonable times have full access to said books and records.

**3-27-020 Definitions.**

A. When any of the following words or terms are used in this chapter, they shall have the meanings ascribed to them in this section:

- (1) "City" means City of Chicago, Illinois.
- (2) "Department" or "~~department of revenue~~" means the department of ~~revenue~~ finance of the city.

*(Omitted text is unaffected by this ordinance)*

**3-27-030 Tax imposed.**

*(Omitted text is unaffected by this ordinance)*

B. (1) The tax imposed by this chapter and the obligation to pay the tax is upon the purchaser or user of nontitled tangible personal property. Unless the seller collects the tax pursuant to Section 3-27-080 of this chapter, the purchaser or user shall pay the tax directly to the department in accordance with Section 3-27-070 and any rules or regulations that may be promulgated by the comptroller director.

*(Omitted text is unaffected by this ordinance)*

**3-27-070 Filing returns, tax payments and remittances.**

A. Unless the tax imposed by this chapter has been collected by sellers pursuant to Section 3-27-080, any person who is liable for the tax in an amount greater than the annual tax credit of \$25.00 for any taxable year shall file with the department an annual return and make an annual payment of all applicable tax. The return shall be filed on a form prescribed by the comptroller director, containing such information as the comptroller director may reasonably require.

*(Omitted text is unaffected by this ordinance)*

**3-27-080 Voluntary collection by retailers.**

A. Any seller of nontitled tangible personal property may apply to the comptroller director to collect the tax imposed by this chapter. If the comptroller director approves the application, the seller shall remit to the department any tax collected from purchasers on or before the last day of the calendar month following the month in which the tax is collected.

B. The department shall allow sellers that collect and remit the tax imposed by this



chapter a fee of five percent of tax collected to reimburse them for expenses incurred in connection with collecting and remitting the tax. This fee shall not be allowed for taxes not timely remitted.

C. Any remittance made to the department pursuant to this Section 3-27-080 shall be accompanied by a remittance return on a form prescribed by the comptroller ~~director~~ containing such information as the comptroller ~~director~~ may reasonably require.

*(Omitted text is unaffected by this ordinance)*

### **3-27-100 Rules and regulations.**

The comptroller ~~director~~ is authorized to adopt, promulgate and enforce reasonable rules and regulations pertaining to the administration and enforcement of this chapter.

### **3-28-020 Definitions.**

A. When any of the following words or terms are used in this chapter, they shall have the meaning or construction ascribed to them in this section:

- (1) "City" means the City of Chicago, Illinois.
- (2) "City department" means the department of finance ~~revenue~~ of the city.
- (3) [Reserved] ~~"Director" means the director of revenue of the city.~~

*(Omitted text is unaffected by this ordinance)*

### **3-28-040 Obligation of retailers to file remittances and returns.**

A. On or before the last day of each calendar month, every retailer that either is required to collect or voluntarily collects the tax imposed by this chapter shall file with the city department a remittance return and remit all applicable tax for the preceding calendar month. The return shall be filed on a form prescribed by the comptroller ~~director~~, containing such information as the comptroller ~~director~~ may reasonably require.

*(Omitted text is unaffected by this ordinance)*

### **3-28-060 Obligation of purchasers to file returns and pay tax directly to the city department.**

A. If a retailer does not collect the tax imposed by this chapter from the purchaser, then the purchaser shall file a return on a form prescribed by the comptroller ~~director~~ and pay the tax directly to the city department on or before the last day of the calendar month following the month that the titled personal property was purchased.

*(Omitted text is unaffected by this ordinance)*

### **3-28-070 Registration.**

A. Every retailer that is subject to tax collection responsibilities pursuant to Section

3-28-038(A) of this chapter shall register with the city department on a form prescribed by the comptroller ~~director~~ within 30 days after commencing business.

B. Purchasers of titled personal property shall register with the city department on a form prescribed by the comptroller ~~director~~ within 30 days after incurring \$1,000.00 or more of tax liability during the immediately preceding 12 calendar months.

*(Omitted text is unaffected by this ordinance)*

**3-28-100 Rules and regulations.**

The comptroller ~~director~~ is authorized to adopt, promulgate and enforce reasonable rules and regulations pertaining to the administration and enforcement of this chapter.

**3-29-020 Definitions.**

A. When any of the following words or terms are used in this chapter, they shall have the meaning or construction ascribed to them in this section:

- (1) "City" means the City of Chicago, Illinois.
- (2) "City department" means the department of finance ~~revenue~~ of the city.

*(Omitted text is unaffected by this ordinance)*

**3-29-060 Obligation of taxpayers to file returns and pay tax.**

Every person that is required to pay the tax imposed by this chapter shall file a return on a form prescribed by the comptroller ~~director~~ and pay all applicable tax to the city department or its designee on or before the last day of the calendar month following the month that the motor vehicle was acquired.

**3-29-070 Rules and regulations.**

The comptroller ~~director~~ is authorized to adopt, promulgate and enforce reasonable rules and regulations pertaining to the administration and enforcement of this chapter.

**3-30-020 Definitions.**

A. When any of the following words or terms are used in this chapter, whether or not capitalized, and whether used in a conjunctive or connective form, they shall have the meaning ascribed to them in this section:

1. Beverages shall mean both alcoholic and non-alcoholic beverages.
2. Department shall mean the department of finance ~~revenue~~ of the city.
3. [Reserved] ~~Director shall mean the director of the department of revenue.~~

*(Omitted text is unaffected by this ordinance)*

**3-30-070 Rules and regulations.**

The comptroller ~~director~~ is authorized to adopt, promulgate and enforce rules and

regulations pertaining to the administration and enforcement of this chapter.

**3-32-020 Definitions.**

When any of the following words or terms are used in this chapter, whether or not capitalized and whether or not used in a conjunctive or connective form, they shall have the meaning or construction ascribed to them in this section:

*(Omitted text is unaffected by this ordinance)*

G. "~~Department of revenue~~" or "~~department~~" means the department of finance revenue of the city.

H. Reserved "~~Director of revenue~~" or "~~director~~" means the director of revenue of the city.

*(Omitted text is unaffected by this ordinance)*

**3-32-080 Tax remittance and returns.**

A. (1) On or before the last day of each calendar month, every lessor shall remit to the department the tax attributable to lease or rental payments received during the immediately preceding calendar month and shall file with the department a remittance return. The remittance return shall be in a form prescribed by the comptroller ~~director~~, containing such information as the comptroller ~~director~~ may reasonably require.

*(Omitted text is unaffected by this ordinance)*

**3-32-090 Registration.**

A. Every lessor that maintains an office or principal place of business in the city or that is required to collect the tax imposed by this chapter shall register with the comptroller ~~director~~ within 30 days after establishing an office or principal place of business in the city or becoming subject to tax collection responsibilities, as the case may be.

*(Omitted text is unaffected by this ordinance)*

**3-32-120 Rules and regulations.**

The comptroller ~~director~~ is authorized to adopt, promulgate and enforce rules and regulations pertaining to the administration and enforcement of this chapter.

**3-33-020 Definitions.**

When any of the following words or terms are used in this chapter, whether or not capitalized and whether or not used in a conjunctive or connective form, they shall have the meaning or construction ascribed to them in this section:

*(Omitted text is unaffected by this ordinance)*

- D. ~~"Department of revenue"~~ means the department of finance revenue of the city.
- E. Reserved ~~"Director of revenue"~~ means the director of revenue of the city.

*(Omitted text is unaffected by this ordinance)*

### **3-33-030 Tax imposed.**

*(Omitted text is unaffected by this ordinance)*

F. Pursuant to Section 8-3-19 of the Illinois Municipal Code, 65 ILCS 5/8-3-19, as amended, a supplemental tax at the rate of \$1.50 per \$500.00 of the transfer price, or fraction thereof, shall be imposed on transfers taking place on or after April 1, 2008, for the purpose of providing financial assistance to the Chicago Transit Authority (for purposes of this section, "C.T.A."). This supplemental tax shall be referred to as the "C.T.A. portion" of the Chicago Real Property Transfer Tax, and the tax imposed pursuant to subsection A of this section shall be referred to as the "City portion". The C.T.A. portion shall be paid by the transferor: provided that if the transferor is exempt from the tax solely by operation of state or federal law, then the incidence of the C.T.A. portion of the tax and obligation to pay the C.T.A. portion of the tax shall be upon the purchaser, grantee, assignee or other transferee; and provided further that it shall be unlawful for the transferee to accept a deed or other instrument of transfer if the C.T.A. portion of the tax is owed and has not been paid. If the C.T.A. portion of the tax is owed and has not been paid at the time it is due, then the transferor and transferee shall be jointly and severally liable for the tax, plus interest and penalties, and the real property that is the subject of the transfer shall be subject to the lien provided in Section 3-33-120. Pursuant to an intergovernmental agreement to be entered into between the department of finance revenue (for purposes of this section, "Department") and the C.T.A, the Department shall administer and enforce the C.T.A. portion of the tax. The intergovernmental agreement shall include a reasonable collection fee for the Department, which may be based on a percentage of the gross collections of the C.T.A. portion of the tax. Except as otherwise provided herein, all terms of this chapter and any rules and regulations issued by the Department shall apply to the C.T.A. portion of the tax in the same manner as they apply to the City portion. All amounts of the C.T.A. portion collected, after fees for costs of collection, shall be provided to the C.T.A., as promptly as practicable upon their receipt, as provided in the intergovernmental agreement. The Department shall file a report with the Illinois Department of Revenue each month certifying the amount paid to the C.T.A. in the previous month from the proceeds of the supplemental tax.

### **3-33-040 Payment of the tax.**

A. Except in the case of tax paid pursuant to Section 3-33-100, the tax imposed by this chapter shall be paid by the purchase of tax stamps issued by the department ~~of revenue~~ or its agents.

*(Omitted text is unaffected by this ordinance)*

C. Neither the ~~comptroller~~ director of revenue nor any agent of the ~~comptroller~~ director shall issue tax stamps in connection with a parcel of real property located in the city unless the ~~comptroller~~ director of revenue issues a certificate indicating that, as of the most current billing, all water and sewer assessments relating to the parcel have been paid in full, or (2) a waiver of certification issued pursuant to applicable rules or regulations.

Before control of a property subject to the Illinois Condominium Property Act is transferred from the developer to the board of managers, a certificate of payment shall be obtained from the ~~comptroller~~ director of revenue upon application and payment of an application fee of fifty (50) dollars. Such certificate of payment shall be obtained within 30 days prior to the election of the first unit owner board of managers. The terms used in this section shall have the same meanings as those in the Illinois Condominium Property Act.

Subsequent transfers of a unit within a condominium building shall require a certificate of payment based on the last regularly scheduled reading of that building's water meter and shall be issued subject to the same regulations contained in Section 11-12-530 ~~2-80-057~~.

Where a townhome or condominium development has a single meter and the respective association's assessments include the individual owner's share of the water bill, the ~~comptroller~~ director of revenue may issue a certificate of payment upon application and payment of an application fee of fifty (50) dollars.

D. Neither the ~~comptroller~~ director of revenue nor any agent of the ~~comptroller~~ director shall issue tax stamps in connection with any building, as that term is defined by Section 13-10-010 of this Code, unless there is presented to the department ~~of revenue~~ or its agent either (1) a certificate of registration showing that the building is registered with the department of buildings pursuant to Chapter 13-10 of this Code, or (2) a waiver of registration issued by the building commissioner.

E. Neither the ~~comptroller~~ director of revenue nor any agent of the ~~comptroller~~ director shall issue tax stamps in connection with a parcel of residential property located in the city that is within one or more of the categories specifically described in subsection 3-33-045(A) of this chapter unless there is presented to the department ~~of revenue~~ or its agent either: (1) a valid certificate of zoning compliance issued by the zoning administrator under Section 3-33-045 of this chapter; or (2) evidence that the requirement for a certificate of zoning compliance has been waived by virtue of the failure of the zoning administrator to act within the time periods prescribed in either subsection 3-33-045(D) or subsection 3-33-045(E) of this chapter.

*(Omitted text is unaffected by this ordinance)*

### **3-33-050 Contingent liability.**

If a real property transfer declaration is not filed with the department of revenue as provided by Section 3-33-070, then the transferor shall be liable for any unpaid tax imposed by this chapter on the transferee, together with interest and all applicable penalties, and the transferee shall be liable for any unpaid tax imposed by this chapter on the transferor, together with interest and all applicable penalties.

### **3-33-070 Filing of real property transfer declaration.**

A. At or before the time that the tax imposed by this chapter is due or, in the case of an exempt transfer, at or before the time that the deed, assignment or other instrument of transfer is delivered, there shall be filed with the department of revenue a real property transfer declaration signed by at least one of the transferors and also signed by at least one of the transferees, or by their respective attorneys or agents. The declaration shall be on a form prescribed by the comptroller director, and shall contain such information as the comptroller director may reasonably require. If the property is subject to Section 3-33-045, the declaration shall be accompanied by a certificate of compliance issued by the zoning administrator following a use analysis of the subject property pursuant to that section. An inspection fee for said use analysis is hereby set at \$120.00, payable to the ~~City of Chicago~~ department of revenue. Such fee shall be the responsibility of the transferor.

*(Omitted text is unaffected by this ordinance)*

C. No transfer shall be exempt from the tax imposed by this chapter unless the declaration describes the facts supporting the exemption and is accompanied by such supporting documentation as the comptroller director may reasonably require.

### **3-33-090 Tax stamps.**

A. The comptroller director of revenue shall cause to be printed, in such form and quantities and in such denominations as he or she may from time to time determine, adhesive stamps for the purpose of paying the tax imposed by this chapter. The comptroller director also may appoint one or more agents to sell the stamps.

B. (1) The comptroller director from time to time may provide for the issuance and exclusive use of tax stamps of a new design and forbid the use of stamps of any prior design, but only after giving at least 60 days' notice of the change. The notice shall be published at least three times in one or more daily newspapers of general circulation in the city during the 60-day period before the change takes effect. After the effective date of the change, it shall be unlawful for any person to make use of any other than the new issue or design of stamps to pay the tax imposed by this chapter.

(2) Any person lawfully in possession of unused tax stamps of a superseded issue or design may, not later than 90 days after the effective date of the change, surrender the stamps to the department of revenue together with a sworn application setting forth the name and address of the owner and party surrendering the stamps, how, when and from whom the stamps were acquired and such other information as the department reasonably may require. If

the department determines that the application is in proper order, it promptly shall issue, or authorize an agent to issue, replacement stamps of the new issue or design in exchange for the surrendered stamps.

*(Omitted text is unaffected by this ordinance)*

**3-33-100 Open transactions.**

In the case of a transfer where any part of the transfer price is contingent upon the occurrence of a future event or the attainment of a future level of financial performance, additional tax shall be due at the time each additional amount of consideration is furnished and shall be paid directly to the department ~~of revenue~~. A supplemental real estate transfer declaration shall be filed with the department at the time each tax payment is due.

**3-33-110 Penalties.**

Any transferor or transferee who fails to file with the department ~~of revenue~~ a real property transfer declaration as required by Section 3-33-070 of this chapter, or a supplemental transfer declaration as required by Section 3-33-100 of this chapter, prior to the department issuing a notice of tax audit, investigation or liability in connection with the transfer of title to, or beneficial interest in, real property, shall be subject to a penalty equal to the amount of the applicable tax. This penalty shall be in addition to any tax and interest due, and any negligence or wilfulness penalty provided by Chapter 3-4 of this Code.

**3-33-120 Tax liens.**

*(Omitted text is unaffected by this ordinance)*

C. The city may not commence an action to foreclose upon the lien more than seven years after the transfer giving rise to the tax liability; provided, however, that the running of the seven-year period shall be tolled (1) for the duration of any judicial order enjoining or restraining the city from instituting a foreclosure proceeding, or (2) for the period of time during which any related real property transfer tax assessment is the subject of a department ~~of revenue~~ tax hearing.

**3-33-140 Rules and regulations.**

The ~~comptroller~~ director is authorized to adopt, promulgate and enforce rules and regulations pertaining to the administration and enforcement of this chapter.

**3-40-030 Definitions.**

When used in this ordinance, the following words and phrases shall have the meaning and be construed as hereinafter defined:

“City” means the City of Chicago;

“~~Director~~” or “~~director of revenue~~” means the ~~director of revenue of the city~~;

*(Omitted text is unaffected by this ordinance)*

**3-40-050 Taxpayer's return – Contents.**

A. Every taxpayer shall on a monthly basis file with the comptroller ~~director~~ a return containing the following information:

- (1) Taxpayer's name;
- (2) The address of taxpayer's principal place of business in the city;
- (3) The names and addresses of other taxpayers supplying gas to the taxpayer for resale and the amount of such gas used or consumed and not resold by the taxpayer;
- (4) The names and addresses of all persons to whom the taxpayer supplies gas for resale and the amount of gas supplied to each of them (a) for use or consumption and (b) for resale;
- (5) Taxpayer's gross operating revenue;
- (6) Taxpayer's gross revenue from gas supplied for resale;
- (7) Taxpayer's gross receipts (item (5) less item (6));
- (8) Deductions allowed by law and this ordinance;
- (9) Amount of tax computed on item (7) less item (8);
- (10) Credits on amount of tax (item (9) allowed by law and this ordinance);
- (11) Amount of tax payable with return (item (9) less item (10));
- (12) Such other reasonable information as the comptroller ~~director~~ may require.

Such return and accompanying remittance shall be due on or before the 15th day of the second month following the month for which the return and remittance is made. In making such return the taxpayer shall determine the value of any consideration other than money received by the taxpayer. Such determination shall be subject to review and revision by the comptroller ~~director~~ in the manner hereinafter provided for correction of returns.

If the taxpayer has acquired gas from another taxpayer for use or consumption and for resale, the taxpayer shall, at the end of each billing period to such taxpayer report to the supplier the amount of gas used or consumed and not resold.

*(Omitted text is unaffected by this ordinance)*

**3-40-060 Taxpayer's books and records.**

Every taxpayer shall keep books, records, papers and other documents which are adequate to reflect the information which the taxpayer is required by Section 3-40-050 of this ordinance to report in the return to the comptroller ~~director~~.

If the taxpayer keeps books and records to reflect gross amounts billed for services, and the gross receipts from taxpayer's business are not readily available each month, the comptroller ~~director~~ may permit the taxpayer to make returns and pay taxes on the basis of gross billings. In that event bad debts or uncollectible accounts included in any previous return and tax payment,



actually written off the taxpayer's books and records, are allowed as a deduction from gross billings in the return made for the month in which they are written off. Change to a gross receipts basis of return and payment of taxes may be authorized by the comptroller director at the beginning of a calendar year; provided, that the comptroller director certifies that the taxpayer's books and records have been changed to reflect the gross receipts of the taxpayer's business.

All books and records and other papers and documents required by this ordinance shall be kept in the English language and shall at all times, during business hours of the day, be subject to inspection by the comptroller director or his duly authorized agents and employees.

### **3-40-080 Overpayment of tax – Credit.**

If it shall appear that any amount of tax has been paid which was not due under the provisions of this ordinance, whether as a result of mistake of fact or error of law such amount shall be credited against any tax due or to become due from the taxpayer under this ordinance; provided, that a claim for such credit shall be filed with the comptroller director within one year after the erroneous payment has been made.

### **3-40-160 Definitions.**

When used in this ordinance, the following words and phrases shall have the meaning and be construed as hereinafter defined:

“City” means the City of Chicago;

~~“Director” or “director of revenue” means the director of revenue of the city;~~

*(Omitted text is unaffected by this ordinance)*

### **3-40-180 Taxpayer's return – Contents.**

A. Every taxpayer shall on a monthly basis file with the comptroller director a return containing the following information:

- (1) Taxpayer's name;
- (2) The address of taxpayer's principal place of business in the city;
- (3) The names and addresses of other taxpayers supplying electricity to the taxpayer for resale and the amount of such electricity used or consumed and not resold by the taxpayer;
- (4) The names and addresses of all persons to whom the taxpayer supplies electricity for resale and the amount of electricity supplied to each of them (a) for use or consumption and (b) for resale;
- (5) Taxpayer's gross operating revenue;
- (6) Taxpayer's gross revenue from electricity supplied for resale;
- (7) Taxpayer's gross receipts (item (5) less item (6));
- (8) Deductions allowed by law and this ordinance;
- (9) Amount of tax computed on item (7) less item (8);
- (10) Credits on amount of tax (item (9)) allowed by law and this ordinance;

- (11) Amount of tax payable with return (item (9) less item (10));
- (12) Such other reasonable information as the comptroller director may

require.

Such return and accompanying remittance shall be due on or before the 15th day of the second month following the month for which the return and remittance is made. In making such return the taxpayer shall determine the value of any consideration other than money received by the taxpayer. Such determination shall be subject to review and revision by the comptroller director in the manner hereinafter provided for correction of returns.

If the taxpayer has acquired electricity from another taxpayer for use or consumption and for resale, the taxpayer shall, at the end of each billing period to such taxpayer, report to the supplier the amount of electricity used or consumed and not resold.

*(Omitted text is unaffected by this ordinance)*

### **3-40-190 Taxpayer's books and records.**

Every taxpayer shall keep books, records, papers and other documents which are adequate to reflect the information which the taxpayer is required by Section 3-40-180 of this ordinance to report in the return to the comptroller director.

If the taxpayer keeps books and records to reflect gross amounts billed for services, and the gross receipts from taxpayer's business are not readily available each month, the comptroller director may permit the taxpayer to make returns and pay taxes on the basis of gross billings. In that event bad debts or uncollectible accounts included in any previous return and tax payment, actually written off the taxpayer's books and records, are allowed as a deduction from gross billings in the return made for the month in which they are written off. Change to a gross receipts basis of return and payment of taxes may be authorized by the comptroller director at the beginning of a calendar year; provided, that the comptroller director certifies that the taxpayer's books and records have been changed to reflect the gross receipts of the taxpayer's business.

All books and records and other papers and documents required by this ordinance shall be kept in the English language and shall at all times, during business hours of the day, be subject to inspection by the comptroller director or his duly authorized agents and employees.

### **3-40-210 Franchises.**

No credit on the amount of tax computed by the taxpayer or by the comptroller director shall be allowed to any taxpayer for accrued compensation to the city on taxpayer's gross operating revenue at the rate provided by any subsisting franchise ordinance granting to the taxpayer or the taxpayer's supplier the right, permission and authority to use the streets and public property of the city for construction, maintenance or operation of any plant or equipment used or useful in distributing, supplying, furnishing or selling electricity. The express purpose of this tax is to generate revenue in addition to whatever revenues are established in franchise or

other contractual agreements which are in effect or may come into effect with the taxpayer.

**3-40-220 Overpayment of tax – Credit.**

A. If it shall appear that any amount of tax has been paid which was not due under the provisions of this ordinance, whether as a result of mistake of fact or error of law, such amount shall be credited against any tax due or to become due from the taxpayer under this ordinance; provided that a claim for such credit shall be filed with the comptroller ~~director~~ within one year after the erroneous payment has been made.

*(Omitted text is unaffected by this ordinance)*

**3-40-300 Definitions.**

When used in this ordinance, the following words and phrases shall have the meaning and be construed as hereinafter defined:

“City” means the City of Chicago;

“~~Director~~” or “~~director of revenue~~” means the ~~director of revenue of the city~~;

*(Omitted text is unaffected by this ordinance)*

**3-40-320 Taxpayer’s return – Contents.**

Every taxpayer shall on a monthly basis file with the comptroller ~~director~~ a return containing the following information:

- (1) Taxpayer’s name;
- (2) The address of taxpayer’s principal place of business in the city;
- (3) Taxpayer’s gross receipts;
- (4) Deductions allowed by law and this ordinance;
- (5) Amount of tax computed on Item 3 less Item 4;
- (6) Credits on amount of tax (Item 5) allowed by law and this ordinance;
- (7) Amount of tax payable with return (Item 5 less Item 6);
- (8) Such other reasonable information as the comptroller ~~director~~ may

require.

Such return and accompanying remittance shall be due on or before the 15th day of the second month following the month for which the return and remittance is made. In making such return the taxpayer shall determine the value of any consideration other than money received by the taxpayer and such value shall be included in the return. Such determination shall be subject to review and revision by the comptroller ~~director~~ in the manner hereinafter provided for the correction of returns.

**3-40-330 Taxpayer’s books and records.**

Every taxpayer shall keep books, records, papers and other documents which are adequate to reflect the information which the taxpayer is required by Section 3-40-320 of this ordinance to report in the return to the comptroller ~~director~~.

If the taxpayer keeps books and records to reflect gross amounts billed for services, and the gross receipts from taxpayer's business are not readily available each month, the comptroller director may permit the taxpayer to make returns and pay taxes on the basis of gross billings. In that event bad debts or uncollectible accounts included in any previous return and tax payment, actually written off the taxpayer's books and records, are allowed as a deduction from gross billings in the return made for the month in which they are written off. Change to a gross receipts basis of return and payment of taxes may be authorized by the comptroller director at the beginning of a calendar year; provided, that the comptroller director certifies that the taxpayer's books and records have been changed to reflect the gross receipts of the taxpayer's business.

All books and records and other papers and documents required by this ordinance shall be kept in the English language and shall at all times, during business hours of the day, be subject to inspection by the comptroller director or his duly authorized agents and employees.

### **3-40-350 Overpayment of tax – Credit.**

If it shall appear that any amount of tax has been paid which was not due under the provisions of this ordinance, whether as a result of mistake of fact or error of law, such amount shall be credited against any tax due or to become due from the taxpayer under this ordinance; provided, that a claim for such credit shall be filed with the comptroller director within one year after the erroneous payment has been made.

### **3-40-410 Rules and regulations.**

The comptroller director is authorized to make, promulgate and enforce such reasonable rules and regulations relating to the administration and enforcement of this ordinance as he may deem expedient.

### **3-41-020 Definitions.**

When any of the following words or terms are used in this chapter, it shall have the meaning ascribed to it in this section:

- A. "Chicago occupation tax" means the tax imposed by Chapter 3-40 of this Code on persons engaged in the business of distributing, supplying, furnishing or selling gas.
- B. "City" means the City of Chicago, Illinois.
- C. "Department" or "~~department of revenue~~" means the department of finance revenue of the city.
- D. Reserved "~~Director~~" or "~~director of revenue~~" means the ~~director of revenue of the city.~~

*(Omitted text is unaffected by this ordinance)*

### **3-41-050 Collection of tax.**

A. The comptroller director is authorized to enter into a contract for collection of the tax imposed by this chapter with any public utility providing gas service in the city. The contract

shall include and substantially conform with the following provisions:

*(Omitted text is unaffected by this ordinance)*

**3-41-070 Rules and regulations.**

The comptroller ~~director~~ is authorized to adopt, promulgate and enforce reasonable rules and regulations pertaining to the administration and enforcement of this chapter.

**3-42-010 Definitions.**

For the purpose of this chapter, whenever any of the following words or terms is used herein, it shall have the meaning ascribed to it in this section:

*(Omitted text is unaffected by this ordinance)*

"Department" means the department of finance revenue of the city.

~~"Director of revenue" means the director of revenue of the city.~~

*(Omitted text is unaffected by this ordinance)*

**3-42-020 Tax imposed.**

*(Omitted text is unaffected by this ordinance)*

(b) Except as otherwise provided by Sections 3-42-050 and 3-42-090 of this chapter, the tax shall be paid by the purchase of tax stamps from the department ~~of revenue~~. It shall be the duty of every wholesale tobacco dealer, before delivering or causing to be delivered any cigarettes to a retail tobacco dealer in the City of Chicago, to purchase from the department ~~of revenue~~ a tax stamp for each package of cigarettes and to affix and cancel the tax stamps prior to the delivery of the cigarettes to the retail tobacco dealer. The tax stamps shall be affixed and canceled in the manner prescribed by this chapter or by rules and regulations promulgated by the comptroller ~~director of revenue~~. Any wholesale tobacco dealer lawfully in possession of unused or defective tax stamps may return the stamps to the department ~~of revenue~~ for reimbursement or credit.

*(Omitted text is unaffected by this ordinance)*

(d) It shall be unlawful for any retail tobacco dealer to purchase or receive cigarettes from any person unless the package containing the cigarettes bears an un mutilated tax stamp affixed and canceled as required by this chapter or by the rules and regulations promulgated by the comptroller ~~director of revenue~~. Possession by a retail tobacco dealer of cigarettes having no tax stamp affixed and canceled shall give rise to the prima facie presumption that the cigarettes are possessed in violation of the provisions of this chapter.

**3-42-030 ~~Director of revenue~~ Comptroller authorized to make rules and regulations.**

The ~~comptroller~~ director of revenue may adopt, promulgate, and enforce rules and regulations appropriate to and in furtherance of the purposes of this chapter.

**3-42-040 Tax stamps.**

(a) The ~~comptroller~~ director of revenue shall contract for and furnish tax stamps of such denominations and quantities as may be necessary for the payment of the tax imposed by this chapter, and may, from time to time, provide for the issuance and exclusive use of stamps of a new design and forbid the use of stamps of any other design. The ~~comptroller~~ director of revenue may make arrangements for the method of acquiring and paying for such tax stamps.

(b) The ~~comptroller~~ director of revenue may appoint wholesale tobacco dealers of cigarettes and any other person within or without the city as agents to affix stamps to be used in paying the tax hereby imposed and said agent is hereby authorized to appoint other persons in his employ who are to affix said stamps to any cigarettes under his control in the manner prescribed by the rules and regulations promulgated by the ~~comptroller~~ director of revenue. The ~~comptroller~~ director of revenue may, in his discretion, permit an agent to pay for such stamps within 30 days after the date of sale, consignment or delivery of such stamps to such agent, provided a bond satisfactory to the ~~comptroller~~ director of revenue and approved as to form and legality by the corporation counsel shall be submitted by said agent to the ~~comptroller~~ director of revenue in an amount not less than the par value of such stamps.

(c) The ~~comptroller~~ director of revenue may redeem unused tax stamps lawfully in the possession of any person. No person shall sell or offer for sale any stamp issued under this chapter, except by written permission of the ~~comptroller~~ director of revenue. The ~~comptroller~~ director of revenue may prescribe rules and regulations concerning refunds, sales of stamps and redemption under the provisions of this chapter.

**3-42-050 Returns required after a tax increase.**

(a) Every retail tobacco dealer and every wholesale tobacco dealer, who possesses cigarette packages to which City of Chicago tax stamps are affixed or who possesses unused City of Chicago tax stamps purchased prior to the effective date of a City of Chicago tax increase, shall file with the department, on a form prescribed by the ~~comptroller~~ director, a tax return attesting to the number of city tax stamps in its possession as of the last day prior to the tax increase and pay to the department the amount of tax due as a result of the tax increase.

*(Omitted text is unaffected by this ordinance)*

(e) If the ~~comptroller~~ director determines that a party to whom the penalties in paragraphs (c) and (d) of this section has accrued had reasonable cause for paying late, underpaying the applicable tax, or filing a late or incomplete tax return, then the applicable penalty shall be waived.

(f) The comptroller ~~director~~, or his or her designee, may at any time during the statute of limitations outlined in Section 3-4-120 of this Code, examine the books and records of any party required to file a tax return under this section and may issue a tax determination and assessment to the party as per Section 3-4-160 of this Code if a determination is made that any amount of tax, penalty or interest is due.

*(Omitted text is unaffected by this ordinance)*

### **3-42-060 Inspections.**

The comptroller ~~director of revenue~~, the commissioner of business affairs and consumer protection, or any person authorized by either ~~director~~ may enter the premises of any wholesale or retail tobacco dealer for inspection and examination of property, inventory, books and records for the proper administration of this chapter and enforcement of the collection of the tax imposed. It is unlawful for any person to prevent, hinder or interfere with the comptroller ~~director of revenue~~ or the commissioner of business affairs and consumer protection or their duly authorized deputy or representative in the discharge of his duties in the enforcement of this chapter.

### **3-42-090 Alternate methods of collection.**

Notwithstanding the provisions of Sections 3-42-020(b) and (d), and 3-42-040 of this chapter, the comptroller ~~director of revenue~~ may provide by regulation that the tax imposed by this chapter shall, in the alternative, be collected by means of the issuance and sale of a single tax stamp to be prepared jointly with either or both the Department of Revenue of the State of Illinois and the Department of Revenue of Cook County, evidencing the payment of the tax imposed by this chapter. Toward that end, the comptroller ~~director of revenue~~ may make such arrangements and agreements with the Department of Revenue of the State of Illinois and the Department of Revenue of Cook County as may be required with respect to the method of acquiring, affixing and canceling and the manner of sharing the cost of such joint single tax stamps, and may establish procedures for payment of that portion of the tax revenue collected by or for the Department of Revenue of the State of Illinois and the Department of Revenue of Cook County due and payable to the City of Chicago, in furtherance of the purposes of this chapter. In the event such alternative method as herein provided is utilized, no other method of collecting said tax may be used; however, all other applicable provisions of this chapter shall nevertheless remain in full force and effect.

### **3-42-110 Confiscation of illegal cigarettes.**

(a) As an alternative to the filing of an action in the circuit court, the comptroller ~~director of revenue~~, the commissioner of business affairs and consumer protection, the superintendent of police and their representatives shall have the authority (1) to issue a notice of violation, in accordance with Section 2-14-074, to any cigarette purveyor found in possession of unstamped or improperly stamped cigarette packages in violation of this chapter and (2) to seize and store all unstamped or improperly stamped cigarette packages together with any cigarette-vending machines dispensing those cigarette packages.

If the purveyor is not the owner of the cigarette packages or cigarette-vending machines, within ten days of the issuance of a notice of violation pursuant to subsection (a) of this section, the department of ~~revenue~~ or the commissioner of business affairs and consumer protection shall notify by certified mail the cigarette purveyor and the owner of the cigarette packages or cigarette-vending machines, if the identity of the purveyor and owner is known or reasonably ascertainable, of the date, time and location of a hearing to determine whether the cigarette packages, at the time of issuance of the notice of violation, were unstamped or improperly stamped in violation of the provisions of this chapter. The cigarette-vending machine operator identified on the license emblem placed on the vending machine, pursuant to Section 4-64-100 of this Code, shall be deemed to be an agent of the owner authorized to receive notice under the section.

(b) After issuing a notice of violation, the comptroller ~~director of revenue~~ or the commissioner of business affairs and consumer protection shall institute an action with the department of administrative hearings which shall appoint an administrative law officer who shall conduct the hearing to determine whether the cigarette packages at the time of issuance of the notice of violation, were unstamped or improperly stamped in violation of the provisions of this chapter. If the alleged violation is not contested or the administrative law officer determines by a preponderance of the evidence that any or all of the cigarette packages were unstamped or improperly stamped in violation of the provisions of this chapter, the administrative law officer shall enter an order requiring payment by the cigarette purveyor or the owner of a \$15.00 penalty for each unstamped or improperly stamped package of cigarettes possessed in violation of this chapter, plus fees for the seizure and storage of any seized cigarette packages or cigarette-vending machines, provided that when it is the first violation under this subsection by a cigarette purveyor or owner, the total penalty for such first violation shall not exceed \$1,000.00, regardless of the number of unstamped or improperly stamped cigarette packages seized in such violation. If the administrative law officer determines a violation, all unstamped or improperly stamped cigarette packages seized under this section shall be forfeited to the city and subsequently destroyed or sold at public sale. Any money contained in a cigarette-vending machine seized under this section shall also be forfeited to the city, unless the administrative law officer determines that the evidence presented by the alleged violator at the hearing established that the money was not consideration for unstamped or improperly stamped cigarette packages. The cigarette purveyor and the owner of the unstamped or improperly stamped cigarette packages or cigarette-vending machines shall be jointly and severally liable for sanctions provided by this section.

(c) The comptroller ~~director of revenue~~ or the commissioner of business affairs and consumer protection shall institute an action with the department of administrative hearings which shall appoint a hearing officer who shall conduct the hearing no later than 45 days after the issuance of the notice of violation. If the alleged violation is not contested or the hearing officer determines by a preponderance of the evidence that any or all of the cigarette packages were unstamped or improperly stamped in violation of the provisions of this chapter, the hearing officer shall enter an order requiring payment by the cigarette purveyor or the owner of a \$15.00



penalty for each unstamped or improperly stamped package of cigarettes possessed in violation of this chapter, plus fees for the seizure and storage of any seized cigarette packages or cigarette-vending machines, provided that when it is the first violation under this subsection by a cigarette purveyor or owner, the total penalty for such first violation shall not exceed \$1,000.00, regardless of the number of unstamped or improperly stamped cigarette packages seized in such violation. If the hearing officer determines a violation, all unstamped or improperly stamped cigarette packages seized under this section shall be forfeited to the city and subsequently destroyed or sold at public sale. Any money contained in a cigarette-vending machine seized under this section shall also be forfeited to the city, unless the hearing officer determines that the evidence presented by the alleged violator at the hearing established that the money was not consideration for unstamped or improperly stamped cigarette packages. The cigarette purveyor and the owner of the unstamped or improperly stamped cigarette packages or cigarette-vending machines shall be jointly and severally liable for sanctions provided by this section.

(d) If the administrative law officer determines a violation, any cigarette-vending machine may be reclaimed, provided that the penalty and fees have been paid. After the expiration of the time during which judicial review of the city's actions may be sought, any cigarette-vending machines not so reclaimed may be disposed of by the department of ~~revenue~~ or the commissioner of business affairs and consumer protection as provided by law.

(e) The ~~comptroller~~ ~~director of revenue~~ or the commissioner of business affairs and consumer protection shall have the authority to promulgate rules and regulations setting fees for seizure and daily storage. All fees and penalties imposed pursuant to this section shall constitute debts due and owing the city. The issuance or renewal of any license may be withheld as provided in Section 4-4-150 of this Code, as amended, for such indebtedness.

*(Omitted text is unaffected by this ordinance)*

### **3-43-020 Definitions.**

Whenever any of the following words, terms or phrases are used in this chapter, they shall have the following meanings:

*(Omitted text is unaffected by this ordinance)*

"Department" or "~~department of revenue~~" means the department of finance ~~revenue~~ of the City.

~~"Director" or "director of revenue" means the director of revenue of the City.~~

*(Omitted text is unaffected by this ordinance)*

### **3-43-050 Collection.**

*(Omitted text is unaffected by this ordinance)*

C. If any retailer located in the City shall receive or otherwise obtain bottled water upon which the tax imposed herein has not been collected by any wholesale bottled water dealer, then the retailer shall collect such tax and remit it directly to the department of revenue in accordance with Section 3-43-060 of this chapter.

*(Omitted text is unaffected by this ordinance)*

**3-43-070 Returns and payments required upon implementation of the tax and after future tax rate increases.**

A. On or before January 25, 2008, every retail bottled water dealer shall file with the department, on a form prescribed by the comptroller ~~director~~, a tax return reporting the inventory of bottled water in the retail dealer's possession or control on the effective date of this section. The retail dealer shall include with the tax return any tax due on the inventory of bottled water in its control and possession for which all applicable tax has not been collected. The retail dealer shall in turn collect the tax from its retail purchasers.

B. Every retail bottled water dealer who possesses bottled water purchased prior to the effective date of a Chicago bottled water tax increase shall file with the department, on a form prescribed by the comptroller ~~director~~, a tax return attesting to the quantities of bottled water in its possession as of the last day prior to the tax increase and pay to the department the amount of tax due as a result of each rate increase. The retail dealer shall in turn collect the tax from its retail purchasers. Each such tax return and payment due under this subsection shall be filed and received by the department by the 24th day following the effective date of each tax increase.

*(Omitted text is unaffected by this ordinance)*

D. If the comptroller ~~director~~ determines that a party to whom the penalty in subsection C of this section has accrued had reasonable cause for paying late, underpaying the applicable tax, or filing a late or incomplete tax return, then the applicable penalty shall be waived.

E. The comptroller ~~director~~, or his or her designee, may at any time during the statute of limitations outlined in Section 3-4-120 of this Code, examine the books and records of any party required to file a tax return under this section and may issue a tax determination and assessment to the party as per Section 3-4-160 of this Code if a determination is made that any amount of tax, penalty or interest is due.

*(Omitted text is unaffected by this ordinance)*

**3-43-100 Authority to appoint collection agents.**

The ~~comptroller~~ director may appoint one or more persons within or without the City as collection agents for the tax herein levied.

**3-44-020 Definitions.**

Whenever any of the following words, terms or phrases are used in this chapter, they shall have the following meanings:

- (a) "City" means the City of Chicago, Illinois.
- (b) "Department" or "~~department of revenue~~" means the department of finance ~~revenue~~ of the city.
- (c) Reserved "~~Director~~" or "~~director of revenue~~" means the ~~director of revenue of the~~ city.

*(Omitted text is unaffected by this ordinance)*

**3-44-050 Collection.**

Except as otherwise provided herein, the tax levied herein shall be collected by each wholesale dealer of alcoholic beverages who sells such beverages to a retail dealer of alcoholic beverages located in the City of Chicago.

*(Omitted text is unaffected by this ordinance)*

If any retailer located in the city shall receive or otherwise obtain alcoholic beverages upon which the tax imposed herein has not been collected by any wholesale alcoholic beverage dealer, then the retailer shall collect such tax and remit it directly to the department of ~~revenue~~ within 30 days of the receipt of such alcoholic beverage.

*(Omitted text is unaffected by this ordinance)*

**3-44-060 Report of sales.**

A. Each wholesale alcoholic beverage dealer shall file each month with the department, a sworn report of sales of alcoholic beverages in such form as prescribed and furnished by the department. Each report of sales of alcoholic beverages shall be accompanied by a remittance of the appropriate amount of tax applicable to the sale reported, and such report and tax shall be considered due on or before the 15th day of the month following the month for which the report and remittance is made; provided, however, that for reports and remittances covering December, 1991 and prior months, such reports and remittances shall be due on or before the 45th day from the last day of the month for which the report is filed. Payment of the tax imposed herein shall be made to the ~~City of Chicago~~ department of ~~revenue~~.

*(Omitted text is unaffected by this ordinance)*

**3-44-065 Returns and payments required after a tax increase.**

A. Every retail alcoholic beverage dealer, who possesses alcoholic beverages

purchased prior to the effective date of a Chicago liquor tax increase, shall file with the department, on a form prescribed by the comptroller director, a tax return attesting to the quantities of alcoholic beverages in its possession as of the last day prior to the tax increase and pay to the department the amount of tax due as a result of each rate increase. The retail dealer shall in turn collect the tax from its retail purchasers.

*(Omitted text is unaffected by this ordinance)*

D. If the comptroller director determines that a party to whom the penalty in subsection C of this section has accrued had reasonable cause for paying late, underpaying the applicable tax, or filing a late or incomplete tax return, then the applicable penalty shall be waived.

E. The comptroller director, or his or her designee, may at any time during the statute of limitations outlined in Section 3-4-120 of this Code, examine the books and records of any party required to file a tax return under this section and may issue a tax determination and assessment to the party as per Section 3-4-160 of this Code if a determination is made that any amount of tax, penalty or interest is due.

*(Omitted text is unaffected by this ordinance)*

### **3-45-020 Definitions.**

When any of the following words or terms are used in this chapter, they shall have the meaning ascribed to them in this section:

- A. "City" means the City of Chicago, Illinois.
- B. "City department" means the department of finance revenue of the city.
- C. Reserved "~~Director~~" or "~~director of revenue~~" means ~~the director of revenue of the city.~~

*(Omitted text is unaffected by this ordinance)*

### **3-45-030 Rules and regulations.**

The comptroller director is authorized to adopt, promulgate and enforce rules and regulations pertaining to the administration and enforcement of this chapter.

### **3-45-090 Monthly report of sales and tax remittances.**

A. On or before the last day of each calendar month beginning May, 1994, every soft drink supplier shall file with the city department a sworn report of soft drink syrup and concentrate sales made to retailers during the immediately preceding calendar month. The report shall be in a form prescribed by the comptroller director, containing such information as the comptroller director may reasonably require. Each report of sales shall be accompanied by a remittance of the tax required to be collected by this article.

*(Omitted text is unaffected by this ordinance)*

**3-45-120 Registration.**

A. Every soft drink supplier shall register with the city department on a form prescribed by the comptroller ~~director~~ within 30 days after commencing business. Retail sellers that pay the tax imposed by this chapter directly to the city department on a frequently recurring basis also shall register with the city department.

*(Omitted text is unaffected by this ordinance)*

**3-46-020 Definitions.**

When any of the following words or terms are used in this chapter, they shall have the meaning set forth below:

- A. "Department of business affairs and consumer protection" means the department of business affairs and consumer protection of the City of Chicago.
- B. "Department of revenue" means the department of finance ~~revenue~~ of the City of Chicago.
- C. Reserved ~~"Director" or "director of revenue"~~ means the director of revenue of the City of Chicago.

*(Omitted text is unaffected by this ordinance)*

**3-46-040 Paying the tax and filing returns.**

A. On or before the last day of each calendar month, every person required to pay the tax imposed by this chapter shall file with the department of ~~revenue~~ a tax return and pay all applicable tax attributable to the immediately preceding calendar month. The taxpayer shall file the required return on a form prescribed by the comptroller ~~director~~ and shall provide such information as the comptroller ~~director~~ may reasonably require.

*(Omitted text is unaffected by this ordinance)*

**3-46-065 Underserved areas.**

A. There is hereby created the Underserved Areas Joint Task Force, which shall consist of a designee of the commissioner of business affairs and consumer protection, a designee of the commissioner of housing and economic development, and a designee of the comptroller ~~director of revenue~~. The Joint Task Force shall conduct a study to determine which areas are underserved by ground transportation vehicles and therefore should be designated by the commissioner of business affairs and consumer protection as underserved areas for purposes of the credit available under this section. The Joint Task Force shall make its initial recommendations for such designations to the commissioner of business affairs and consumer protection no later than 120 days after the effective date of this ordinance, and shall make additional recommendations from time to time as service patterns change.

*(Omitted text is unaffected by this ordinance)*

D. Upon audit or investigation of a license holder, any credit claimed by the license holder shall be disallowed unless the license holder presents to the department of revenue logs or other contemporaneous source documents showing the date, time and locations of origin and destination of every taxable trip made during the month in which the credit is claimed. The credit also shall be disallowed for each month that the license holder does not timely file a tax return as required by Section 3-46-040 of this chapter.

E. It shall be unlawful for any person to present to the department of revenue false documentation to support the credit authorized by this section, and such action shall subject the person to the sanctions contained in Section 3-4-310 of this Code.

*(Omitted text is unaffected by this ordinance)*

### **3-46-073 Registration emblems.**

*(Omitted text is unaffected by this ordinance)*

C. The department of business affairs and consumer protection shall not issue a registration emblem to a license holder if the license holder has failed to file with the department of revenue a tax return for any month that it was required to pay the tax imposed by this chapter or if the license holder has failed to pay any tax that has been assessed by the department of revenue, unless:

- (1) The license holder is contesting liability for the tax in a pending administrative or judicial proceeding; or
- (2) The license holder has filed a petition in bankruptcy and the full amount of the tax due to the city is dischargeable in bankruptcy; or
- (3) The license holder has entered into an agreement with the department of revenue for the payment of all the tax and the license holder is in compliance with the agreement.

*(Omitted text is unaffected by this ordinance)*

### **3-46-080 Books and records.**

A. Every person required to pay the tax imposed by this chapter shall keep accurate books and records of its business or activity, including original source documents and books of entry denoting the transaction that gave rise, or may have given rise, to the tax liability or any exemption that may be claimed and the days that such person's ground transportation vehicles were used in the city. All such books and records shall be kept in the English language and, at all times during business hours ~~or~~ of the day, shall be subject to and available for inspection by the department of revenue.

*(Omitted text is unaffected by this ordinance)*

**3-46-090 Rules and regulations.**

The comptroller ~~director~~ is authorized to adopt, promulgate and enforce rules and regulations pertaining to the application, administration and enforcement of the tax imposed by this chapter. To maximize enforcement of the tax imposed by this chapter, the comptroller ~~director~~ may consult and work in conjunction with the commissioner of business affairs and consumer protection.

**3-48-020 Definitions.**

A. For the purposes of this chapter, when any of the following words or terms are used herein they shall have the meaning or construction ascribed to them in this section:

"City" means the City of Chicago, Illinois.

"Daily or weekly basis" includes in addition to its usual and popular meaning, any period of time for which a daily or weekly rate is charged for a lease.

"Department" or "~~department of revenue~~" means the department of finance revenue of the City of Chicago.

~~"Director" or "director of revenue" shall mean the director of revenue of the City of Chicago.~~

*(Omitted text is unaffected by this ordinance)*

**3-48-030 Tax imposed.**

*(Omitted text is unaffected by this ordinance)*

E. Except as provided herein, the lessor shall pay this tax on a monthly basis, with the tax due on motor vehicles leased within the month by the last day of the following month. A remittance return shall accompany each monthly payment. The format of such remittance return shall be prescribed by the comptroller ~~director of revenue~~, and such return shall include the number of motor vehicles leased within that month and any other reasonable information the comptroller ~~director~~ deems necessary. The remittance returns shall be filed and signed by the lessor under penalty as provided in Section ~~3-48-130~~ 3-4-186 of this chapter. The comptroller ~~director~~ may allow a lessor to pay this tax on an annual basis, if the lessor's average monthly tax liability is less than \$20.00, with the tax due for the calendar year by the last day of January of the following year. A remittance form prescribed by the comptroller ~~director of revenue~~, with requirements similar to the monthly remittance return referred to above, shall be signed and filed by the lessor with his annual payment.

*(Omitted text is unaffected by this ordinance)*

**3-48-060 ~~Director~~ Comptroller authority.**

The ~~comptroller~~ director is hereby empowered to adopt, promulgate, and to enforce, rules and regulations relating to any matter or thing pertaining to the administration and enforcement of the provisions of this chapter.

**3-52-010 Title – Definitions.**

A. This chapter shall be known and cited as the "Chicago Vehicle Fuel Tax Ordinance", and the tax imposed herein shall be known and cited as the "Chicago Vehicle Fuel Tax".

B. Whenever used in this chapter, the following words and phrases shall have the following meanings:

1. "City" means the City of Chicago.
2. "Department" or "~~department of revenue~~" means the department of finance revenue of the city.
3. [Reserved] "~~Director~~" or "~~director of revenue~~" means the director of ~~revenue of the department of revenue of the city~~.

*(Omitted text is unaffected by this ordinance)*

**3-52-040 Collection and remittance.**

A. Except as provided in Section 3-52-060 of this chapter, the Chicago Vehicle Fuel Tax shall be collected by each vehicle fuel distributor who sells such fuel to a retail vehicle fuel dealer doing business in the city. Any distributor who shall pay the tax to the city shall collect the tax from any retail dealer to whom the distributor sells vehicle fuel. The retail dealer shall in turn then collect the tax from the purchaser of the vehicle fuel. Any distributor who sells vehicle fuel directly to a purchaser or user, for delivery in Chicago, and not for resale, shall collect the tax from the purchaser or user.

*(Omitted text is unaffected by this ordinance)*

Any tax remittance required to be made directly to the city shall be made to the department of ~~revenue~~ and shall be accompanied by a remittance form prescribed by the department. Any retail dealer, purchaser or user who is required to remit tax directly to the city on a frequently recurring basis shall register with the department on forms prescribed by the department.

*(Omitted text is unaffected by this ordinance)*

**3-52-050 Registration – Return – Filing.**

A. Every vehicle fuel distributor shall register with the department within 30 days after the commencement of such business. Every distributor shall file each month with the department a remittance return, containing a report of his sales of vehicle fuel to retail dealers or users in the city occurring in the prior month. The return shall be in a form prescribed and furnished by the department. Each such return shall be accompanied by a remittance of the



appropriate amount of tax applicable to the sales reported. Payment shall be made to the ~~City of Chicago~~ department of ~~revenue~~. The remittance and return shall be due on or before the last day of the month following the month for which the return and remittance is made.

*(Omitted text is unaffected by this ordinance)*

**3-52-090 Recordkeeping.**

Every distributor and every retail dealer required to collect and remit the tax imposed herein shall keep accurate and complete books and records of his business of selling vehicle fuel, including the maintenance of all invoices and other source documents. Every purchaser or user required to register with the city because of such purchaser's or user's frequently recurring direct tax liability shall keep accurate and complete books and records of his purchases and uses of vehicle fuel in the city, including the maintenance of all invoices and other source documents. All books and records required by this chapter shall be kept in the English language and shall be subject to inspection by the comptroller ~~director~~ or his duly authorized agents or employees, at all times during business hours of the day.

**3-53-010 Definitions.**

As used in this chapter, unless the context otherwise requires:

"City" means the City of Chicago.

"Department" means the department of finance ~~revenue~~ of the city.

~~"Director" or "director of revenue" means the director of revenue of the City.~~

*(Omitted text is unaffected by this ordinance)*

**3-53-040 Tax remittance and return.**

A. Every tax collector shall on a monthly basis file with the department a return in a form prescribed by the comptroller ~~director~~. The return and accompanying remittance shall be due on or before the last day of the month following the month during which the tax is collected or is required to be collected under Section 3-53-030.

B. If the person delivering electricity fails to collect the tax from the purchaser or is excused from collecting the tax under Section 3-53-050, then the purchaser shall file a return in a form prescribed by the comptroller ~~director~~ and pay the tax directly to the department on or before the last day of the month following the month during which the electricity is used or consumed.

*(Omitted text is unaffected by this ordinance)*

**3-53-050 Resales.**

*(Omitted text is unaffected by this ordinance)*

E. (1) If a reseller has acquired electricity partly for use or consumption and

partly for resale, the reseller shall pay the tax imposed by this chapter directly to the department pursuant to subsection B of Section 3-53-040 on the amount of electricity that the reseller uses or consumes, and shall collect the tax pursuant to Section 3-53-030 and remit the tax pursuant to subsection A of Section 3-53-040 on the amount of electricity delivered by the reseller to a purchaser.

(2) Any person who delivers electricity to a reseller having an active resale number and complying with all other conditions of this section shall be excused from collecting and remitting the tax on any portion of the electricity delivered to the reseller, provided that the person reports to the department the total amount of electricity delivered to the reseller and such other information that the comptroller ~~director~~ may reasonably require.

### **3-53-090 Rules and regulations.**

The comptroller ~~director~~ is authorized to adopt, promulgate and enforce reasonable rules and regulations pertaining to the administration and enforcement of this chapter.

### **3-54-020 Definitions.**

As used in the chapter, unless the context clearly requires otherwise:

- A. "City" means the City of Chicago, Illinois.
- B. "Department" means the department of finance ~~revenue~~ of the city.

*(Omitted text is unaffected by this ordinance)*

### **3-54-050 Filing returns and payments by electricity deliverers.**

A. On or before the last day of each calendar month every electricity deliverer required to pay the infrastructure maintenance fee imposed by this chapter shall file with the department a return and shall pay the fee attributable to electricity delivered to purchasers during the preceding calendar month. The return shall be filed on a form prescribed by the comptroller ~~director~~, and shall contain such information as the comptroller ~~director~~ may reasonably require.

*(Omitted text is unaffected by this ordinance)*

### **3-54-060 Resales.**

Whenever amounts are claimed to be excluded from application of the fee as sales for resale, the reseller shall furnish to the electricity deliverer the reseller's resale number obtained under Chapter 3-53 of this Code, and shall furnish the department such other information that the comptroller ~~director~~ may reasonably require. The electricity deliverer shall retain the number with its books and records. A sale that is exempt from the tax imposed under Chapter 3-53 as a sale for resale shall not be exempt from the fee imposed under this chapter unless the sale is a resale as defined in Section 3-54-020, and on such exemption from the fee shall apply to the delivery of electricity to a person who owns, controls or manages, or acts as agent for, a building, buildings or group of customers within the city, where such person distributes the electricity to the occupants of the building or buildings, or to the group of customers.

**3-54-100 Rules and regulations.**

The comptroller ~~director~~ is authorized to adopt, promulgate and enforce rules and regulations ~~regulation~~ pertaining to the administration and enforcement of this chapter.

**3-55-020 Definitions.**

When any of the following words or terms are used in this chapter, whether or not capitalized, and whether used in a conjunctive or connective form, they shall have the meaning ascribed to them below:

(1) "Department" shall mean the department of finance ~~revenue~~ of the city or its authorized designee.

(2) Reserved ~~"Director"~~ shall mean ~~the director of revenue or his or her authorized designee.~~

*(Omitted text is unaffected by this ordinance)*

**3-55-060 Enforcement.**

*(Omitted text is unaffected by this ordinance)*

(b) The comptroller ~~director~~ is hereby authorized to enter into an intergovernmental agreement with the Illinois Department of Revenue, for the Illinois Department of Revenue to collect the fee imposed by this chapter, and to administer and enforce the provisions of this chapter, and pursuant to such terms and conditions as are customary in such agreements.

*(Omitted text is unaffected by this ordinance)*

**3-56-120 Vehicle manufacturers and dealers.**

If any manufacturer or dealer in any of the motor vehicles mentioned in this chapter shall make application to the city clerk and shall state that he is a manufacturer operating a plant for the construction of motor vehicles within the city or dealer in such motor vehicles with a salesroom located within the city and that he desires a wheel tax license emblem to be used by him or it, the city clerk or his designee shall upon payment by such applicant to the comptroller ~~director of revenue~~ of the fee hereinafter set forth issue to such manufacturer or dealer a distinctive wheel tax license emblem with a number thereon. Said emblem must be attached to or borne by any such motor vehicles while being operated on the streets of the city. When any such vehicle is in use and carries such wheel tax license emblem, no other license fee shall be collected under the provisions of this chapter.

*(Omitted text is unaffected by this ordinance)*

**3-56-121 Motor vehicle rental fleet – Payment of wheel tax.**

(a) Notwithstanding any provision of this chapter, the owner of a rental fleet used in the city as well as elsewhere shall purchase wheel tax licenses in accordance with the procedures

of this section. No later than July 15 of each year, the owner of a rental fleet shall file with the city clerk a remittance return in a form approved by the department of finance revenue and, for each category of motor vehicle listed in Section 3-56-050 of this chapter, indicating the owner's Chicago rental revenues, national revenue rentals, and the number of motor vehicles in the owner's fleet. Revenue figures shall be for the most recently completed 12-month period from April 1 to March 31. Fleet size shall be determined as of March 31. The return shall also include, for each category of motor vehicle listed in Section 3-56-050 of this chapter, the net additions to the fleet (number of motor vehicles added to the fleet for any purpose less those disposed of and replaced) during the most recently completed 12-month period from April 1 to March 31 and the number of motor vehicles in the fleet disposed of and replaced during the most recently completed 12-month period from April 1 to March 31. All figures shall be certified by an independent auditor. For each category of motor vehicle listed in Section 3-56-050 of this chapter, the return shall also include the payment for wheel tax licenses for the owner's rental fleet, calculated as follows (the following calculation to be made separately for each category):

*(Omitted text is unaffected by this ordinance)*

(c) Nothing in this section prevents the comptroller ~~director of revenue~~ and the city clerk from disputing any figure provided by a fleet owner. Whenever not inconsistent with the provisions of this section, or when this section is silent, the provisions of the Uniform Revenue Procedures Ordinance, Chapter 3-4 of this Code, shall apply to and supplement this section.

### **3-56-125 Commercial Motor Vehicles—Payment of Wheel Tax.**

*(Omitted text is unaffected by this ordinance)*

(c) Nothing provided in this section shall prevent the comptroller ~~director of revenue~~ and the city clerk from disputing any figure provided by a commercial motor vehicle fleet owner.

*(Omitted text is unaffected by this ordinance)*

### **3-56-135 Right to inspect.**

Members of the police department, ~~investigators~~ parking enforcement aides or agents of the department of finance ~~designated by the comptroller~~ revenue and investigators of the city clerk's office shall have the authority to enter the following places for purposes of ascertaining whether vehicles parked therein are in compliance with this chapter:

- (1) any public garage, as defined in ~~Chapter~~ section 4-232-130;
- (2) with respect to any accessory garage, as defined in section 4-232-130, that allots a percentage of parking spaces to the general public, all areas of such garage where vehicles of the general public may be parked;
- (3) any parking lot that is open to pedestrian traffic.

Nothing in this section authorizes any police officer or investigator to force, break or remove any lock or door in order to gain entry to any of the foregoing places.

**3-56-145 Vehicle tax liability.**

(a) As used in this section:

(1) ~~“Director” means the director of revenue.~~

(2) “Vehicle tax” means the wheel tax license fee required to be paid under this chapter, including any penalties associated with the fee.

(b) The ~~comptroller~~ director shall establish and administer a system whereby the city notifies the Secretary of State of vehicle tax liability and the Secretary of State suspends the registration of vehicles for which the tax has not been paid. The system shall be operated in accordance with Section 3-704.1 of the Illinois Vehicle Code. 625 ILCS 5/3-704.1, as amended. The determination of the ~~comptroller~~ director that the vehicle owner has failed to pay the vehicle tax as required by this chapter shall be prima facie correct, and the protesting party shall have the burden of proving with books, records and other documentary evidence (including, but not limited to, affidavits submitted by the city clerk, or other affidavits) that the determination is incorrect.

(c) The system shall provide for the following:

(1) The ~~comptroller~~ director shall send by first class mail to the vehicle owner at the owner’s address recorded with the secretary of state a first notice for failure to pay a vehicle tax whenever the ~~comptroller~~ director has reasonable cause to believe that the vehicle owner has failed to pay a vehicle tax as required by this chapter. Such reasonable belief may, but need not be, based upon a report from the city clerk stating that the vehicle tax is delinquent. The notice sent to the owner shall include at least the following:

(A) The name and address of the vehicle owner;

(B) The registration plate number of the vehicle;

(C) The period for which the vehicle tax is due;

(D) The amount of vehicle tax that is due;

(E) A statement that the vehicle owner’s registration for the vehicle will be subject to suspension proceedings unless the vehicle owner pays the vehicle tax or successfully contests the owner’s alleged liability within 30 days of the date of the notice;

(F) An explanation of the vehicle owner’s opportunity to be heard under subsection (d).

(2) If a vehicle owner fails to pay the vehicle tax or to contest successfully the owner’s alleged liability within the period specified in the first notice, the ~~comptroller~~ director shall send by first class mail to the vehicle owner at the owner’s address recorded with the secretary of state a second notice of impending registration suspension. The notice shall contain the same information as the first notice, but shall also state that the failure to pay the amount owing, or to contest successfully the alleged liability within 45 days of the second notice, will result in the city’s notification of the secretary of state that the vehicle owner is eligible for the initiation of suspension proceedings under Section 3-704.1 of the Illinois Vehicle Code.

(d) The vehicle owner may file with the comptroller ~~director~~ a request for an opportunity to be heard under this subsection. The owner may contest the alleged liability either through an adjudication by mail or at an administrative hearing, at the option of the vehicle owner. The grounds upon which the liability may be contested shall be limited to the following:

- (1) The alleged vehicle owner does not own the vehicle.
- (2) The vehicle is not subject to the vehicle tax by law.
- (3) The vehicle tax for the period in question has been paid.

At an administrative hearing, the formal or technical rules of evidence shall not apply. Evidence may be admitted if it is a type commonly relied upon by reasonably prudent persons in the conduct of their affairs. The hearing shall be recorded. The person conducting the hearing shall have the power to administer oaths and to secure by subpoena the attendance and testimony of witnesses and the production of relevant documents.

(e) If a vehicle owner who has been sent a first notice of failure to pay a vehicle tax and a second notice of impending failure to pay a vehicle tax and a second notice of impending registration suspension fails to pay the vehicle tax or to contest successfully the vehicle owner's liability within the periods specified in the notices, the comptroller ~~director~~ shall cause a certified report to be sent to the Secretary of State pursuant to this subsection. The report, which shall be certified by the comptroller ~~director~~, shall notify the Secretary of State of the vehicle owner's failure to pay the vehicle tax or related penalties, and shall contain the following:

- (1) the name, last known address and registration plate number of the vehicle of the person who failed to pay the vehicle tax;
- (2) an indication that the report is made by and on behalf of the City of Chicago;
- (3) a statement that the city sent notices as required by subsection (c); the date on which the notices were sent; the address to which the notices were sent; and the date of the hearing, if any.

(f) A person named in a certified report filed with the Secretary of State pursuant to Section 3-704.1 of the Illinois Vehicle Code in accordance with subsection (e) of this section may, within 45 days of the date on the Secretary of State's notice to the person named in the certified report of the possible suspension as required by Section 3-704.1(f) of the Illinois Vehicle Code, file with the comptroller ~~director~~ a written statement and provide books, records and other supporting documentation to challenge the certified report. The grounds for challenging the accuracy of the certified report shall be limited to the following:

- (1) That the city failed to send notices to the alleged vehicle owner as required by Section 3-704.1(b) of the Illinois Vehicle Code.
- (2) That the city failed to indicate the dates on which the notices were sent.
- (3) That the city failed to indicate the date of the hearing, if held.
- (4) That the alleged vehicle owner did not own the vehicle during the relevant tax period.
- (5) That the vehicle is not subject to the vehicle tax by law.
- (6) That vehicle tax for the relevant tax period has been paid.

(g) The ~~comptroller~~ director shall notify the vehicle owner of the ~~comptroller's~~ director's decision. The ~~comptroller~~ director shall also notify the Secretary of State whenever a person named in a certified report has subsequently paid a vehicle tax or whenever the ~~comptroller~~ director determines that the original report was in error. The ~~comptroller~~ director shall also give a certified copy of the notification upon request at no additional charge to the person named in the report.

(h) From time to time, the city treasurer and the city comptroller shall reimburse the Secretary of State for the Secretary's expenses in administering the vehicle suspension program as required by Section 3-704.1 of the Illinois Vehicle Code.

(i) Whenever a certified report is sent to the Secretary of State pursuant to this subsection, the ~~comptroller~~ director shall assess against the vehicle owner a processing fee to reimburse the city for its expenses. The amount of the processing fee shall be \$30.00, plus an amount equal to the amount that the city is required to reimburse the Secretary of State for the Secretary of State's expenses in suspending the vehicle registration of the vehicle owner.

The fee imposed by this subsection shall be imposed only if the vehicle owner's registration is suspended.

### **3-56-150 Penalty.**

Any person who shall take, destroy, remove or obliterate any license tag, plate or emblem provided for in this chapter, without the consent of the owner of the vehicle, shall be fined not less than \$25.00 nor more than \$200.00 for each offense. Every such wrongful destruction, obliteration or removal of such license tag, plate or emblem from any vehicle shall be considered a separate offense. Any person who fails to display the license tag, plate or emblem as required by this chapter shall be fined \$120.00.

Any person violating any provision of this chapter where the penalty is not otherwise herein provided for, shall be fined not less than \$5.00 nor more than \$100.00 for each offense. A separate and distinct offense shall be considered as committed for each and every day any vehicle is used upon the public ways of the city without having procured a license and without having complied with the provisions of this chapter. There shall be a presumption that a vehicle in a location that is accessible only from the public way has been used upon the public way to arrive at such location.

Notwithstanding any other provision of this chapter, persons who reside in the city, register their motor vehicle at a location outside the city and fail to pay the license tax fee imposed by this chapter shall be fined not less than \$200.00 nor more than \$500.00.

### **3-64-020 Definitions.**

For the purposes of this chapter, when any of the following words or terms are used herein they shall have the meaning or construction ascribed to them in this section:

*(Omitted text is unaffected by this ordinance)*

"Department" or "~~department of revenue~~" means the department of finance revenue of the City of Chicago.

~~"Director" or "director of revenue" means the director of revenue of the City of Chicago.~~

*(Omitted text is unaffected by this ordinance)*

**3-64-030 Surcharge imposed.**

A. A surcharge is hereby imposed upon billed subscribers of telecommunications services within the corporate limits of the city other than "wireless communications service" as defined by Section 7-50-010 of this Code. The surcharge shall be imposed at the monthly rate of \$2.50 per voice grade communications channel between a subscriber's premises and the public switched network capable of providing access to the 9-1-1 emergency telephone system; except that where multiple voice grade communications channels are connected between the subscriber's premises and the public switched network through a private branch exchange service (P.B.X.), five surcharges shall be imposed on every such Regular Service provisioned Trunk line leaving the subscriber's premises and 12 surcharges shall be imposed on every Advanced Service provisioned Trunk line leaving the subscriber's premises, and where an Advanced Service Trunk line supports at least two but fewer than twenty- three simultaneous VGCs, a telecommunication carrier may elect to impose fewer than twelve surcharges per such Trunk line as provided in subsection (D) herein; and where multiple voice grade communications channels are connected to the public switched network through a telecommunications carrier's central office centrex-type service, five surcharges shall be imposed on the number of P.B.X. trunk equivalents for such system as determined by a P.B.X. trunk equivalency table based on generally acceptable telecommunications engineering principles and approved by the comptroller ~~director of revenue~~.

*(Omitted text is unaffected by this ordinance)*

**3-64-050 Surcharge collection – Remittance return.**

A. The telecommunications carrier shall collect this surcharge and remit it to the department on a monthly basis, not later than 30 days after it is collected by the carrier, or the last day of the month following the month it was collected by the carrier, whichever occurs later. The remittance return shall be in a form prescribed by the comptroller ~~director of revenue~~ and shall include any information the comptroller ~~director~~ deems necessary. The remittance return shall be filed and signed by an officer or authorized representative of the carrier.

*(Omitted text is unaffected by this ordinance)*

**3-64-080 Director Comptroller– Powers and duties.**

The comptroller ~~director~~ is hereby empowered to adopt, promulgate and enforce rules



and regulations relating in any way to the administration and enforcement of this chapter, including provisions for the reexamination, correction, and amendment of all returns. The comptroller director or any agent or employee designated in writing by him, is hereby authorized to examine the books and records of any taxpayer during regular business hours, in order to verify the accuracy of any return made, or if no return was made to ascertain the surcharge imposed by this chapter, and also may conduct investigations and issue subpoenas to any person in order to accomplish these tasks.

**3-73-020 Definitions.**

When any of the following words or terms are used in this chapter, whether or not capitalized, they shall have the meaning or construction ascribed to them in this section:

*(Omitted text is unaffected by this ordinance)*

(D) "Department" or "~~department of revenue~~" means the department of finance revenue of the city.

(E) Reserved "~~Director~~" or "~~director of revenue~~" means the director of revenue of the city.

*(Omitted text is unaffected by this ordinance)*

**3-73-040 Collection of tax by retailers.**

*(Omitted text is unaffected by this ordinance)*

(B) The comptroller director shall, upon application, authorize the collection of this tax by any retailer not maintaining a place of business in this state who, to the satisfaction of the comptroller director, furnishes adequate security to ensure collection and payment of the tax. Such retailer shall be issued, without charge, a permit to collect the tax imposed by this chapter. When so authorized, it shall be the duty of the retailer to collect the tax upon all of the gross charges for telecommunications originated in the city in the same manner, and subject to the same requirements, as a retailer maintaining a place of business in this state.

*(Omitted text is unaffected by this ordinance)*

**3-73-050 Filing returns and remittances by retailers.**

(A) Every retailer maintaining a place of business in this state and every retailer authorized by the comptroller director to collect the tax imposed by this chapter shall file returns and remit all applicable taxes as provided in this section. The returns shall be filed on forms prescribed by the comptroller director, containing such information as the comptroller director may reasonably require.

*(Omitted text is unaffected by this ordinance)*

**3-73-090 Maintaining books and records.**

Every retailer maintaining a place of business in this state, every retailer authorized by the comptroller ~~director~~ to collect the tax imposed by this chapter and every taxpayer required by Section 3-73-070 to pay the tax directly to the department shall keep accurate books and records of its business or activity, including original source documents and books of entry denoting the transactions that gave rise, or may have given rise, to any tax liability or exemption. All such books and records shall be kept in the English language and, at all times during business hours of the day, shall be subject to and available for inspection by the department.

**3-73-120 Rules and regulations.**

The comptroller ~~director~~ is authorized to adopt, promulgate and enforce rules and regulations pertaining to the administration and enforcement of this chapter.

**SECTION 4.** Title 4 of the Municipal Code of Chicago is hereby amended by renumbering section 4-232-065 as section 4-232-270, by adding the language underscored and by deleting the language struck through, as follows:

**4-32-080 Insurance – Required.**

Prior to the issuance of a board-up company license, each applicant shall furnish a certificate of insurance evidencing commercial general liability insurance with limits of not less than \$300,000.00 per occurrence, combined single limit, for bodily injury and property damage. The insurance policy shall include a provision requiring 30 days notice to the comptroller ~~director of revenue~~ prior to cancellation or lapse of the policy.

*(Omitted text is unaffected by this ordinance)*

**4-60-040 License – Application and issuance procedures.**

*(Omitted text is unaffected by this ordinance)*

(e) When an application is received by the commissioner of business affairs and consumer protection for a liquor license or for an expanded establishment amended liquor license, the commissioner of business affairs and consumer protection shall, within five days thereafter, cause to be published in a daily newspaper of general circulation in the city four times over a two- week period, a notice (i) stating that application has been made for a city retailer’s license for the sale of alcoholic liquor; and (ii) specifying the type of license sought by the applicant, the date the application was filed, the applicant’s name, and the street number and location of the premises covered by the application. The notice shall also state that any objection to the granting of the license shall be made to the local liquor control commissioner, in writing, signed by the objector, within 40 days from the date the license application was filed, and shall set forth the specific grounds of the objection. The publication may contain notice of

more than one application for a license by different persons for different premises. The cost of publishing the notice shall be paid by the applicant. In addition to the required license fee, the ~~comptroller~~ director of revenue shall require the applicant to pay, at the time the license application is filed, a sum sufficient to cover the cost of publication.

*(Omitted text is unaffected by this ordinance)*

**4-64-060 Recordkeeping.**

Every wholesale tobacco dealer shall keep a book in which there shall be made at the time of the transaction a record in English of all sales of cigarettes and in which shall be set forth the name and residential or business address of the purchaser, the date of the transaction, the invoice number, the city retail tobacco dealer's license number of the purchaser, and a description of the cigarettes sold. Said book shall be open at all reasonable times to the inspection of any member of the police force, or any member of the department of business affairs and consumer protection or the department of finance revenue, duly authorized in writing for such purpose by the superintendent of police, or commissioner of business affairs and consumer protection or the ~~comptroller~~ director of revenue.

**4-64-150 Recordkeeping.**

Every retail tobacco dealer shall keep a book in which there shall be made at the time of the transaction a record in English of all purchases of cigarettes and in which shall be set forth the name and address of the place of business of the person from whom purchased, the date of the transaction, the seller's invoice number, the number of the city wholesale tobacco dealer's license of the person from whom purchased, and a description of the cigarettes purchased. The said book and all cigarettes purchased, received or kept for sale by every retail tobacco dealer shall be open at all reasonable times to the inspection of the mayor, any member of the police force, or any member of the department of business affairs and consumer protection or the department of finance revenue, duly authorized in writing for such purpose by the superintendent of police, or commissioner of business affairs and consumer protection or the ~~comptroller~~ director of revenue.

**4-64-160 Purchases from unlicensed wholesalers – Report required.**

In case any retail tobacco dealer purchases cigarettes from any source other than a wholesale tobacco dealer duly licensed by the city, such retail tobacco dealer shall make out and deliver to the department of finance revenue or the department of business affairs and consumer protection within 24 hours after such purchase a report in writing in English setting forth the name and address of the person from whom the purchase was made, the quantity, and the description of the cigarettes purchased.

**4-64-300 Recordkeeping.**

*(Omitted text is unaffected by this ordinance)*

The said book and all cigarettes purchased, received or kept for sale by every cigarette-vending machine operator shall be open at all reasonable times to the inspection of the mayor, any member of the police force, or any member of the department of ~~finance revenue~~ or the department of business affairs and consumer protection duly authorized in writing for such purpose by the superintendent of police or the ~~comptroller commissioner of revenue~~ or the ~~director commissioner~~ of business affairs and consumer protection.

**4-64-340 Revocation and other enforcement provisions.**

*(Omitted text is unaffected by this ordinance)*

(b) The ~~comptroller director of revenue~~, the commissioner of business affairs and consumer protection and the superintendent of police shall have the authority to immediately disable the coin slot of any cigarette-vending machine which is dispensing unstamped cigarettes or which does not have a valid license emblem affixed to it upon notarized affidavit of two investigators of the department of business affairs and consumer protection or the Chicago Police Department attesting to the particular violation. The ~~comptroller director of revenue~~, the commissioner of business affairs and consumer protection or the superintendent of police shall also have the authority to confiscate or remove a cigarette-vending machine which does not have a valid license emblem or which is dispensing unstamped cigarettes.

**4-68-050 License – Fee.**

(a) The annual license fee for an ambulance license shall be as set forth in Section 4-5-010.

(b) Ambulance licenses issued by the department of business affairs and consumer protection which have not expired by October 31, 1997 shall pay a fee for any renewed license effective November 1, 1997 on a pro rata basis of the unused period for the ambulance license issued by the department of ~~finance revenue~~.

*(Omitted text is unaffected by this ordinance)*

**4-64-340 Revocation and other enforcement provisions.**

*(Omitted text is unaffected by this ordinance)*

(b) The ~~comptroller director of revenue~~, the commissioner of business affairs and consumer protection and the superintendent of police shall have the authority to immediately disable the coin slot of any cigarette-vending machine which is dispensing unstamped cigarettes or which does not have a valid license emblem affixed to it upon notarized affidavit of two investigators of the department of business affairs and consumer protection or the Chicago Police Department attesting to the particular violation. The ~~comptroller director of revenue~~, the commissioner of business affairs and consumer protection or the superintendent of police shall also have the authority to confiscate or remove a cigarette-vending machine which does not

have a valid license emblem or which is dispensing unstamped cigarettes.

**4-128-100 Apprentice's permit – Issuance conditions.**

Said building commissioner shall issue such apprentice permit upon the payment of \$25.00 to the comptroller ~~director of revenue~~, if the applicant for the same is not less than 21 years of age and presents to the said building commissioner a letter from a regularly licensed motion picture projection machine operator and the proprietor of some place of amusement or other enterprise regularly licensed to conduct motion picture shows or to operate motion picture projecting machines or devices. The said letter must state that such applicant for a permit, upon the issuance of such permit, will be regularly employed as an apprentice by the person writing such letter. It shall be the duty of said building commissioner to pass on the qualifications of all applicants for permits to act as apprentices to licensed operators.

*(Omitted text is unaffected by this ordinance)*

**4-156-020 Tax imposed.**

*(Omitted text is unaffected by this ordinance)*

C. (1) None of the exemptions contained in subsection B(5) of this section shall apply to a person or privilege unless a written notice of the amusement is filed with the department of finance ~~revenue~~ at least 30 calendar days prior to the amusement or 15 calendar days prior to the date that admission tickets to the amusement are first made available for sale, whichever is earlier. The notice shall be on a form prescribed by the comptroller ~~director of revenue~~, and shall contain all information and materials necessary to permit the department of finance to consider whether the exemption claimed by the applicant is applicable.

(2) Upon the request of the person filing the notice, the department of finance shall indicate within 14 calendar days after receiving the notice whether the claimed exemption does or does not apply, or whether additional information is necessary to make a determination.

*(Omitted text is unaffected by this ordinance)*

**4-156-030 Collection, payment and accounting.**

A. It shall be the joint and several duty of every owner, manager or operator of an amusement or of a place where an amusement is being held, and of every reseller of tickets to an amusement, and of every reseller's agent, to secure from each patron the tax imposed by Section 4-156-020 of this article and to remit the tax to the department of finance ~~revenue~~ not later than the last day of each calendar month for all admission fees or other charges received during the immediately preceding calendar month; provided, however, that a reseller of tickets, and a reseller's agent, shall be required to collect and remit tax to the department of finance only on that portion of the ticket price that exceeds the amount that the reseller paid for the tickets. For purposes of this provision, it shall be presumed that the amount that the reseller paid for the tickets is the face amount of the tickets, unless the taxpayer or tax collector proves otherwise

with books, records or other documentary evidence. A verified statement of admission fees or charges in a form prescribed by the comptroller ~~director of revenue~~ shall accompany each remittance. Acceptance by the city of any amount tendered in payment of the tax shall be without prejudice to any claim, demand or right on account of any deficiency.

B. Every person required to collect and remit the tax imposed by Section 4-156-020 of this article, or pay the tax directly to the department of finance, shall keep accurate books and records of its business or activity, including original source documents and books of entry denoting the transaction that gave rise, or may have given rise, to the tax liability or any exemption that may be claimed. All such books, records and accounts shall be available for inspection by the department of finance at all reasonable times during business hours of the day.

*(Omitted text is unaffected by this ordinance)*

D. Notwithstanding any other provision of this Code, in order to permit sound fiscal planning and budgeting by the city, no person shall be entitled to a refund of, or credit for, either tax imposed by this article unless the person files a claim for refund or credit within one year after the date on which the tax was paid or remitted to the department of finance. This provision shall apply to any claim for credit or refund for which the comptroller ~~director~~ has not issued a final determination as of the effective date of this subsection 4-156-030(D).

E. [Reserved]

F. Notwithstanding subsection A of this Section 4-156-030, a reseller's agent shall not be required to collect the tax imposed by Section 4-156-020 and remit the tax to the department of finance ~~revenue~~, if the reseller provides to the reseller's agent (1) a written verification that the reseller is registered with the department of finance and (2) the tax registration number issued to the reseller by the department of finance. In any other case involving a reseller's agent, the reseller's agent shall be primarily responsible for collecting and remitting the tax, and the reseller shall be responsible for collecting and remitting only if the reseller's agent fails to do so.

G. Notwithstanding any other provision of this chapter, for all periods beginning on or after January 1, 2000, (1) all tax returns shall be filed with the department of finance on an annual basis on or before August 15 of each year in accordance with Sections 3-4-186 and 3-4-189 of this Code, (2) all tax payments and remittances shall be made in accordance with either Section 3-4-187 (payment of actual tax liabilities) or Section 3-4-188 (payment of estimated taxes) and (3) the provisions of Sections 3-4-186, 3-4-187, 3-4-188 and 3-4-189 shall control over any contrary provisions in this chapter regarding the subjects covered by those sections.

#### **4-156-033 Additional tax imposed on sellers of tickets.**

*(Omitted text is unaffected by this ordinance)*

C. Sellers of tickets shall pay the tax imposed by this Section 4-156-033 to the department of finance ~~revenue~~ not later than the last day of the calendar month following the month they receive the service fees or similar charges. A return prescribed by the comptroller ~~director of revenue~~ shall accompany each tax payment. Such sellers of tickets shall keep accurate books and records of their business, including original source documents and books of entry, which shall be made available for inspection by the department of finance at all times during business hours of the day.

D. Notwithstanding any other provision of this chapter, for all periods beginning on or after January 1, 2000, (1) all tax returns shall be filed with the department of finance on an annual basis on or before August 15 of each year in accordance with Sections 3-4-186 and 3-4-189 of this Code, (2) all tax payments shall be made in accordance with either Section 3-4-187 (payment of actual tax liabilities) or Section 3-4-188 (payment of estimated taxes) and (3) the provisions of Sections 3-4-186, 3-4-187, 3-4-188 and 3-4-189 shall control over any contrary provisions in this chapter regarding the subjects covered by those sections.

#### **4-156-034 Rules and regulations.**

The comptroller ~~director of revenue~~ is authorized to adopt, promulgate and enforce rules and regulations pertaining to the interpretation, administration and enforcement of this article, including but not limited to the meaning and scope of the exemptions contained in Section 4-156-020.

#### **4-156-125 Intertrack wagering.**

*(Omitted text is unaffected by this ordinance)*

(b) A one-dollar admission fee is imposed upon each patron of an intertrack wagering location facility located wholly within the corporate boundaries of the city. It shall be the duty of each such intertrack wagering location licensee to collect such admission fee and, within 48 hours of collection, to remit the fees to the board. As provided in Section 27 of the Act, the board shall cause such fees to be distributed to the city. The comptroller ~~director of the department of revenue~~ is authorized and directed to collect such fees as shall be distributed by the board to the city.

#### **4-156-190 Seizure for unlawful use.**

If the mayor, superintendent of police, or the comptroller ~~director of revenue~~, the commissioner of business affairs and consumer protection, the city clerk or their duly authorized enforcement officer shall have a reasonable basis for believing any amusement device is an illegal amusement device, said device or any part or contents thereof may be seized by any duly authorized enforcement official, followed by an administrative hearing with notice to the owner within seven days of such seizure for the purpose of reviewing the appropriateness of the

seizure, and held until such time as the owner of such device pays the delinquent tax, reimburses the department of ~~finance revenue~~, business affairs and consumer protection or the city clerk for actual cartage cost incurred in the seizure and pays to the department of ~~finance revenue~~, business affairs and consumer protection or the city clerk \$20.00 for each day or part of day said device has been in storage. If criminal charges involving the use or condition of the device are pending, the device shall be held until disposition of the criminal charges. If it is determined at the hearing by a preponderance of the evidence that the seized device is not an illegal amusement device, it shall be returned to the owner without charge. If it is determined at the hearing that the automatic amusement device was used for illegal gambling, it shall be destroyed by the city, and all money found within the device at the time of confiscation shall become the property of the city, and shall be used to defray the costs of cartage, notice, storage and hearings. If the owner of the device does not claim the automatic amusement device within 14 days after the mailing of the notice, the device and its contents will be treated as abandoned property and the device will be destroyed.

**4-156-480 Liability for certain additional city services.**

*(Omitted text is unaffected by this ordinance)*

(D) The police department and the office of emergency management and communications shall maintain a record of the hours worked by police officers and by traffic control aides in providing traffic management services related to an event at a qualifying stadium facility. The records shall indicate the date, location and nature of each event; the number of police officers, if any, providing traffic management services related to the event; the total number of hours worked by those police officers; the number of traffic control aides, if any, providing traffic management services related to the event; and the total number of hours worked by those traffic control aides. At the end of each calendar month, the records shall be delivered to the department of ~~finance revenue~~, which shall issue separate bills to each business entity benefiting from traffic services. The business entity shall pay the amount billed no later than 30 days after the date of mailing indicated on the bill. Amounts due under this section shall constitute a debt due and owing the city.

**~~4-232-065~~ ~~4-232-270~~ Licensee's obligation.**

It shall be the duty of every holder of a public garage license to admit representatives of the police department, the department of ~~finance revenue~~ designated by the comptroller and the city clerk's office to the licensed garage for purposes of ascertaining whether vehicles parked therein are in compliance with Chapter 3-56. It shall be the duty of every holder of an accessory garage license that allots a percentage of parking spaces to the general public to admit the foregoing representatives for the foregoing purposes to all areas of such garage where vehicles of the general public may be parked.

**4-236-020 Tax imposed.**



*(Omitted text is unaffected by this ordinance)*

(e) The tax imposed by this chapter shall be paid in addition to any and all other taxes. It shall be the duty of the operator of every parking lot or garage to secure the tax from the recipient of the parking privilege and to remit the tax to the department of finance revenue under procedures prescribed by the comptroller director of revenue or as otherwise provided in this chapter.

*(Omitted text is unaffected by this ordinance)*

(h) The comptroller director of revenue shall promulgate a rule effective February 1, 1995 stating that valet parking operators are required to collect the tax imposed by this chapter, and to remit the tax to the department of finance revenue, when a person pays consideration to them for the privilege of occupying a space on or upon any parking lot or garage; provided, however, that a valet parking operator is not required to collect or remit tax if the valet parking operator or the recipient pays the tax to the person conducting the operation of the parking lot or garage.

**4-236-030 Rules and regulations – Authorized – Publication.**

The comptroller director of revenue is authorized to adopt, promulgate and enforce rules and regulations pertaining to the administration and enforcement of this chapter. Those rules may also be enforced by the commissioner of business affairs and consumer protection.

**4-236-050 Maintenance of records.**

(a) It shall be the duty of every operator to keep accurate and complete books and records to which the comptroller director of revenue or the commissioner of business affairs and consumer protection shall at all times have full access. These books and records shall include all cash register or other receipts and all cash register tapes required by Section 4-236-060 of this chapter, all tickets and voided tags required by Section 4-236-060 and a daily sheet for each location showing (i) the number of motor vehicles parked in or on each lot or garage, segregated on a daily, weekly, monthly, or other basis, and also segregated by the amount of the charge or fee imposed for parking and (ii) the actual parking lot or garage tax receipts collected from all parking transactions.

(b) All books and records required by this section shall be retained for at least four years after the end of the calendar year in which they are created; provided, however, that an operator on an annual basis may request approval from the comptroller director of revenue to discard tickets or tags that were issued more than one year earlier and the comptroller director shall grant such approval if he or she determines that the operator's books and records satisfy the requirements of this chapter.

**4-236-060 Tickets, tags and receipts.**

*(Omitted text is unaffected by this ordinance)*

(g) In order to ensure the sound and efficient administration and enforcement of the tax imposed by this chapter, the comptroller ~~director of revenue~~ by rule may impose recordkeeping, ticket or tag requirements in addition to the requirements contained in this chapter.

**4-236-070 Tax remittance and returns.**

(a) On or before the last day of each calendar month, every operator shall file with the department of finance ~~revenue~~ a remittance return and remit all tax due for the preceding calendar month. The return shall be filed on a form prescribed by the comptroller ~~director of revenue~~, containing such information as the comptroller ~~director of revenue~~ may reasonably require.

(b) In addition to any other information required by the comptroller ~~director of revenue~~, every operator shall report on the remittance return the total amount of charges collected from recipients during the preceding calendar month for the privilege of parking a motor vehicle in or upon a parking lot or garage located in the City of Chicago.

(c) Notwithstanding any other provision of this chapter, for all periods beginning on or after January 1, 2000, (1) all tax returns shall be filed with the department of finance on an annual basis on or before August 15 of each year in accordance with Sections 3-4-186 and 3-4-189 of this Code, (2) all tax remittances shall be made in accordance with either Section 3-4-187 (payment of actual tax liabilities) or Section 3-4-188 (payment of estimated taxes) and (3) the provisions of Sections 3-4-186, 3-4-187, 3-4-188 and 3-4-189 shall control over any contrary provisions in this chapter regarding the subjects covered by those sections.

**4-250-080 Commercial passenger vessels – Responsibility for auditing and use agreements.**

Upon a referral by the commissioner of transportation, the department of finance ~~revenue~~ shall conduct audits to ensure that taxes, fees and other accounts payable by commercial passenger vessel operators to the city are collected in a timely fashion. Notwithstanding any provision of the Municipal Code to the contrary, the department of transportation may, subject to approval of the city council, negotiate and enter into one or more agreements for the use and occupancy of the city-owned real estate along any waterway if such real estate is used exclusively for the purpose of conducting a commercial passenger vessel business. Any agreement entered into in accordance with this section shall be pursuant to a request for proposal. The commissioner of transportation may promulgate and enforce rules or regulations to effectuate the purposes of this section.

**4-260-150 Commercial refuse containers – Permit required.**

*(Omitted text is unaffected by this ordinance)*

(E) Enforcement. This section shall be enforceable by any one of the

following: the commissioner of ~~health the environment~~, the commissioner of streets and sanitation, the commissioner of transportation, the commissioner of business affairs and consumer protection, or the ~~comptroller director of revenue~~, or their respective designees. The commissioner of transportation shall have the authority to promulgate such rules and regulations as the commissioner deems necessary or appropriate for the proper administration and enforcement of this section. The ~~comptroller director of revenue~~ may require that a provider produce such records and other information that the ~~comptroller director~~ considers necessary to determine compliance with this section.

*(Omitted text is unaffected by this ordinance)*

**4-266-040 License and examination fees.**

The fee for the initial license issuance shall be \$130.00 for the first year and \$50.00 for each additional year the license is valid. The renewal license fee shall be \$50.00 for each year the license is valid.

All fees provided for in this chapter shall be paid to the department of finance revenue.

**4-298-050 Registration fee.**

The fee for registration as an elevator mechanic contractor shall be \$35.00 for each year the registration is valid, which sum shall be paid by the applicant to the department of finance revenue in advance upon filing the application. The renewal fee for such registration shall be \$35.00. Any change in the information, including company name, ownership information, and/or change of supervising elevator mechanic, shall require an amended registration. The fee for such amended registration shall be \$35.00.

**4-298-140 Examination and license fees.**

A. The fee for the supervising elevator mechanic's examination shall be \$150.00 and paid to the department of finance revenue prior to the day the examination is taken.

*(Omitted text is unaffected by this ordinance)*

**4-308-020 Payment to city for benefit of fire department.**

Any such corporation, company or association not incorporated under the laws of the State of Illinois which is engaged in the city in effecting fire insurance shall annually pay to the ~~comptroller director of revenue~~ for the maintenance, use and benefit of the fire department of the city a sum of money equal in amount to two percent per annum of the gross receipts received for premiums by any and all agents of any such corporation, company or association during the year ending on the first day of July, for any insurance effected or agreed to be effected in said city by or with any such corporation, company or association during such year.

**4-308-030 Annual report required.**

Every person acting in the city as agent for, or on behalf of, any such corporation, company or association shall, on or before the fifteenth day of July of each year, render to the

~~comptroller director of revenue~~ a full, true and just account, verified by his oath, of all premiums which, during the year ending on the first day of July preceding such report, shall have been received by him, or any other person for him, in behalf of any such corporation, company or association. Such agent shall also at the time of rendering the aforesaid report pay to the ~~comptroller director of revenue~~ the sum of money for which such company, corporation or association represented by him is chargeable, by virtue of the provisions of this chapter.

Such agent, corporation, company or association shall have available original books of entry, records, papers or documents adequate for verification of the correctness of such report which shall be open for examination by the ~~comptroller director of revenue~~ or any of his deputies during office hours.

#### **4-376-060 License – Fee.**

The fee for the examination for the mason contractor's license shall be \$95.00. The license fee for such mason contractor shall be \$500.00 for the first year and \$100.00 for each additional year the license is valid. The renewal fee for such license shall be \$100.00 for each year the license is valid. In addition to the renewal fee, the fee for reinstatement of a lapsed license shall be \$50.00 for each lapsed year. All fees received for examinations and licenses provided for in this chapter shall be paid to the department of ~~finance~~ revenue.

**SECTION 5.** Title 7 of the Municipal Code of Chicago is hereby amended by adding the language underscored and by deleting the language struck through, as follows:

#### **7-12-160 Rabies inoculation certificate.**

Application for such license shall be made to the ~~city clerk~~ director of revenue. Before a license is issued, a certificate of inoculation against rabies for each dog, issued by the county rabies control officer, or by his deputy, or by a licensed veterinarian, shall be submitted to the ~~city clerk~~ director of revenue for examination. No license shall be issued for any dog unless such inoculation certificate bears a date within three years prior to the date of application for license or such other interval as approved by the Department of Agriculture of the State of Illinois. Such certificate shall be returned to the applicant after the current dog license number has been stamped thereon. When applying for a dog license by mail, the certificate of inoculation shall accompany the application. Said certificate shall be returned at the time the license tag is mailed to the applicant.

#### **7-50-010 Definitions.**

For the purposes of this chapter, when any of the following words or terms are used herein they shall have the meaning or construction ascribed to them in this section:

"Board" means the Chicago Emergency Telephone System Board created by chapter 3-64 of this Code.

"Department" or "~~department of revenue~~" means the department of finance ~~revenue~~ of the City of Chicago.

~~"Director" or "director of revenue" means the director of revenue of the City of Chicago.~~

*(Omitted text is unaffected by this ordinance)*

**7-50-030 Fee – Collection and remittance.**

A. Each wireless carrier shall collect the fee imposed by this chapter from its billed subscribers each month, and remit the fee to the department not later than the last day of the month following the month the fee is collected. The fees shall be accompanied by a remittance return which shall be in a form prescribed by the comptroller ~~director~~.

*(Omitted text is unaffected by this ordinance)*

**7-50-070 Administration and enforcement.**

The comptroller ~~director~~ is hereby empowered to adopt, promulgate and enforce rules and regulations pertaining to the administration and enforcement of this chapter.

**SECTION 6.** Title 8 of the Municipal Code of Chicago is hereby amended by adding the language underscored and by deleting the language struck through, as follows:

**8-4-054 Outdoor pay telephones prohibited.**

*(Omitted text is unaffected by this ordinance)*

(d) Whenever the commissioner of business affairs and consumer protection determines that it is not in the public interest for the telephone to remain on private property, or that the telephone may have a deleterious impact on the surrounding neighborhood, the commissioner shall initiate procedures to revoke the certificate of registration for that telephone. A certification by the alderman of the ward in which the telephone is or is to be located setting forth facts establishing that it is not in the public interest for the telephone to remain on private property, or that the telephone has a deleterious impact on the surrounding neighborhood, shall be prima facie evidence that the certificate of registration is subject to revocation or should not be issued under this section. Whenever the commissioner makes such a determination with respect to a telephone for which a certificate of registration has been issued, the commissioner shall attempt to notify the registrant of the determination by mailing a notice to the registered agent or the registrant, and a representative of the City of Chicago may enter upon any private property and may place upon the telephone a notice stating that the certificate of registration is subject to revocation and that the registrant has a right to request a preliminary hearing at which the registrant will be given an opportunity to be heard in opposition to the revocation within seven days of the notice. The preliminary hearing shall be informal and shall provide the registrant with an opportunity to address the reasons for the commissioner's preliminary determination. If no preliminary hearing is requested or if the commissioner determines that there is probable cause for revocation of the certificate of registration after the preliminary hearing, the commissioner shall issue an order requiring the telephone and its appurtenances to be removed within seven days after the order is issued pending a final determination.

~~Telephones that are not timely removed may be removed by a representative of the City of Chicago. The owner of a telephone for which a determination of probable cause for revocation of a certification of registration has been issued may contest such determination by timely removing the telephone and its appurtenances and by filing with the director of revenue a request for a final hearing within 14 days after removal in accordance with rules promulgated with the director. Prior to the exercise of exclusive jurisdiction by the department of administrative hearings in accordance with Section 2-14-190(c) of this Code, if, after a final hearing, the director of revenue determines that it is not in the public interest for the telephone to be located on the private property, or that the telephone has a deleterious impact on the surrounding neighborhood the director shall revoke the certification of registration for that telephone. After the exercise of exclusive jurisdiction by the department of administrative hearings in accordance with Section 2-14-190(c) of this Code, upon receipt of a request for a hearing, the director of revenue shall institute an action with the department of administrative hearings which shall appoint an administrative law officer who shall conduct the hearing and determine whether the certification of registration shall be revoked. Notwithstanding the exercise of exclusive jurisdiction by the department of administrative hearings, if no timely request for a final hearing is made the director of revenue shall revoke the certification of registration for that telephone. No certificate of registration may be issued for a telephone at a zoning lot with respect to which a previous certificate has been revoked for a period of one year after revocation. At the preliminary and the final hearing, the formal or technical rules of evidence shall not apply. Evidence, including hearsay, may be admitted only if it is a type commonly relied upon by reasonably prudent persons in the conduct of their affairs. The director may establish and impose a fee for preliminary and final hearings conducted under this section. The total amount of the fees may not exceed an amount sufficient for the city to recover its costs directly related to the preliminary or final hearings.~~

*(Omitted text is unaffected by this ordinance)*

**SECTION 7.** Title 9 of the Municipal Code of Chicago is hereby amended by adding the language underscored and by deleting the language struck through, as follows:

**9-8-010 Authorized – Compliance required.**

(a) (1) Subject to subsection (a)(2), the commissioner of transportation and the executive director of emergency management and communications are hereby authorized to cause the placement, erection and maintenance of traffic-control devices as provided in the traffic code, as required to make effective the traffic ordinance of the city, and as necessary to guide and warn traffic. The commissioner of transportation and the executive director of emergency management and communications are also authorized to place and maintain temporary traffic-control devices as needed in connection with construction or special events or experimental devices for the purposes of an engineering study; provided, however, such devices shall not be maintained for longer than 180 days without city council approval. Upon the authorization of the commissioner of transportation or the executive director of emergency management and communications, the actual erection, placement and maintenance of any

traffic-control device shall be performed by the appropriate city department or bureau. All traffic-control devices placed and maintained pursuant to the traffic code shall conform to the manual and specifications approved by the State of Illinois Department of Transportation and shall so far as practicable be uniform as to type and location throughout the city. All traffic-control devices so erected and not inconsistent with the provisions of state law or this Code shall be official traffic-control devices.

(2) Subject to Section 9-64-200, the comptroller ~~director of revenue~~ shall have the sole authority to cause or direct the placement, erection and maintenance of parking meters.

*(Omitted text is unaffected by this ordinance)*

Any act involving a traffic-control device that would be a violation of this Code if the device had been authorized or caused to be erected by the commissioner of transportation shall also be a violation of this Code if the act involved: (1) a traffic-control device authorized or caused to be erected by the executive director of emergency management and communications; or (2) a parking meter installed and maintained: (i) by the comptroller ~~director of revenue~~, or (ii) by a person (or such person's designee) acting pursuant to a concession agreement approved by the city council for the operation, maintenance, improvement, installation and removal of, and the collection of fees from, certain designated parking meters.

Any person violating subsections (b) or (c) of this section shall be fined no less than \$90.00 and no more than \$300.00 and may be required to perform reasonable public service.

**9-64-050 Parking restrictions – Parking for persons with disabilities.**

(a) The commissioner of transportation, subject to the approval of city council, is authorized to erect signs on any residential street in an R1, R2, R3, R4 or R5 district to prohibit parking except by vehicles displaying a person with a disability or disabled veterans state registration plate or a person with a disability parking decal or device issued pursuant to Section 3-609, 3-616 or Section 11-1301.2 of the Illinois Vehicle Code. The parking administrator is authorized to determine the specific times and days that the restrictions shall be in effect. Fees for the installation and maintenance of signs erected pursuant to this section shall be \$35.00 for erection of the signs and maintenance for the first year; an annual surcharge of \$3.50 per lineal foot of curb space in excess of 25 feet; and \$12.50 annually for continued maintenance. These fees shall be paid in the same manner as fees charged pursuant to Section ~~9-68-030~~ ~~9-68-03~~; provided, however, that the installation and maintenance fee shall be waived by the comptroller ~~director of revenue~~ for any person holding a valid, current disabled veterans state registration plate.

(b) An application shall be required for an initial authorization and revocable permit for a restricted parking space created pursuant to subsection (e) of this section. The initial application shall be made to either the alderman of the ward in which the sign is being sought or to the department of finance ~~revenue~~. If the application is made to the alderman of the ward, the

office of the alderman shall forward a copy of the application to the department of finance revenue for processing compliant with subsection (d) of this section. If the application is made to the department of finance revenue, the department of finance revenue shall forward a copy of the application to the alderman of the ward in which the sign is being sought.

The department of finance revenue shall collect the required application fee. The application fee requirement may only be waived if the applicant holds a valid, current disabled veterans state registration plate or provides a certification of approval under the Senior Citizens and Disabled Persons Property Tax and Pharmaceutical Assistance Act, 320 ILCS 25/1, et seq., as amended.

*(Omitted text is unaffected by this ordinance)*

An applicant for, or user of, a restricted parking space issued pursuant to subsection (d) of this section shall immediately notify the department of finance revenue of any change in one or more of these conditions (1) through (3).

(c) Subject to subsection (e)(2) of this section, all restricted parking spaces created pursuant to this section shall require approval by a vote of the city council to be effective. Upon receiving an initial application, the alderman of the ward in which the restricted parking space will be located may introduce an ordinance proposing approval of the creation of a restricted parking space. However, the city council shall not take action on the ordinance to create a restricted parking space during the 30 day period required for the comptroller director of revenue to complete the parking study.

(d) After introduction of an ordinance described in subsection (c), the comptroller director of revenue shall arrange for a parking study if:

- (1) the applicant has tendered the required fee for restricted parking, and
- (2) the comptroller director of revenue concludes that the above conditions (1) through (3) of subsection (b) of this section are met and the application is otherwise acceptable.

Such parking study shall be completed within 30 days after the conditions in subsections (d)(1) and (d)(2) are met and shall include a determination regarding the feasibility and, if appropriate, the proposed location of a proposed restricted parking space. The determination shall be based upon the number of restricted parking spaces currently installed on the residential street; the proximity of the requested restricted parking space to crosswalks, curb cuts, alleys, intersections and fire hydrants; and any other information concerning the applicant's needs and local traffic restrictions. The determination may also be based upon the extent of the alternative accessible off-street parking at the applicant's primary residence.

(e) (1) Upon completion of the parking survey and the recommendation that a restricted parking space be installed, the comptroller director of revenue shall inform the



applicant of the proposed location of the proposed parking space and shall report such recommendation to the alderman of the ward in which the restricted parking space will be located and to the city council committee on pedestrian and traffic control and safety. Upon determining that an application for a restricted parking space should not be recommended, the comptroller director of revenue shall provide written notice to the person submitting the application as well as the alderman of the ward in which the application was made. Any person whose application has not been recommended because the city has determined that a restricted parking space cannot be situated in a location accessible to the applicant's primary residence or was not recommended on the basis of the extent of the alternative accessible off-street parking at his or her primary residence may, within ten days of the date of denial, respond in writing to the mayor's office for people with disabilities requesting a review of the findings and stating reasons in support of reconsideration. The mayor's office for people with disabilities shall conduct such review and shall make a determination within 30 days of the date the request for reconsideration was made. The mayor's office for people with disabilities shall report its determination to the comptroller director of revenue, who shall follow, and, if appropriate, reevaluate the application in light of, such determination.

(2) Upon completion of the parking survey and a recommendation by the comptroller director of revenue that a restricted parking space be installed: (1) the comptroller director of revenue is authorized to issue a revocable permit evidenced by a decal indicating the permit number for the restricted parking space; and (2) the commissioner of transportation is authorized to install a sign to prohibit parking except by the applicant; provided that if the proposed ordinance is not passed within four months after its introduction, the permit shall be revoked and the commissioner of transportation shall immediately remove the restricted parking sign. The issuance of the permit and installation of the sign under this subparagraph does not confer any property rights to the applicant and the sign may be removed and the permit may be revoked at any time without consent of the applicant.

(3) Upon approval of the city council of the designation of a restricted parking space under this subsection, the comptroller director of revenue shall issue to the applicant a revocable permit evidenced by decal or other device indicating the permit number for the restricted parking space.

(4) In the event that (1) the department of finance revenue does not recommend the creation of a restricted parking space, (2) a request for review with the mayor's office for people with disabilities is not timely made, (3) a request for review with the mayor's office for people with disabilities is timely made but a determination is issued consistent with the earlier findings of the comptroller director of revenue, and/or (4) the city council fails to approve creation of a restricted parking space, the department of finance revenue shall refund the applicant his or her application fee directly.

(f) If the city determines, as to a pending application, that the applicant has falsely represented any one or more of conditions (1) through (3) of subsection (b) of this section, the applicant shall be subject to a fine of not less than \$100.00 nor more than \$500.00 and the application shall be denied. If the city determines, either at the time of a renewal or at any other time, that a person who applied for and is using a restricted parking space issued pursuant to

subsection (e) of this section is not in compliance with any one or more conditions (1) through (3) of subsection (b) of this section, the ~~comptroller~~ ~~director of revenue~~, 30 days after providing written notice to the person and the alderman of the ward in which application was made or in which the sign was installed, and an opportunity to respond, is authorized to revoke the permit issued under subsection (e) and the restricted parking space, and the commissioner of transportation is authorized to remove the sign designating such parking space. Any person not in compliance with any one or more of conditions (1) through (3) of this section shall be subject to a fine of not less than \$100.00 nor more than \$500.00. In addition, the permit and restricted parking space issued and created under subsection (e) shall be deemed revoked whenever the commissioner of transportation removes the sign for reasons of public convenience or necessity under subsection (d) of 9-68-030.

Upon death of an applicant, there shall be a revocation of the permit issued hereunder, except in the case of a spouse or child of an applicant meeting the qualifications set forth in subsection (b) of this section. Application shall be made pursuant to subsection (b) of this section without additional fees or the removal of existing signs, and the permit shall be reissued to the spouse or child of the decedent subject to subsection (e) of this section.

(g) A renewal fee for a permit and restricted parking space issued and created pursuant to subsection (e) of this section shall be required annually. The renewal fee requirement may only be waived if the applicant holds a valid, current disabled veterans state registration plate or provides a certification of approval under the Senior Citizens and Disabled Persons Property Tax Relief and Pharmaceutical Assistance Act, 320 ILCS 25/1, et seq., as amended. The ~~comptroller~~ ~~director of revenue~~ shall provide written notice of the renewal fee requirement annually to each person using such restricted parking space. Upon a person's failure to submit the required fee in a timely fashion, the ~~comptroller~~ ~~director of revenue~~ shall provide a second written notice to the person and an opportunity to respond. If the fee, along with any prior unpaid fees, is not received by the city within 30 days from the date the second notification is mailed, the ~~comptroller~~ ~~director of revenue~~ is authorized to revoke the permit issued under this section and the restricted parking space, and the commissioner of transportation is authorized to remove the sign designating such restricted parking space.

*(Omitted text is unaffected by this ordinance)*

**9-64-085 Review of existing residential parking permit.**

(a) The ~~comptroller~~ ~~director of revenue~~ shall review, according to a schedule to be determined by the ~~comptroller~~ ~~director~~, all residential parking permit zones created before the effective date of this ordinance that either: (1) are less than three blocks in size, or (2) restrict parking for 24 hours a day.

(b) Upon initiating such a review, the ~~comptroller~~ ~~director of revenue~~ shall notify and solicit comments from each alderman in whose ward part or all of the residential parking permit zone under review is located, and shall also notify the residents in the residential parking

permit zone under review who are holders of the city wheel tax license emblem issued pursuant to Section 3-56-070 of this Code. Such notice shall describe the geographical area and time periods of parking restriction of the zone under review, and shall describe the petition procedure set forth in subsection (c) of this section for voluntary revocation or time period reduction of the zone.

In conducting his review, the comptroller ~~director of revenue~~ shall determine whether:

(1) At least 80 percent of the occupied frontage, at ground level, of each block in the residential parking permit zone under review is in use for residence purposes.

(2) At least 75 percent of available on-street parking in the residential parking permit zone under review is being used during the time periods that parking is restricted, as determined by a parking study.

If the comptroller ~~director~~ concludes that both of the above conditions are met, the comptroller ~~director~~ shall recommend to the city council that the zone be continued. If the comptroller ~~director~~ concludes that both of the above conditions are not met, the comptroller ~~director~~ shall recommend to the city council that the zone be revoked or modified. A vote of the city council shall be required to revoke or modify a residential parking permit zone pursuant to this section.

(c) Subject to the approval of the city council, a residential parking permit zone created before the effective date of this ordinance may be voluntarily revoked by submitting to the comptroller ~~director~~ a petition, requesting revocation of part or all of the zone and signed and dated by at least 51 percent of the residents in the zone who are holders of the city wheel tax license emblem issued pursuant to Section 3-56-070 of this Code. If the petition requests revocation of only part of a residential parking permit zone, the size of the remaining zone must be at least a block, and if more than one block, all blocks in the remaining zone must be contiguous. Any signature on the petition, to be valid, must be dated within a year of the date the petition is submitted to the comptroller ~~director~~.

Subject to the approval of the city council, the time periods that parking is restricted in a residential parking permit zone created before the effective date of this ordinance may be voluntarily reduced by submitting to the comptroller ~~director~~ a petition, requesting a reduction in such time periods and signed and dated by at least 51 percent of the residents in the zone who are holders of the city wheel tax license emblem issued pursuant to Section 3-56-070 of this Code. Any signature on the petition, to be valid, must be dated within a year of the date the petition is submitted to the comptroller ~~director~~.

*(Omitted text is unaffected by this ordinance)*

#### **9-64-090 Residential parking permit.**

(a) Subject to the approval of the city council, the commissioner of transportation is authorized to erect and maintain signs on any block of any residential street in an R1, R2, R3,

R4 or R5 zoning district indicating resident permit parking only when all of the following conditions have been met:

(1) An application, which clearly states the cause(s) of the parking problems creating the need for the proposed residential parking permit zone, and the time periods of parking restriction that are requested (stated in hours, days and months), is submitted to the comptroller ~~director of revenue~~. The application must be accompanied by a petition requesting the proposed residential parking permit zone and signed and dated by at least 65 percent of the residents in the proposed zone who are holders of the city wheel tax license emblem issued pursuant to Section 3-56-070 of this Code. Any signature on the petition, to be valid, must be dated within a year of the date the petition is submitted to the comptroller ~~director~~.

(2) The size of the proposed residential parking permit zone is a minimum of one block, and if more than one block, all blocks in the proposed zone are contiguous.

(3) At least 80 percent of the occupied frontage, at ground level, of each block in the proposed residential parking permit zone is in use for residence purposes.

(4) A parking study determines that at least 45 percent of the vehicles parked in the proposed residential parking permit zone during the time periods requested for the permit are not owned by residents of the proposed zone.

(5) A parking study determines that at least 85 percent of available on-street parking in the proposed residential parking permit zone is occupied during the time periods requested for the permit.

The comptroller ~~director of revenue~~ shall prepare and make available the form of application required by this subsection.

*(Omitted text is unaffected by this ordinance)*

(c) Upon receiving an application for a proposed residential parking permit zone, the comptroller ~~director of revenue~~ shall notify and solicit comments from each alderman in whose ward part or all of the proposed residential parking permit zone will be located, and shall also take such measures as are necessary to determine whether the conditions of subsection (a) of this section have been met. Before approving an application, the comptroller ~~director~~ shall determine the time periods, stated in hours, days and months, when the parking restrictions of the residential parking permit zone shall be effective. Such parking restrictions shall be limited to the times during which the parking study determines the parking problems exist. However, no resident permit parking shall be permitted on any part of a block located on a “Snow Route” that is 50 feet or less from any B or C zoning district in the 44th Ward only. Upon approving an application, the comptroller ~~director~~ shall report his approval to each alderman who previously was notified pursuant to this subsection, and to the city council committee on pedestrian and traffic control and safety. Upon denying an application, the comptroller ~~director~~ shall so notify each alderman who previously was notified pursuant to this subsection, and the person who submitted the application. All residential parking permit zones created pursuant to this section shall require approval by a vote of the city council to be effective. The description of all residential parking permit zones shall be maintained by the city clerk.

*(Omitted text is unaffected by this ordinance)*

(i) Subject to the approval of the city council, a residential parking permit zone created pursuant to this section, or part thereof, shall be revoked upon occurrence of both of the following conditions:

(1) A petition, requesting revocation of part or all of the zone and signed and dated by at least 51 percent of the residents in the zone who are holders of the city wheel tax license emblem issued pursuant to Section 3-56-070 of this Code, is submitted to the comptroller ~~director of revenue~~. If the petition requests revocation of only part of a residential parking permit zone, the size of the remaining zone must be at least a block. Any signature on the petition, to be valid, must be dated within a year of the date the petition is submitted to the comptroller ~~director~~.

(2) A parking study determines that less than 75 percent of available on-street parking in the residential parking permit zone, or part thereof sought to be revoked, is occupied during the time periods that parking is restricted.

Upon receiving a petition for revocation of part or all of a residential parking permit zone, the comptroller ~~director of revenue~~ shall notify and solicit comments from each alderman in whose ward part or all of the residential parking permit zone is located. If the comptroller ~~director~~ concludes that both of the above conditions are met, the comptroller ~~director~~ shall recommend to the city council that the zone be revoked or modified. If the comptroller ~~director~~ concludes that both of the above conditions are not met, the comptroller ~~director~~ shall recommend to the city council that the zone be continued.

*(Omitted text is unaffected by this ordinance)*

#### **9-64-091 Industrial permit parking.**

(a) Owners or managers of industrial businesses may apply to the parking administrator for designation of an industrial permit parking zone that includes the applicant's businesses, in accordance with the procedures set out in this section. The application shall be in form approved and supplied by the parking administrator, and shall include applicable rules and other relevant information. A zone may be established only on streets devoted primarily to industrial use.

*(Omitted text is unaffected by this ordinance)*

The applicants shall circulate application forms to businesses located in the proposed zone. Owners or managers of at least 60 percent of businesses located in the proposed zone must sign the application indicating their consent to industrial parking designation in order for the application to be considered. The application must identify the person or persons circulating it and must be notarized. After presenting the required number of signatures to the parking administrator, the applicant or applicants shall give notice of the proposed industrial permit parking designation in a newspaper of general or local circulation. Proof of notice by

publication must be submitted to the parking administrator. Upon receipt of all requested information, the parking administrator shall notify the departments of finance revenue, transportation and housing and economic development that a representative of one or more businesses have requested designation of industrial permit parking.

Within 60 days after receipt of notification from the parking administrator, the department of finance revenue shall verify the information contained in the petitions and the department of transportation shall analyze the traffic conditions, traffic area impacts within the proposed zone and parking conditions of the proposed zone. Within the same time period, the department of housing and economic development shall analyze the economic or other impact of the zone upon businesses or other institutions located within or adjacent to the zone. The departments of finance revenue, transportation and housing and economic development shall report their findings and any recommendations to the parking administrator.

*(Omitted text is unaffected by this ordinance)*

#### **9-64-160 Curb loading zones.**

*(Omitted text is unaffected by this ordinance)*

(d) The comptroller ~~director of revenue~~ may issue a loading zone permit to the owner or lessee of a passenger vehicle normally used to transport property in the furtherance of a commercial or industrial enterprise in accordance with this subsection. Application for a loading zone permit shall be made to the comptroller ~~director of revenue~~ on forms provided for that purpose. The application shall indicate: the applicant's name, address and occupation; the name, address, telephone number and nature of the commercial or industrial enterprise served by the vehicle; the state license number of the vehicle for which the permit is sought; the types of property typically carried in the vehicle; and such other information as the comptroller ~~director of revenue~~ may require. The applicant shall sign the application and submit it with a semiannual fee of \$125.00. If the applicant is a corporation, the application may be signed by an officer of the applicant; if the applicant is a partnership, a partner may sign the application. If the application discloses that the vehicle meets the requirements of this subsection, the comptroller ~~director of revenue~~ shall issue the loading zone permit. The permit shall include the name of the commercial or industrial enterprise and the state vehicle license of the vehicle. A valid loading zone permit displayed in the lower left corner of the windshield of the vehicle qualifies the vehicle as a commercial vehicle for purposes of subsection (b) of this section. Each permit issued under this subsection shall expire six calendar months after its issuance. No such permit shall be transferable.

#### **9-64-200 Parking meters – Installation and signs.**

(a) The comptroller ~~director of revenue~~ shall cause parking meters to be installed in parking meter zones in such numbers and at such places as established by the city council.

The ~~comptroller~~ ~~director of revenue~~ shall inform the commissioner of transportation about the installation of parking meters, and the commissioner of transportation shall cause signs to be installed and maintained that indicate the area is a parking meter zone or space for those parking meter zones and spaces not subject to a concession agreement approved by the city council for the operation, maintenance, improvement, installation and removal of, and the collection of fees from, certain designated parking meters.

*(Omitted text is unaffected by this ordinance)*

**9-64-205 Parking meter rates.**

Notwithstanding any prior ordinance establishing a different rate, the rates for parking in a parking meter zone or space or a city-owned parking lot comprised of parking meters that are controlled by the Department of ~~Finance~~ ~~Revenue~~ or subject to any concession agreement approved by the city council for operation, maintenance, improvement, installation and removal of and collection of fees from, certain designated parking meters, shall be as follows:

*(Omitted text is unaffected by this ordinance)*

(f) Notwithstanding the above, if, in the determination of the ~~comptroller~~ ~~director of revenue~~, a reduction in the parking meter rates for certain locations of the city would result in more efficient traffic flow or reduction of traffic congestion in that location, the ~~comptroller~~ ~~director~~ may reduce the parking meter rates for that particular location; provided that the reduction shall not be greater than twenty-five percent of the applicable rate for that location.

**9-64-206 Parking meters – Hours of operation.**

Notwithstanding any prior ordinance establishing different hours of operation, the hours of operation for a parking meter shall be as follows:

*(Omitted text is unaffected by this ordinance)*

(d) In city-owned parking lots comprised of parking meters that are controlled by the Department of ~~Finance~~ ~~Revenue~~ or subject to any concession agreement approved by the city council for the operation, maintenance, improvement, installation and removal of and collection of fees from, certain designated parking meters, the parking meters shall operate 24 hours per day, Monday through Sunday.

*(Omitted text is unaffected by this ordinance)*

**9-64-207 Parking meter increments and maximum periods for parking.**

(a) The ~~comptroller~~ ~~director of revenue~~ shall determine the minimum time increment that may be purchased at a parking meter; provided, however, that the minimum time increment shall not be more than twenty minutes.

(b) Notwithstanding any prior ordinance establishing maximum periods that a vehicle may park or stand at a meter, the ~~comptroller~~ ~~director of revenue~~ shall determine and post, or cause to be posted, on the meter the applicable maximum periods that may be purchased at a parking meter.

**9-68-023 Wrigley Field area parking permits – Zone LV2.**

*(Omitted text is unaffected by this ordinance)*

(d) The ~~comptroller~~ ~~director of revenue~~ shall administer the distribution of LV2 resident, residential visitor and business visitor parking permits, without charge, to residents and businesses located within the LV2 night game tow area. LV2 resident parking permits are not transferable and each such permit shall only be valid when affixed to the vehicle to which it was assigned. No LV2 resident parking permit shall be issued to a person owning a vehicle eligible for immobilization pursuant to Section 9-100-120 or other applicable provision of the code. No LV2 resident parking permit shall be issued to a vehicle unless such vehicle also displays a current city sticker. Residents within the LV2 night game tow area may not display visitor permits on their vehicles in lieu of obtaining a current city vehicle sticker.

**9-68-025 Soldier Field area parking permits.**

*(Omitted text is unaffected by this ordinance)*

(e) The ~~comptroller~~ ~~director of revenue~~ shall administer the distribution of Soldier Field area parking permits, without charge, to residents and businesses located within the Program Area. Soldier Field area parking permits are not transferable and each such permit shall only be valid when affixed to the vehicle to which it was assigned. No Soldier Field area parking permit shall be issued to a person owning a vehicle eligible for immobilization pursuant to Section 9-100-120 or other applicable provision of the Code. No Soldier Field area parking permit shall be issued to a vehicle unless such vehicle also displays a wheel tax license emblem. Residents within the Program Area shall not display visitor permits on their vehicles in lieu of obtaining a current wheel tax license emblem.

**9-68-028 Industrial parking permits.**

(a) Upon application and payment of the required fee ~~to the director of revenue, the bureau of parking~~, the ~~comptroller~~ shall issue annual or six-month “Industrial Parking Permit” decals to businesses located in the zone for use on each vehicle used in connection with the businesses. An “Industrial Parking Permit” sticker shall be affixed, in accordance with the instructions printed thereon and without the use of supplemental adhesives, at the lower right-hand corner of the inside of the glass portion of the windshield of a motor vehicle. This permit sticker shall not guarantee or reserve any parking space, nor shall it exempt the holder from the observance of any traffic or parking regulation.



*(Omitted text is unaffected by this ordinance)*

**9-68-050 Temporary disabling or removal of parking meters.**

*(Omitted text is unaffected by this ordinance)*

(c) In addition, if removal of one or more meters is necessary for the permitted work to proceed, the comptroller ~~director of revenue~~ may order temporary removal of the affected parking meters. The permittee shall pay a fee of \$150.00 in advance for the removal and reinstallation of each parking meter, provided, however, that a fee of \$1,000.00 shall be paid for a meter serving multiple spaces.

(d) In the event that a city department temporarily removes or otherwise renders unusable one or more parking meters or metered spaces for a period of six hours or more, the city department shall notify the comptroller ~~director of revenue~~, in a format prescribed by the comptroller ~~director of revenue~~, of the location of the specific parking meter or metered space which was temporarily removed or otherwise rendered unusable. The notification shall be sent within 24 hours of temporarily removing or otherwise rendering unusable the parking meter or metered space.

**9-72-090 Deposits for compliance violations.**

(a) A person issued a notice for a violation of any weight limitations imposed by this chapter, or any term or condition of a permit issued under 9-72-070, shall, upon issuance of the citation, deposit with the city a bond in the form of a money order issued by a money transfer service company which has been approved by the commissioner of business affairs and consumer protection in an amount equal to the minimum fine established for such violation. The money order shall be made payable to the City of Chicago Department of Finance Revenue.

*(Omitted text is unaffected by this ordinance)*

**9-100-010 Purpose – Scope – Adoption of rules and regulations.**

*(Omitted text is unaffected by this ordinance)*

(b) The comptroller ~~director of revenue~~ shall serve ex officio as the city's city traffic compliance administrator and in that capacity is authorized to:

- (i) adopt, distribute, and process parking, compliance and automated red light violation notices and additional notices, collect money paid as fines and penalties for violations of parking, compliance and automated red light ordinances;
- (ii) establish procedures necessary for the prompt, fair and efficient operation of the administrative adjudication system; and
- (iii) adopt rules and regulations pertaining to: the hearing process, the selection and appointment of administrative law officers, the content of forms and procedures,

and the daily operation of the administrative adjudication of parking, compliance and automated red light violations program.

*(Omitted text is unaffected by this ordinance)*

**9-100-070 Adjudication by mail – Procedure.**

*(Omitted text is unaffected by this ordinance)*

(b) The respondent may contest a parking or compliance violation based on one or more of the grounds provided in Section 9-100-060, by mailing to the department of finance ~~revenue~~ the following materials and information: the notice of violation, the full name, address and telephone number(s) of the respondent; the make, model and year of the vehicle; any documentary evidence that rebuts the charge; and a written statement signed by the respondent setting forth facts relevant to establishing a defense to the charge. A photocopy of any documentary evidence submitted by any party shall be accepted as the equivalent of the original document.

*(Omitted text is unaffected by this ordinance)*

**9-100-101 Installment payment plans.**

(a) The traffic compliance administrator may establish a program allowing the payment of parking, compliance, or automated camera penalties, administrative fees, and related collection costs or attorney's fees pursuant to Section 1-19-020 or 1-19-030, in installments under the following conditions:

*(Omitted text is unaffected by this ordinance)*

(3) The minimum initial payment under any installment plan shall be:

(A) For a vehicle owner who is a participant in a qualifying assistance program, the lesser of \$250.00 or 25 percent of the vehicle owner's combined liability for parking, compliance, and automated camera fines and penalties, plus accrued penalties and fees under Section 9-100-120(h) and for immobilization, impoundment, towing and storage to date. The comptroller ~~director of revenue~~ shall waive any administrative fee provided for in subparagraph (a)(2)(B)(IV) if the owner is in a qualifying assistance program and participates in an installment plan. "Qualifying assistance program", for purposes of this section, means any of the following: the Illinois Low-Income Home Energy Assistance Program (L.I.H.E.A.P.); the Housing Subsidy Program For Renters, administered by the United States Department of Housing and Urban Development under the Federal Housing Act of 1937, as amended (Section 8 Program); the Supplemental Security Income Program administered by the United States Social Security Administration (S.S.I.); the Medicaid Program administered by the Illinois Department of Public Aid; the Nutrition Assistance Program administered by the United States Department of Agriculture, Food and Nutrition Service (food stamps); the Temporary

Assistance for Needy Families (TANF) program administered by the United States Department of Health and Human Services, the Special Supplemental Nutrition Program for Women, Infants, and Children (WIC); and any federal or state unemployment compensation system, including, but not limited to, the system of unemployment compensation established under the Illinois Unemployment Insurance Act, as amended. The minimum initial payment amount under this paragraph (a)(3)(A) shall also be available to: high school, college, vocational school or trade school students with a valid school identification card; persons 65 years of age or older; persons who have claimed the Earned Income Tax Credit on their state or federal individual income tax return for the most recent tax year; persons receiving worker's compensation income benefits; active military duty service members, Reservists and the members of the National Guard while on active duty; and persons whose liability for fines and penalties remains after obtaining a bankruptcy discharge; and persons who have received a notice of foreclosure, entered into a consent foreclosure, gave a deed in lieu of foreclosure, or have had a judgment of foreclosure entered, on their primary residence within three years prior to the date of the application for an installment plan pursuant to this section.

*(Omitted text is unaffected by this ordinance)*

**9-101-010 Purpose – Establishment of automated speed enforcement program.**

(a) The purpose of this chapter is to provide for the establishment of an automated speed enforcement system (for purposes of this chapter, the "system"), which shall be administered by the office of emergency management and communications, in consultation with the department of transportation and the department of finance revenue, and enforced through a system of administrative adjudication within the department of administrative hearings.

*(Omitted text is unaffected by this ordinance)*

(d) The office of emergency management and communications, in consultation with the department of transportation, the police department and the department of finance revenue, shall adopt rules and regulations as may be necessary for the proper enforcement and administration of this chapter.

**9-101-020 Speed limit violation.**

(a) The registered owner of record of a vehicle is liable for a violation of this section and a fine of \$90.00 when the vehicle is used in violation of section 9-12-070(a) and that violation is recorded by a system device. A recording of a violation obtained by the System shall be prima facie evidence of a violation of this chapter. It shall be defense to a violation of this section that:

- (1) the operator of the vehicle was issued a uniform traffic citation for a violation of Section 9-12-070(a); or
- (2) the violation occurred at any time during which the vehicle or its state registration plates were reported to a law enforcement agency as having been stolen and the vehicle or its plates had not been recovered by the owner at the time of the alleged violation; or

(3) the vehicle was leased to another, and, within 60 days after the citation was mailed to the owner, the owner submitted to the department of finance revenue the correct name and address of the lessee of the vehicle identified in the citation at the time of the violation, together with a copy of the lease agreement and any additional information as may be required by the department of finance. Where the lessor complies with the provisions of this section, the lessee of the vehicle at the time of the violation shall be deemed to be the owner of the vehicle for purpose of this chapter. The department of finance revenue, within 30 days of being notified by the lessor of the name and address of the lessee, shall mail the lessee a citation which contains the information required under Section 9-100-030. For the purpose of this chapter, the term "leased vehicle" shall be defined as a vehicle in which motor vehicle dealership or manufacturer has pursuant to a written document, vested exclusive possession, use, control, and responsibility of the vehicle to the lessee during the periods the vehicle is operated by or for the lessee.

*(Omitted text is unaffected by this ordinance)*

**9-101-030 Citation notice.**

For each violation of Section 9-12-070(a) recorded by a system device, the department of finance revenue shall mail a citation, within 30 days after receiving information about the registered owner of the vehicle from the secretary of state, to the registered owner of the record of the vehicle used in the commission of the violation. The citation shall include the name and address of the registered owner of the vehicle; the vehicle make, if available and readily discernable, and registration number; the offense charged; the date, time and location of the alleged violation; the detected vehicle speed and the zoned speed limit for the area; the applicable fine and monetary penalty which shall be automatically assessed for late payment; information as to the availability of an administrative hearing in which the citation may be contested on its merits and the time and manner in which such hearing may be had; and that the basis of the citation is a record obtained by the system.

**9-101-040 Grounds for adjudication by mail or administrative hearings.**

A person charged with violating Section 9-12-070(a) recorded by a system device may contest the charge through an adjudication by mail or at an administrative hearing limited to one or more of the following grounds with appropriate evidence to support:

*(Omitted text is unaffected by this ordinance)*

(3) that the vehicle was leased to another, and, within 60 days after the citation was mailed to the owner, the owner submitted to the department of finance revenue the correct name and address of the lessee of the vehicle identified in the citation at the time of the violation, together with a copy of the lease agreement and any additional information as may be required by the department of finance; or

*(Omitted text is unaffected by this ordinance)*

**9-101-060 Notice of final determination.**

(a) If any fine or penalty is owing and unpaid after a determination of the liability under this chapter has become final and the respondent has exhausted or failed to exhaust judicial procedures for review, the department of finance revenue shall cause a notice of final determination of liability to be sent to the respondent in accordance with Section 9-100-050(f).

*(Omitted text is unaffected by this ordinance)*

**9-102-010 Purpose – Establishment of automated red light camera program.**

(a) The purpose of this chapter is to provide for the establishment of an automated red light violation enforcement system which shall be administered by the department of transportation pursuant to powers delegated to that department by the traffic compliance administrator, in consultation with the office of emergency management and communications and the department of finance revenue and enforced through a system of administrative adjudication within the department of administrative hearings.

*(Omitted text is unaffected by this ordinance)*

(d) The department of transportation, the office of emergency management and communications, the police department and the department of finance revenue through the traffic compliance administrator shall adopt rules and regulations as may be necessary for the proper enforcement and administration of this chapter.

**9-102-020 Red light violation.**

(a) The registered owner of record of a vehicle is liable for a violation of this section and the fine set forth in Section 9-100-020 when the vehicle is used in violation of Section 9-8-020(c) or Section 9-16-030(c) and that violation is recorded by a traffic control signal monitoring device as determined by a technician who inspects the recorded image created by the device. A photographic recording of a violation obtained by a traffic control signal monitoring device and that has been inspected by a technician shall be prima facie evidence of a violation of this chapter. It shall be a defense to a violation of this section that:

*(Omitted text is unaffected by this ordinance)*

(3) The vehicle was leased to another, and, within 60 days after the notice was mailed to the owner, the owner submitted to the department of finance revenue the correct name and address of the lessee of the vehicle identified in the notice at the time of the violation, together with a copy of the lease agreement and any additional information as may be required by the department of finance. Where the lessor complies with the provisions of this section, the lessee of the vehicle at the time of the violation shall be deemed to be the owner of the vehicle for purposes of this chapter. The department of finance revenue, within 30 days of being notified by the lessor of the name and address of the lessee, shall mail the lessee a notice which

contains the information required under Section 9-102-030. For the purposes of this chapter, the term "leased vehicle" shall be defined as a vehicle in which a motor vehicle dealership or manufacturer has, pursuant to a written document, vested exclusive possession, use, control and responsibility of the vehicle to the lessee during the periods the vehicle is operated by or for the lessee.

*(Omitted text is unaffected by this ordinance)*

**9-102-040 Grounds for adjudication by mail or administrative hearing.**

A person charged with violating Section 9-8-020(c) or Section 9-16-030(c) recorded by a traffic control signal monitoring device may contest the charge through an adjudication by mail or at an administrative hearing limited to one or more of the following grounds with appropriate evidence to support:

*(Omitted text is unaffected by this ordinance)*

(3) That the vehicle was leased to another, and, within 60 days after the notice was mailed to the owner, the owner submitted to the department of finance revenue the correct name and address of the lessee of the vehicle identified in the notice at the time of the violation, together with a copy of the lease agreement and any additional information as may be required by the department of finance; or

*(Omitted text is unaffected by this ordinance)*

**9-102-060 Notice of final determination.**

(a) If any fine or penalty is owing and unpaid after a determination of liability under this chapter has become final and the respondent has exhausted or failed to exhaust judicial procedures for review, the department of finance revenue shall cause a notice of final determination of liability to be sent to the respondent in accordance with Section 9-100-050(f).

*(Omitted text is unaffected by this ordinance)*

**9-105-010 Purpose – Establishment of street sweeper camera program.**

(a) The purpose of this chapter is to provide for the establishment of an automated street cleaning enforcement system which shall be administered by the department of streets and sanitation, in consultation with the department of finance revenue, and enforced through a system of administrative adjudication within the department of administrative hearings.

*(Omitted text is unaffected by this ordinance)*

(c) The departments of streets and sanitation and finance revenue through the traffic compliance administrator shall adopt rules and regulations as may be necessary for the proper enforcement and administration of this chapter.

**9-105-040 Grounds for adjudication by mail or administrative hearing.**

A person charged with violating Section 9-64-040 recorded by a street sweeper camera may contest the charge through an adjudication by mail or at an administrative hearing limited to one or more of the following grounds with appropriate evidence to support and if supported by adequate evidence provided by the contestant, one or more of the following grounds shall be a defense to a violation of Section 9-64-040 recorded by a street sweeper camera:

*(Omitted text is unaffected by this ordinance)*

(3) The vehicle was leased to another and, (i) within 60 days after the violation notice was received by the owner, the owner submitted to the department of finance revenue the correct name and address of the lessee of the vehicle identified in the violation notice at the time of the violation; or (ii) the violation notice was received by the owner more than 120 days after the alleged violation. Where the lessor complies with the provisions of this section, the lessee of the vehicle at the time of the violation shall be deemed to be the owner of the vehicle for purposes of this chapter. The department of finance revenue, within 30 days of being notified by the lessor of the name and address of the lessee, shall mail the lessee a violation notice which contains the information required under Section 9-105-030. For the purposes of this chapter, the term "leased vehicle" shall be defined as a vehicle in which a motor vehicle dealership or manufacturer has, pursuant to a written document, vested exclusive possession, use, control and responsibility of the vehicle to the lessee during the periods the vehicle is operated by or for the lessee; or

*(Omitted text is unaffected by this ordinance)*

**9-105-060 Notice of final determination.**

(a) If any fine or penalty is owing and unpaid after a determination of liability under this chapter has become final and the respondent has exhausted or failed to exhaust judicial procedures for review, the department of finance revenue shall cause a notice of final determination of liability to be sent to the respondent in accordance with subsection (f) of Section 9-100-050 of this Code.

*(Omitted text is unaffected by this ordinance)*

**9-112-280 Revocation of license – Additional reasons.**

In the event that the commissioner, after investigation and hearing, shall determine that any licensee has obtained any public passenger vehicle license by fraud or false representation or willful misstatement of material fact, or in case any licensee shall fail to carry out any representation made to the commissioner before the issuance of such license, or shall willfully make any material misstatement of fact on any statement filed with the commissioner, or shall willfully make any material misstatement of fact on any statement filed with the comptroller director of revenue or the department of business affairs and consumer protection in connection with the administration of any tax levied against the licensee, or if any licensee shall operate, or

cause or suffer to be operated, any public passenger vehicle in violation of the provisions of this chapter or of the rules and regulations of the commissioner relating to the administration and enforcement of the provisions of this chapter, or if the licensee shall be convicted of a felony, or in the case of a corporate licensee if any officer or director shall be convicted of a felony, unless the licensee shall sever its relationship with any such officer or director immediately upon his conviction, or if the licensee has obtained his license pursuant to a foreclosure of a security interest without having provided the commissioner with the information required under Section 9-112-320(f)(2), the commissioner may institute proceedings with the department of administrative hearings seeking to revoke any or all public passenger vehicle licenses, or other licenses issued pursuant to this chapter, held by such licensee.

**SECTION 8.** Title 10 of the Municipal Code of Chicago is hereby amended by adding the language underscored and by deleting the language struck through, as follows:

**10-8-450 Mixing concrete.**

It shall be unlawful for any person to mix any dry or wet concrete, cement or plaster of any kind or description upon the surface of any public way. This provision shall not apply to the department of finance ~~revenue~~, or its designated agent, for the operation, maintenance, improvement, installation, or removal of parking meters, or to any person (or such person's designee) acting pursuant to any concession agreement with the city governing the operation, installation, improvement, removal and maintenance of, and the collection of fees from, certain designated parking meters.

**10-20-125 Letter of credit – Conditions for draw.**

(a) Upon the happening of all three of the following numbered subparagraphs:

*(Omitted text is unaffected by this ordinance)*

(3) after receiving notice, the licensee does not remit funds sufficient to cover the deficiency in restoration fee or the City of Chicago's required expenditures within 45 days of receipt of the notice, or does not correct the problem or problems within a time period specified by the commissioner of transportation, then the commissioner of transportation may draw upon that licensee's letter of credit in such amounts as are sufficient to cover the deficiency, or cover the City of Chicago's cost of correcting the problem or problems, in accordance with the standards and requirements of this article and other applicable provisions of this Code. In the event such a draw results in insufficient funds, the comptroller ~~director of revenue~~ shall collect the amount of the shortfall from that licensee.

(b) Upon the happening of all four of the following numbered subparagraphs:

*(Omitted text is unaffected by this ordinance)*

(4) after receiving notice, that licensee does not remit the demanded funds



within 45 days of receipt of the notice, then the commissioner of transportation may draw upon that licensee's letter of credit in such amounts as are sufficient to cover the City of Chicago's cost of correcting the problem or problems in accordance with the standards and requirements of this article and other applicable provisions of this Code. In the event such a draw results in insufficient funds, the comptroller ~~director of revenue~~ shall collect the amount of the shortfall from that licensee.

*(Omitted text is unaffected by this ordinance)*

**10-20-150 Permit – Fees – Issuance.**

*(Omitted text is unaffected by this ordinance)*

(b) Unless the commissioner of transportation determines that circumstances warrant the opening or repairing of pavement, no permit shall be issued for:

*(Omitted text is unaffected by this ordinance)*

When determining whether circumstances warrant the opening or repair of pavement under this subsection, the commissioner of transportation shall consider, in addition to other reasonable factors, whether the work to be performed constitutes an ~~commissioner~~ of emergency repair; whether there is no other reasonable access available to perform the work; and whether the work will provide a public benefit.

*(Omitted text is unaffected by this ordinance)*

(f) In order for a permit to be issued, the comptroller ~~director of revenue~~ shall collect the amount of both the permit fee and any applicable restoration fee. Where the opening, construction or repair is required to perform underground work to facilitate a city or state project or the repair of damage caused by city forces, the payment of permit fees shall be waived.

*(Omitted text is unaffected by this ordinance)*

**10-20-155 Pavement restoration.**

*(Omitted text is unaffected by this ordinance)*

(b) Immediately after the completion of the work done pursuant to the permit, the permittee shall forthwith restore any pavement or other materials displaced by reason of the work, and shall restore the surface of any public way or other public place which may be opened or otherwise disturbed; provided, however, that a permittee shall only be obliged to restore a bituminous surface if the permittee has not remitted to the comptroller ~~director of revenue~~ the

restoration fee assessed pursuant to this article. All of this work shall be done to the satisfaction of the commissioner of transportation, in accordance with public way restoration standards. These standards shall be in the form of regulations promulgated by the commissioner of transportation.

*(Omitted text is unaffected by this ordinance)*

**10-20-390 Definitions.**

For purposes of this article, the following definitions shall apply:

“Commercial driveway” means any Class B driveway as specified in section 10-20-420 of this Code.

“Commissioner” means the city’s commissioner of transportation.

~~“Director” means the city’s director of revenue.~~

*(Omitted text is unaffected by this ordinance)*

**10-20-420 Permit classes and fees.**

*(Omitted text is unaffected by this ordinance)*

(d) Any driveway permit fee, along with any associated interest and penalty imposed in accordance with Section 10-20-450 of this Code, shall be paid to the department of finance ~~revenue~~.

(e) Driveway permit fees shall be paid and driveway permits shall be renewed as provided by rules and regulations promulgated by the comptroller ~~director~~.

**10-28-792 Permit required.**

It shall be unlawful for any person to erect, locate, construct or maintain any refuse compactor or grease container on the public way or any other unenclosed property owned or controlled by the City of Chicago without obtaining a permit therefor from the commissioner of streets and sanitation as hereinafter provided. Notwithstanding any other provision of this municipal code, such permit is the only authorization required for placement of a refuse compactor or grease container on the public way. There shall be no permit fee or application fee for a permit for a refuse compactor or a grease container on the public way. The administration of city permits for use of the public way for refuse compactors or grease containers obtained prior to the effective date of this ordinance shall be transferred ~~from the department of revenue~~ to the department of streets and sanitation. Such permittees shall receive notice that no annual fees shall be due to the city. The requirements of this article do not include those refuse compactors or grease containers installed on private property. The commissioner or his designee may grant a waiver or variance from this requirement at his discretion, pursuant to standards created through the promulgation of rules and regulations.

Any refuse compactor or grease container on the public way authorized pursuant to this

section shall not require the issuance of a public way use permit pursuant to Section 10-28-010.

**SECTION 9.** Title 11 of the Municipal Code of Chicago is hereby amended by adding the language underscored and by deleting the language struck through, as follows:

**11-4-190 Payment and disposition of fees and fines.**

All fees, fines or penalties prescribed for the issuance of permits, licenses or certificates or for the inspection of premises or equipment, or for the regulation of liquid waste and construction or demolition debris, under any provision of this chapter, shall be paid to the commissioner, or to the comptroller ~~director of revenue~~, who shall render to the person making such payment a receipt stating the amount and purpose for which such fee or penalty has been paid. All fees and penalties thus received shall be deposited with the city comptroller for the corporate fund; provided however, that the fees and fines collected pursuant to Section 11-4-140 shall be deposited in the special fund known as the “liquid waste management fund”, as described in Section 11-4-150; and that the fees and fines collected pursuant to Section 11-4-1961 shall be deposited in the special fund known as the “construction/demolition debris management fund”, as described in Section 11-4-1961.

**11-12-220 Metered and unmetered service for same premises.**

The commissioner shall not permit any building, structure or premises which is or are controlled by meter to have in any portion thereof a pipe connected with the city waterworks system which is not also controlled by meter.

If it shall be found that any portion of such building, structure or premises is not controlled by meter, the owner, agent or person in possession, charge or control thereof shall be notified to bring such portion under meter control within ten days from date of such notice, and upon failure to do so, the supply of water shall be shut off. The commissioner shall assess the amount due for the water service used in violation of the provisions of this section and the cost and expense of cutting off or stopping such water supply and advise the comptroller ~~director of revenue~~ of the total amount assessed. No water service shall be turned on until the total amount assessed, and any late charges or other charges authorized by this code are paid, as determined by the comptroller ~~director of revenue~~.

**11-12-290 Temporary use of water.**

*(Omitted text is unaffected by this ordinance)*

The amount to be charged for the use of water for such temporary or other purposes, when the quantity of water used or to be used shall have been estimated by the commissioner, shall be paid in advance to the department of finance ~~revenue~~ by the person desiring to use such water at the rates herein fixed for such use. Provided, however, that this section shall not apply to water used to perform work in connection with the issuance of a building permit.

**11-12-310 Metered service.**

*(Omitted text is unaffected by this ordinance)*

Payments shall be made to the department of finance revenue, or its his agent, or by any other means established by the department of finance revenue. A late payment penalty assessed at a monthly rate of one and one-fourth percent shall be imposed on all water charges in excess of \$10.00 for which payment in full is not received within 24 calendar days from the date the bill therefor was sent as shown by the records of the department of finance revenue. Where the correctness of a bill is disputed and where complaint of such incorrectness has been made prior to the time a late penalty would be imposed, and where the adjusting of such complaint requires additional time, the penalty may be held in abeyance up to and including the tenth day succeeding the resending of such bill. The late payment penalty established pursuant to this section shall not be imposed upon persons who are 65 years or older, who own and reside in their own residence and who have a separate water meter or water assessment.

*(Omitted text is unaffected by this ordinance)*

**11-12-420 Payment of nonmetered charges.**

The water rates or charges as herein or hereafter established, except where the water supply is controlled by meter, shall be billed and paid in advance in such time periods as established by the comptroller director of revenue.

A late payment penalty assessed at a monthly rate of one and one-fourth percent shall be imposed on all water charges for which payment in full is not received within 24 calendar days from the date the bill therefor was sent, as shown by the records of the department of finance revenue.

*(Omitted text is unaffected by this ordinance)*

**11-12-486 Report on water shutoffs.**

On or before February 1 of each year, the commissioner and comptroller director of revenue shall submit a report to the committee on finance and the committee on the budget and government operations concerning water shutoffs for non-payment of delinquent accounts during the prior calendar year. The report shall indicate the number of shutoffs for each of the following types of uses:

*(Omitted text is unaffected by this ordinance)*

**11-12-490 Enforcement of lien.**

*(Omitted text is unaffected by this ordinance)*

The claim for lien shall be verified by affidavit of the ~~comptroller~~ director of revenue and shall consist of a brief statement of the nature of the claim including: (1) that water was furnished or water service installed or disconnected by the city; (2) a description of the premises or real property sufficient for identification upon or for which the water has been furnished or water service was installed or disconnected; (3) the quantity of water so furnished if registered by meter, or the amount of the charges for the installation or disconnection of the water service; (4) that such water was furnished at rates and charges fixed by assessment or such charges for installation or disconnection of water service were fixed as provided by ordinance if not registered by meter; (5) the amount or amounts of money due therefor; (6) the dates when such amount or amounts became due and payable; and (7) the date of mailing the notice as hereinbefore provided.

**11-12-700 Deposit.**

The applicant shall make a deposit to the ~~comptroller~~ director of revenue in such amount of money as the commissioner may request when filing the application to insure the prompt payment of the city's water bills and any other expense to the city by reason of the furnishing of such service.

**SECTION 10.** Title 13 of the Municipal Code of Chicago is hereby amended by adding the language underscored and by deleting the language struck through, as follows:

**13-8-070 Disclosure of violations – Notice – Records – Investigation or inspection report – Certificate of results – Fee.**

When an investigation or investigations, whether upon complaint or otherwise, disclose the existence of a violation or violations of the building provisions of this Code, that are likely to endanger life and safety in cases of this fire, panic, or other accident, or endanger or impair the health of any occupants of any building, structure or place covered by the regulations of this Code, the buildings commissioner shall give notice in writing to an owner, agent or registered agent, occupant, lessee or person in possession or control of such building, structure, premises or place to make such changes, alterations or repairs, or to perform such work, or to take such action as the provisions of the Code, or the safety or health of any person may require within such time as shall be designated by the building commissioner, which shall in no event exceed 15 days after the service of such notice unless the commissioner deems a longer period necessary and reasonable.

*(Omitted text is unaffected by this ordinance)*

The fee for said certificate shall be payable to the ~~comptroller~~ director of revenue and shall be computed as follows:

(a) \$100.00 for one dwelling unit and \$50.00 for each additional dwelling unit.

(b) \$100.00 for inspection by each additional bureau of the department of buildings as requested by the owner or his agent.

**13-10-070 Enforcement.**

*(Omitted text is unaffected by this ordinance)*

(c) The ~~comptroller~~ director of revenue shall issue no real property transfer tax stamps for a transfer involving a building as defined in Section 13-10-010(a) of this chapter unless the grantee or purchaser presents either a current certificate of registration or a waiver of registration for the building.

**13-12-270 Fee for registration.**

The fee for registration as an electrical contractor shall be \$35.00 for each year the registration is valid, which sum shall be paid by the applicant to the department of finance revenue in advance upon filing the application. The renewal fee for such registration shall be \$35.00 for each year the registration is valid. An expired certificate renewal registration fee shall be double the normal fee for each lapsed year or portion of a year. Any change in the information required in an application for registration shall require an additional registration. A fee of \$35.00 shall be paid for each change of registration, including company name and ownership. A change of supervising electrician shall comply with 13-12-310 and be accompanied by a fee of \$70.00 which shall include the certification change fee in Section 13-12-270.

**13-12-290 Qualifications.**

*(Omitted text is unaffected by this ordinance)*

(a) Each applicant shall pay an examination fee of \$70.00 for each examination he takes. Such fee shall be paid to the department of finance revenue through the department of buildings prior to the day the examination is taken.

(b) Where the results of the first examination are unfavorable, the applicant shall be required to wait a period of six months before re-application.

**13-12-790 Inspection.**

All electric festoons or decorative lighting equipment installed on public property, shall be inspected by the building department after installation, and thereafter annually with regard to its mechanical and electrical safety and when said festoons or decorative street lighting equipment is found to be in compliance with this electrical chapter and Chapter 18-27, and upon payment to the ~~comptroller~~ director of revenue of the compensation and inspection fees, as provided for in Chapter 13-20, the building department shall issue to the person owning or operating said festoons or decorative street lighting equipment, a receipted bill, which shall authorize the maintenance of such festoon or decorative street lighting equipment for the period of time stated in such receipt.

**13-12-840 Inspection and fees.**

*(Omitted text is unaffected by this ordinance)*

Said fees shall be paid to the ~~comptroller~~ director of revenue before the commissioner of streets and sanitation and the commissioner of transportation countersign any such permit.

**13-16-020 New materials – Application for determination – Fee.**

*(Omitted text is unaffected by this ordinance)*

The fee for such application shall be \$125.00 payable to the ~~comptroller~~ director of revenue of which fee 50 percent shall be refunded to the applicant only in the event said application shall be disapproved.

**13-20-010 Duty of commissioner.**

Except as provided in Section 4-8-042, the building commissioner and fire commissioner shall cause to be inspected annually, or semiannually, or otherwise, such buildings, structures, equipment, sites or portions thereof as shall be provided by this chapter or as otherwise required in the building provisions of this Code. All fees for such annual, semiannual or other periodic inspections as set forth in this chapter may be billed prior or subsequent to the actual inspection conducted by the department of buildings or fire department as appropriate and shall be payable to the department of finance revenue within 30 days of receipt of the notice of inspection fee from the departments. A penalty of \$5.00 shall be assessed for each additional 30-day period the bill for inspection fees remains unpaid.

**13-20-050 Inspection fee – Schedule.**

(a) The fee for the annual inspection of buildings, except public assembly units, shall be paid to the ~~comptroller~~ director of revenue and shall be based on the number of square feet of floor area as follows:

For the first 25,000 square feet or fraction thereof	\$80.00
For each additional 25,000 square feet or fraction thereof	40.00

The fee for annual inspection of public assembly units shall be paid to the ~~comptroller~~ director of revenue and shall be based on the number of square feet of floor area as follows:

For the first 25,000 square feet or fraction thereof	\$120.00
For each additional 25,000 square feet or fraction thereof	60.00

*(Omitted text is unaffected by this ordinance)*

**13-20-051 Reinspection fee.**

Except as otherwise provided in this code, whenever the department of buildings conducts a third or subsequent inspection following an initial and one follow-up inspection of a building to verify code compliance, the commissioner of buildings is authorized to assess a reinspection fee of \$100.00 against the building's owner, agent, lessee or occupant, except

where the subsequent inspection is necessary due to an error made by the city. The reinspection fee shall also be assessed whenever any scheduled inspection cannot take place due to the absence of the building's owner, agent, lessee or occupant or any other action or inaction by the building's owner, agent, lessee or occupant. The reinspection fee shall be paid to the comptroller ~~director of revenue~~.

**13-32-080 Permit issuance – Issuance prohibited when.**

*(Omitted text is unaffected by this ordinance)*

(c) If an application for a building permit is required to be accompanied by drawings or plans, no building permit shall be issued under this chapter for the work described in such application if the applicant for such permit or the property owner identified in the permit application or any person owning, directly or indirectly, more than 25 percent of the interest in such applicant or property owner has any outstanding debt, as defined in Section 2-32-094 ~~2-80-065(a)~~, unless and until each applicable person owing such debt satisfies or otherwise resolves the debt within the meaning of Section 2-32-094 ~~2-80-065(a)~~. Provided, however, that this subsection shall not apply to any federal, state or local government agency. Provided further, that this subsection shall not apply to any permit application for emergency repairs as determined by the building commissioner. For purposes of this subsection (c), “more than 25 percent” shall mean more than 25 percent of the combined voting power or fair market value of all stock, partnership interests or other ownership interests in the applicant or property owner or the right to receive at any time the distribution of more than 25 percent of the income or profits of the applicant or property owner.

**13-32-300 Payment to comptroller ~~director of revenue~~ – When.**

(a) Fees for the issuance of permits required by this chapter shall be payable to the comptroller ~~director of revenue~~ when such permits are issued. Provided, however, that fees under subsection (a) of section 13-32-310 shall be payable as follows: 50 percent at the time of filing plans for review, to defray the cost of reviewing the plans, and not refundable; and the remainder upon issuance of the requested permits. Except as otherwise provided in section 13-32-301, no building permit shall be issued by the building commissioner, unless the department of buildings determines that the following fees have been paid to the department of finance ~~revenue~~: (1) all applicable permit fees required under this chapter; (2) all applicable zoning fees; and (3) the open space impact fee, if applicable.

(b) The building commissioner is authorized to require a deposit, payable to the comptroller ~~director of revenue~~, to schedule any appointment related to the submission of a permit application. The deposit shall be in a sum sufficient to defray the estimated costs of failing to attend a scheduled appointment as determined by the building commissioner, but under no circumstances shall exceed the cost of the permit sought. If the person requesting an appointment attends the appointment as scheduled, the deposit paid by that person pursuant to this subsection shall be credited toward the final permit fee. If the person requesting an



appointment fails to attend the appointment as scheduled, (i) the deposit paid by that person pursuant to this subsection shall be forfeited to the City of Chicago, unless the scheduled appointment is cancelled 24 hours in advance of the scheduled appointment, excluding Saturdays, Sundays and legal holidays; and (ii) no new appointment shall be scheduled unless another deposit is paid. The amount of the deposit required by this subsection shall be \$150.00.

*(Omitted text is unaffected by this ordinance)*

**13-78-010 Definitions.**

For purposes of this chapter, the following terms shall be defined as follows:

(a) "Emergency preparedness certificate" or "certificate" is a certificate issued by the fire department upon receipt of: (1) adequate proof that the applicant for the certificate is able and qualified to assume the duties required; and (2) proof of payment to the department of finance revenue of a fee adequate to cover administrative costs. Such certificate shall be valid for one year from the date of issuance, and shall be renewable annually.

*(Omitted text is unaffected by this ordinance)*

**13-96-840 Inspection.**

Within two years after the erection or installation of any exposed metal structure and its supports, permitted by this Code upon or above the roof of any building, and at least once every five years thereafter, every such exposed metal structure now existing or hereafter erected and its supports shall be subject to a critical examination by a licensed architect or an Illinois-licensed structural engineer, employed by the owner, agent or person in possession or control of the building. The licensed architect or licensed structural engineer shall prepare a report in writing showing the structural condition of the structure and its supports. Two copies of the report shall be submitted to the building commissioner. A report review fee in the amount of \$25.00, payable to the department of finance revenue, shall be required at the time of submission to the building commissioner. One copy of the report shall, if satisfactory to the building commissioner, be returned to the owner, agent or person in possession or control of the building, bearing a stamp of approval, signed by the building commissioner. Any person or entity who fails to comply with the provisions of this section shall be fined not less than \$100.00 but not more than \$500.00 for each offense.

**SECTION 11.** Title 15 of the Municipal Code of Chicago is hereby amended by adding the language underscored and by deleting the language struck through, as follows:

**15-4-290 Flammable liquid tank truck drivers.**

Every driver of a motor tank vehicle conveying Class I flammable liquids, as defined in Section 15-24-020 of this Code, including those drivers of vehicles with loads originating outside the city limits for deliveries in the city, but not drivers of carriers holding certificates of public convenience and necessity, or permits as a contract carrier, issued by the Interstate Commerce Commission and/or Department of Transportation under federal Motor Carrier Act

of 1935 as amended, shall be required to receive a certificate of fitness from the bureau of fire prevention. The annual fee for such certificate of fitness shall be: originals – \$5.00; renewals – \$2.00, to be paid to the comptroller ~~director of revenue~~.

*(Omitted text is unaffected by this ordinance)*

**15-4-340 Certificate of fitness.**

*(Omitted text is unaffected by this ordinance)*

Any such person, before being permitted to exercise any of such functions, shall file a written application with the deputy commissioner in charge of the bureau of fire prevention for a “certificate of fitness”, and before the issuance of any such certificate the deputy commissioner shall examine such applicant as to his qualifications to fill such position or positions, under the conditions herein described. No person shall be permitted to have the actual care and handling of such explosives without first having obtained a certificate of fitness as herein provided. Such certificate of fitness shall be subject to inspection by any member of the fire and police departments at all times. The annual fee for such certificate of fitness shall be \$50.00 to be paid to the comptroller ~~director of revenue~~.

*(Omitted text is unaffected by this ordinance)*

**15-4-400 Permit for blasting.**

*(Omitted text is unaffected by this ordinance)*

If the proposed location of the magazine shall be satisfactory to the said division marshal, he shall approve such application and transmit the same with his approval thereon to the city clerk, who shall, upon payment by such applicant to the comptroller ~~director of revenue~~ of a permit fee of \$5.00, issue to such applicant a permit to locate the magazine at the location given in such application.

*(Omitted text is unaffected by this ordinance)*

**15-4-480 License fee.**

Upon the approval of the application by the board of examiners and the acceptance of the public liability insurance policy, deputy commissioner shall forward such approved application to the comptroller ~~director of revenue~~. Upon payment of an annual license fee of \$30.00 a license shall be issued. Such license shall expire on the thirty-first day of December of the year in which it is issued. The deputy commissioner shall provide the licensee with an identification card which shall carry a one-inch by one-inch photograph of the licensee and the license number of the licensee, which card shall be signed by the deputy commissioner.

#### **15-4-680 Fireguard license.**

*(Omitted text is unaffected by this ordinance)*

The deputy commissioner in charge of the bureau of fire prevention, or an appointed representative, shall examine all persons who seek employment as special fireguards, as to their qualifications and fitness for the duties for which they seek to be employed; and whenever said examiner finds any such applicant to be competent, he shall, upon payment of \$20.00, by the applicant to the comptroller ~~director of revenue~~, issue a license to such applicant. The deputy commissioner in charge of the bureau of fire prevention may suspend for a period of not to exceed 30 days or revoke any license at any time when he finds any special fireguard to be incompetent, inefficient or neglectful of the duties required of him by the provisions of this Code. Where a license is revoked, the holder thereof, upon written request of the deputy commissioner, shall be given a hearing before said deputy commissioner within 30 days after such revocation. No person shall employ anyone as a special fireguard whose license has been revoked or suspended.

#### **15-4-770 License required.**

The deputy commissioner in charge of the bureau of fire prevention shall examine all persons who desire to seek employment as special stage firemen or fireguards, as to their qualifications and fitness for the duties for which they seek to be employed, and whenever the deputy commissioner finds any such applicant to be competent, he shall, upon payment of \$20.00 by the applicant to the comptroller ~~director of revenue~~, issue a license to such applicant, and he may revoke any such license issued by him at any time when he finds such special stage fireman or fireguard incompetent, inefficient, or neglectful of the duties required by this part of this Code; but the deputy commissioner must give the licensee a reasonable opportunity to be heard before revocation. No person shall employ anyone as special fireman or fireguard unless he is licensed as required in this section.

#### **15-4-790 Certification.**

The deputy commissioner in charge of the bureau of fire prevention shall examine all persons who file an application for certification as desk clerks as to their qualifications and fitness for duties and, whenever the deputy commissioner shall find an applicant to be competent, he shall upon payment of \$20.00 by the applicant to the comptroller ~~director of revenue~~ issue a certificate for a period of one year from the date of issuance. Every desk clerk shall keep said certificate on his person at all times while he is on duty, and said certificate shall be subject to inspection by any officer of the fire, police or building departments. Renewals of said certificates shall be subject to all the provisions of Sections 15-4-780 to 15-4-840 of this Code.

#### **15-16-1170 Inspection.**

It shall be the duty of the deputy commissioner in charge of the bureau of fire prevention to cause an inspection to be made of all standpipe systems at least once every year. In case such

inspection discloses any violations of or variation from the requirements of this ordinance, or any defective conditions which would handicap the operation of the standpipe system, notice shall be sent to the owner or agent in control of the building containing such standpipe system to remove or correct such defective conditions within such time as shall be set forth by the said notice. For every such annual inspection, it shall be the duty of the owner to pay the comptroller ~~director of revenue~~ an inspection fee of \$50.00.

**15-26-450 Portable generator – Permit required.**

Portable generators shall not be installed or used inside of buildings unless a permit for such use in said location shall first be secured from the division marshal in charge of the bureau of fire prevention. It shall be the duty of the said division marshal to inspect the premises wherein such generator is to be used, before issuing such permit. The person applying for a permit shall pay the comptroller ~~director of revenue~~ a fee of \$3.00 for such inspection. Should the inspection show that the provisions of this section are complied with, the said division marshal shall issue a permit for such installation and use.

**SECTION 12.** Title 17 of the Municipal Code of Chicago is hereby amended by adding the language underscored and by deleting the language struck through, as follows:

**17-13-0104-A**

*(Omitted text is unaffected by this ordinance)*

2. No application for a zoning amendment, planned development, special use, variation or appeal shall be deemed to be complete if the applicant or owner of the property identified in the application or any person owning, directly or indirectly, more than 7.5 percent of the interest in such applicant or owner has any outstanding debt, as defined in Section 2-32-094 ~~2-80-065(a)~~, unless and until each applicable person owing such debt satisfies or otherwise resolves the debt within the meaning of Section 2-32-094 ~~2-80-065(a)~~. Provided, however, that this requirement shall not apply to any federal, state or local government agency. For purposes of this paragraph (2), “more than 7.5. percent” shall mean more than 7.5 percent of the combined voting power or fair market value of all stock, partnership interests or other ownership interests in the applicant or property owner or the right to receive at any time the distribution of more than 7.5 percent of the income or profits of the applicant or property owner.

*(Omitted text is unaffected by this ordinance)*

**SECTION 13.** Title 18 of the Municipal Code of Chicago is hereby amended by adding the language underscored and by deleting the language struck through, as follows:

**18-32-180 Inspections – Required.**

*(Omitted text is unaffected by this ordinance)*

(4) The building commissioner is authorized to and shall assess a fee of \$250.00 for

any inspection or reinspection conducted pursuant to this section. Such fees shall be payable to the department of ~~finance~~ revenue by the person responsible for the equipment as defined in Section 18-32-020.

*(Omitted text is unaffected by this ordinance)*

## **ARTICLE II - FORMER DEPARTMENT OF THE ENVIRONMENT**

**SECTION 1.** Chapter 2-4 of the Municipal Code of the City of Chicago is hereby amended by inserting a new section 2-4-055, as follows:

### **2-4-055 Chief sustainability officer.**

(a) The Mayor may appoint an officer to be known as the chief sustainability officer, who shall serve at the pleasure of the Mayor.

(b) The chief sustainability officer shall have the following duties and responsibilities:

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

(2) To develop and coordinate the implementation of a comprehensive long-term sustainability plan for the city, consistent with the goals of the city's Climate Action Plan and environmental and energy efficiency policies as developed pursuant to this Section;

(3) To develop a coordinated and comprehensive energy policy for the City of Chicago to improve energy efficiency across the city and encourage innovation in the generation, distribution, conversion and consumption of energy;

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

(5) 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;

(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 function as the 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 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 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 departments and, to the extent permitted by law, sister agencies shall work cooperatively with the chief sustainability officer to advance the environmental, climate, energy and sustainability goals of the city.

**SECTION 2.** Chapter 2-84 of the Municipal Code of the City of Chicago is hereby amended by inserting a new section 2-84-100, as follows:

**2-84-100 Transfer of rights, powers and duties.**

The department and the superintendent of police shall assume all rights, powers, duties, obligations and responsibilities of the former commissioner and department of the environment related to noise and vibration control.

All rules or regulations issued by the former commissioner of the environment relating to noise and vibration control, in effect as of January 1, 2012, shall remain in effect until jointly amended or repealed by the superintendent of police, and the commissioner of health, pursuant to their respective authorities.

**SECTION 3.** Chapter 2-100 of the Municipal Code of the City of Chicago is hereby amended by inserting a new section 2-100-035, as follows:

**2-100-035 Transfer of rights, powers and duties.**

The commissioner and the department of streets and sanitation shall assume all rights, powers, duties, obligations and responsibilities of the former commissioner and department of the environment related to waste management, including:

(a) All personnel, books, records, property and funds related to waste management;

(b) The administration of any federal, state, local or private grant or loan

programs, except to the extent prohibited by the grantor or grant agreement, related to waste management; and

(c) The rights and duties under existing contracts, appropriations, grant agreements, redevelopment agreements, leases, indentures or other agreements or ordinances related to waste management.

All rules or regulations issued by the former commissioner of the environment relating to waste management, in effect as of January 1, 2012 shall remain in effect until amended or repealed by the commissioner of streets and sanitation.

**SECTION 4.** Chapter 2-112 of the Municipal Code of the City of Chicago is hereby amended by deleting the language stricken through, by inserting the language underscored and by inserting a new section 2-112-165, as follows:

**2-112-160 Commissioner – Enforcement powers and duties.**

The commissioner of health shall ~~perform the following duties~~ have the following powers and duties:

(a) Public health related powers and duties:

- (a1) ~~To Enforce~~ enforce all the laws of the state and provisions of this Code in relation to matters pertaining to the public health and sanitary conditions of the city;
- (b2) ~~To Enforce~~ enforce all regulations of the board of health or any other federal, state or local authority with power to make regulations concerning the public health;
- (c3) ~~To Cause~~ cause all nuisances affecting the health of the public to be abated with all reasonable promptness;
- (d4) ~~To Determine~~ determine when a disease is communicable or epidemic, and establish quarantine regulations whenever it is deemed necessary.

For the purpose of carrying out the requirements of this Code, relating to the public health and the function of the commissioner of health the commissioner of health or anyone authorized to act for him shall be permitted at all times to enter into any structure in order to make a thorough examination to determine the presence or absence of health hazards.

(b) Environmental protection powers and duties:

- (1) To supervise the execution of and implement all laws, ordinances, rules and regulations pertaining to environmental protection and control as provided in Chapter 11-4 of the Municipal Code of Chicago;
- (2) To institute necessary proceedings to prosecute violations of Chapter 11-4, and all other provisions of this Code which the commissioner of health is expressly authorized to enforce, and otherwise to compel the prevention and abatement of the issuance of smoke or gases, solids or liquids or other matter causing air or water pollution, and nuisances

arising therefrom;

- (3) To examine and approve the plans of fuel- burning, combustion or process equipment, devices, or areas, furnaces, and smoke prevention, air pollution, water pollution devices installed, constructed, reconstructed, repaired or added to in any building, location or on any premises within the City of Chicago as herein provided to assure that they are in accordance with the requirements of Chapter 11-4;
- (4) To make inspections of newly installed, constructed, reconstructed, repaired or altered fuel- burning, combustion or process equipment, devices, or areas, furnaces, and smoke prevention, air pollution, water pollution control devices, storage tanks and waste handling facilities, and to make annual or periodic inspections to determine whether compliance is being had with the provisions of Chapter 11-4;
- (5) To investigate complaints of violations of Chapter 11-4 and to make inspections and observations of environmental conditions;
- (6) To issue rules and regulations necessary or proper for the implementation of environmental ordinances and to accomplish the purposes of Chapter 11-4, and to publish a code of recommended practices under which Chapter 11-4 of this Code is to be administered providing with clarity and in detail the necessary information by which the public is to be guided and to establish standards of quality. The commissioner shall not enact any rule, regulation or standard pursuant to this subsection until a public hearing is held on such rule, regulation or standard or until an opportunity for the public to submit their comments in written form is provided. The commissioner shall give not less than ten days notice of the time and place of any hearing by publication in a newspaper of general circulation published within the city. In the event that written comments are solicited, public notice shall be given by mailing a notice of the solicitation of written comments to all persons who have filed a request with the department of health for notice of the commissioner's intention to issue such rules, regulations or standards. The commissioner shall accept written comments for a period of not less than 30 days from the date of the notice. Notices of all public hearings shall also be sent to persons who file such a request for notice with the department. Notices of public hearings and solicitations of written comments shall also be posted on a bulletin board erected in the offices of the department of health in an area which is accessible to the public. However, the commissioner shall have the power to make reasonable administrative and procedural regulations or rules interpreting or clarifying the requirements which are specifically prescribed in this chapter and Chapter 11-4, without notice, hearing or solicitation of written comments;
- (7) To publish adopted rules and regulations or standards and the code of recommended practices in a convenient form;



- (8) To prepare and maintain a record of all orders issued by the department;
  - (9) To issue all permits, certificates, notices or other documents required under the provisions of Chapter 11-4;
  - (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;
  - (11) To enforce the provisions of Section 15-28-755 of this Code;
  - (12) To encourage and conduct studies, investigations and research, including joint cooperative investigation and research with public and private agencies and organizations, relating to the environmental protection authorities conferred on the commissioner pursuant to subsection (b) of this section, as the commissioner may deem advisable and necessary;
  - (13) To advise, consult and cooperate with other agencies of the state and federal governments, and other governmental agencies to advance environmental protection in furtherance of the purposes of chapter 11-4 of this Code;
  - (14) To enter into grant agreements, cooperation agreements and other agreements or contracts with governmental entities, private business and civic and community groups to implement the environmental protection powers and duties conferred on the commissioner pursuant to subsection (b) of this section, and to implement pharmaceutical and other waste disposal programs, as the commissioner may deem advisable and necessary, 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;
  - (15) Subject to the approval of the 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 or other activities authorized in subsection(b) of this section;
  - (16) To participate or otherwise engage in the city's emergency preparedness and emergency response activities.
- (c) To do any and all other acts which may be necessary for the implementation of other powers conferred on the commissioner under this Code.

**2-112-165 Transfer of rights, powers and duties.**

The commissioner and the department of health shall assume all rights, powers, duties, obligations and responsibilities of the former commissioner and department of the environment related to permitting and enforcement, including:

(a) All personnel, books, records, property and funds related to permitting and enforcement;

(b) The administration of any federal, state, local or private grant or loan programs, except to the extent prohibited by the grantor or grant agreement, related to permitting and enforcement; and

(c) The rights and duties under existing contracts, appropriations, grant agreements, redevelopment agreements, leases, indentures or other agreements or ordinances related to permitting and enforcement.

All rules or regulations issued by the former commissioner of the environment relating to permitting and enforcement, in effect as of January 1, 2012, shall remain in effect until amended or repealed by the commissioner of health.

**SECTION 5.** Title 8 of the Municipal Code of the City of Chicago is hereby amended by inserting a new chapter 8-32, as follows:

## **CHAPTER 8-32 NOISE AND VIBRATION CONTROL**

### **Part A. General Provisions**

**8-32-010 Short title.**

This chapter may be referred to as the Chicago Noise Ordinance.

**8-32-020 Definitions.**

When used in this chapter, the following terms have the stated definitions:

“Air handling unit” means any device or machine that as part of its function moves air into or out of a building, and includes but is not limited to any air conditioner, ventilation fan or exhaust fan.

“Ambient noise level” means the sound level at a given location that exists as a result of the combined contribution in that location of all sound sources, excluding the contribution of a source or sources under investigation for violation of this Code.

“Average conversational level” means a level at which normal, unamplified speech is clearly and distinctly audible above ambient noise level.

“District” means those districts established by the City Zoning Ordinance (Title 17 of this Code).

“Mechanical stationary source” means any machine or device operated by fuel or electric power that does not change locations in the course of its use, including but not limited to air handling units and refrigeration units. Mechanical stationary sources include sources on vehicles or trailers, including but not limited to generators, used when the vehicle or trailer is parked.

“Noise disturbance” means any sound which is audible at a distance of 600 feet or more from the source.

“Private open space” means any area on private property that is open to the outdoors, including but not limited to backyards, front yards, gangways and structures with windows

and/or doors open to the outdoors.

“Public way” means any sidewalk, street, alley, highway or other public thoroughfare.

“Refrigeration unit” means any device or machine that as part of its function cools air, and includes but is not limited to any air conditioner or compressor used in connection with any refrigerator or freezer.

### **8-32-030 Rules and Regulations.**

The superintendent of police is authorized to adopt such rules and regulations as he may deem appropriate for the proper administration and enforcement of the provisions of this chapter, except section 8-32-090.

### **8-32-040 Most restrictive limits to apply.**

In case of a conflict between any sections of this chapter, the provision which contains the most restrictive limits applies.

### **8-32-050 Remedies for violations.**

(a) Unless otherwise specifically provided, a violation of the provisions of this chapter is subject to a fine of \$300.00 for a first offense, \$500.00 for a second offense committed within a one-year period, and \$1,000.00 for a third or subsequent offense committed within a one-year period.

(b) The superintendent of police, or the superintendent’s designee, may require any person found liable for a violation of this chapter to submit a compliance plan, indicating measures taken or to be taken to prevent similar violations in the future. Any such request must be responded to within 30 days, or such other time period as is set forth in the request. Failure to respond as requested shall be deemed an additional offense.

(c) If a person has submitted a compliance plan pursuant to subsection (b) of this section, and the compliance plan has been approved by the superintendent, that person shall comply with the approved compliance plan unless an alternate plan is approved by the superintendent.

(d) Nothing in this chapter shall be construed to impair any cause of action or legal remedy therefor of any person or the public for injury or damage arising from the emission of noise or earthshaking vibration in such place or manner, or at such levels, as to constitute a common law nuisance.

### **8-32-060 Designation of noise sensitive zones.**

The superintendent of police is authorized to prepare recommendations to be approved by the city council for the designation of noise sensitive zones which contain noise sensitive activities. Existing quiet zones shall be considered noise sensitive zones until otherwise designated. Noise sensitive activities include, but are not limited to, operations of schools, libraries open to the public, churches, hospitals and nursing homes.

## **Part B. Limitations on Noise from Specific Sources.**

### **8-32-070 Music and amplified sound.**

(a) No person on the public way shall employ any device or instrument that creates or amplifies sound, including but not limited to any loudspeaker, bullhorn, amplifier, public address system, musical instrument, radio or device that plays recorded music, to generate any sound, for the purpose of communication or entertainment, that is louder than average conversational level at a distance of 100 feet or more, measured vertically or horizontally, from the source.

(b) Between the hours of 10:00 p.m. and 8:00 a.m., no person on any private open space shall employ any device or instrument that creates or amplifies sound, including but not limited to any loudspeaker, bullhorn, amplifier, public address system, musical instrument, radio or device that plays recorded music, to generate any sound, for the purpose of communication or entertainment, that is louder than average conversational level at a distance of 100 feet or more from the property line of the property from which the noise is being generated.

(c) The limitations imposed in this section do not apply to a person participating in a parade, athletic event, public assembly, or outdoor special event, as defined in section 10-8-330 or 10-8-335 of this Code; provided that a permit has been issued, if required, and the person is in compliance with the permit.

(d) The limitations imposed in this section do not apply to emergency and non-emergency signal devices as described in sections 8-32-100 and 8-32-110 of this Code, respectively.

### **8-32-080 Regulated entertainment businesses.**

(a) No establishment holding a liquor license pursuant to Chapter 4-60 of this Code, or a public place of amusement license pursuant to Article III of Chapter 4-156 of this Code, shall operate or permit operation of any equipment or device that electronically amplifies sound so as to generate sound louder than average conversational level at a distance of 100 feet or more from the property line of the property from which the noise is being generated.

(b) A business subject to this section shall cooperate with reasonable requests by enforcement personnel for the purpose of investigating sound levels produced by equipment or devices that electronically amplify sound.

(c) Where a business has been found liable for two violations of this section, and has been charged with a third violation, all within a one-year period, the superintendent of police may recommend to the mayor or the commissioner of business affairs and consumer protection, and to the local liquor control commissioner, if applicable, the suspension or revocation of the liquor license, the public place of amusement license, or both licenses. Such a recommendation shall be based on an evaluation of the severity of the violations, steps taken to remedy the violations, and the likelihood of successful remediation and continued compliance with this section.

### **8-32-090 Mechanical stationary sources.**

(a) No person shall operate or permit operation of any mechanical stationary source in such a manner as to generate sound having a sound pressure level greater than 55 dB(A) when measured from a distance of 100 feet or more from the source, or 70 dB(A) when measured

from a distance of 10 feet or more from the source. The place of measurement shall be from the nearest adjacent public way, or nearest adjacent property, whichever is closer to the source.

(b) The limitation contained in this section shall apply from 8:00 p.m. to 8:00 a.m., unless the mechanical stationary source is subject to other operating hours pursuant to a permit or other written authorization issued by the department of health.

(c) The commissioner of health shall have authority to enforce the provisions of this section.

(d) The commissioner of health is authorized to promulgate rules and regulations to enforce the provisions of this section, including regulations specifying uniform noise mitigation procedures for air handling units and refrigeration units. Any properly maintained equipment that complies with procedures adopted under this subsection shall be deemed to be in compliance with subsection (a) of this section.

(e) The limits set in subsection (a) of this section do not apply to sounds generated by a generator employed to provide emergency electrical power.

#### **8-32-100 Emergency signal devices.**

No person shall intentionally sound or permit the sounding outdoors of any fire alarm, burglar alarm, siren or similar stationary emergency signaling device except in the following instances:

(a) For emergency purposes; or

(b) For testing, provided that:

(1) each time such a test is performed, the test shall use only the minimum cycle test time and in no case shall exceed four minutes nor shall it occur before 9:00 A.M. or after 5:00 P.M.; and

(2) periodic testing of any stationary emergency signaling device shall occur at the same time of day.

#### **8-32-110 Non-emergency signal devices.**

(a) No person shall sound or permit the sounding of any signal from any stationary bell, chime, siren, whistle or similar device, or any recording or electronic reproduction thereof, intended primarily for non-emergency purposes from any place in such a manner as to create a noise disturbance within a residential district for more than five minutes in an hourly period.

(b) No person shall blow or cause to be blown any steam whistle as a signal for commencing or suspending work or for any other purpose. This subsection does not prohibit the use of steam whistles as alarm signals in case of fire, collision or other imminent danger.

#### **8-32-120 Restrictions within noise sensitive zones.**

Within a noise sensitive zone, designated pursuant to section 8-32-060 of this chapter and marked with signs conspicuously indicating the zone's boundaries, no person shall create or cause the creation of any sound so as to interfere with the functions of any school, library, church, hospital or nursing home.

#### **8-32-130 Loading and unloading operations.**

No person shall undertake or cause the loading, unloading, opening, closing or other handling of boxes, crates, containers, building materials, garbage cans, dumpsters or similar objects between the hours of 10:00 P.M. and 7:00 A.M. in such a manner as to cause a noise disturbance within a residential district or within a noise sensitive zone.

**8-32-140 Construction, repair or demolition equipment.**

(a) No person shall use or cause the use of any mechanical equipment or tool operated by fuel or electric power in building, construction, repair or demolition operations between the hours of 8:00 P.M. and 8:00 A.M. within 600 feet of any residential building or hospital.

(b) The limitation of this section does not apply to any construction, demolition or repair work of an emergency nature or to work on public improvements authorized by a governmental body or agency.

(c) This section may be enforced by designated employees of the departments of police, buildings, business affairs and consumer protection, fire, finance, streets and sanitation, transportation and housing and economic development, who are authorized to issue citations for violations.

(d) Any person who violates this section shall be liable for a penalty of not less than \$1,000.00 nor more than 2,500.00 for the first violation; not less than \$2,500.00 nor more than \$5,000.00 for the second violation for the same offense within one year; and not less than \$5,000.00 nor more than \$10,000.00 for the third and each subsequent violation for the same offense within one year for each offense. Each day that a violation continues shall constitute a separate and distinct offense.

**Part C. Other Limitations on Noise and Vibrations.**

**8-32-150 Limitations on noise not otherwise addressed.**

For any noise source not specifically addressed in Part B of this chapter, except where exempted or excluded by section 8-32-170, the following general limitations shall apply:

(a) Between 8:00 P.M. and 8:00 A.M., no person shall generate any noise on the public way that is louder than average conversational level at a distance of 100 feet or more, vertically or horizontally, from the source.

(b) Between 8:00 P.M. and 8:00 A.M., no person shall generate any noise on any private open space that is louder than average conversational level at a distance of 100 feet or more, measured from the property line of the property from which the noise is being generated.

**8-32-160 Limitations on earthshaking vibrations.**

(a) In M2 general manufacturing districts and M3 heavy manufacturing districts, any property use creating intense earthshaking vibrations shall be set back at least 300 feet from the boundary of a residence, business or commercial district and at least 150 feet from the boundary of an M1 restricted manufacturing district; provided that, there shall be no violation if the property use does not transmit beyond the lot lines any earthshaking vibrations which are perceptible without the aid of instruments.

(b) In all other districts, any property use creating earthshaking vibrations must be controlled in such manner as to prevent transmission beyond the lot line of earthshaking vibrations perceptible without the aid of instruments; provided that, this limitation does not apply where the affected adjoining property is zoned M3 (heavy manufacturing).

(c) In all zoning districts earthshaking vibrations that create a nuisance or hazard beyond the lot lines of the source are prohibited.

**8-32-170 Exceptions and exclusions.**

(a) Aircraft and airports. The limits set forth in this chapter do not apply to sounds or vibrations generated by any aircraft or generated in connection with the operation of any airport.

(b) Stadiums. The limits set forth in this chapter do not apply to sounds generated at any stadium.

(c) Mass transit. The limits set forth in this chapter do not apply to sounds or vibrations generated in the operation of any mass transit system.

(d) Special events and public performances.

(1) The limits set forth in this chapter do not apply to a person participating in a parade, athletic event, public assembly, or outdoor special event, as defined in section 10-8-330 or 10-8-335 of this Code; provided that a permit has been issued, if required, and the person is in compliance with the permit.

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

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

(B) authorized or conducted by another public entity on public land.

(3) The limits set forth in this chapter do not apply to any fireworks display conducted in accordance with the provisions of a fireworks permit issued under section 15-4-550 of this Code.

(e) Emergency or civic construction, demolition or repair work. The limits set forth in this chapter do not apply to sounds generated in construction, demolition or repair work of an emergency nature or in work on public improvements authorized by a governmental body or agency.

(f) Earthshaking vibrations – construction, demolition or repair work. The earthshaking vibration limits set forth in section 8-32-160 of this chapter do not apply to construction, demolition or repair work conducted after 8:00 a.m. and before 8:00 p.m.

(g) Human voices. The limits set forth in this chapter do not apply to noise created by unamplified human voices.

(h) Manufacturing districts. The limits set forth in this chapter do not apply to sounds measured within any manufacturing district. This paragraph does not exclude sounds generated within any manufacturing district that are measured outside the boundary of the manufacturing district.

**SECTION 6.** The Municipal Code of the City of Chicago is hereby amended by adding

a new section 2-102-035, and by deleting the language stricken through and by inserting the language underscored, as follows:

**2-22-045 Transfer of powers.**

(a) The building commissioner and the department of buildings shall assume all rights, powers, duties, obligations and responsibilities of the former executive director of the department of construction and permits, and the department of construction and permits. All personnel, books, records, property and funds relating to such former department are transferred to the department of buildings. The building commissioner shall succeed to the rights and duties of such former executive director under existing contracts, grant or loan agreements or programs, or other agreements or ordinances. All rules or regulations issued by the executive director in effect as of the effective date of this chapter shall remain in effect until amended or repealed by the building commissioner.

(b) The commissioner and the department of buildings shall assume all rights, powers, duties, obligations and responsibilities of the former commissioner and department of the environment related to flood control, including:

(1) All personnel, books, records, property and funds related to flood control;

(2) The administration of any federal, state, local or private grant or loan programs, except to the extent prohibited by the grantor or grant agreement, related to flood control; and

(3) The rights and duties under existing contracts, appropriations, grant agreements, redevelopment agreements, leases, indentures or other agreements or ordinances related to flood control.

All rules or regulations issued by the former commissioner of the environment relating to flood control, in effect as of January 1, 2012, shall remain in effect until amended or repealed by the commissioner of buildings.

**2-25-130 Succession – Transfer of powers.**

*(Omitted text is unaffected by this ordinance)*

The department and the commissioner of business affairs and consumer protection shall assume all rights, powers, duties, obligations and responsibilities of the former commissioner and department of the environment related to invasive species control.

All rules or regulations issued by the former commissioner of the environment relating to invasive species control, in effect as of January 1, 2012, shall remain in effect until amended or repealed by the commissioner of business affairs and consumer protection.

**2-92-590 Recycled product procurement.**



*(Omitted text is unaffected by this ordinance)*

(c) On or before March 1, 1995, the chief procurement officer shall:

(1) Establish, adopt and, biannually thereafter, update a list of designated recycled products that shall be purchased by the city wherever practicable. This list shall, at a minimum, contain the products specified in subsection (d). The chief procurement officer, in cooperation with the ~~commissioner of the department of environment~~ chief sustainability officer, may add recycled products to the list that are not specifically designated in this subsection.

*(Omitted text is unaffected by this ordinance)*

(d) The following products shall be considered as designated recycled products that can be procured if they meet the minimum recycled content standards:

*(Omitted text is unaffected by this ordinance)*

(9) Other recycled products designated by D.P.S. in cooperation with the ~~commissioner of the department of environment~~ chief sustainability officer.

*(Omitted text is unaffected by this ordinance)*

## **2-92-595 Clean diesel contracting.**

(a) *Definitions.* For purposes of this section, the following definitions shall apply:

*(Omitted text is unaffected by this ordinance)*

(4) “Clean fleet score (“CFS”) waiver grantee” means any construction firm to which the ~~commissioner of environment~~ chief procurement officer has granted a clean fleet score annual waiver certificate pursuant to subsection (f) of this section.

*(Omitted text is unaffected by this ordinance)*

(c) *Compliance.*

(1) Any solicitation for a contract advertised or otherwise communicated on or after January 1, 2014, and any contract entered into as a result of such solicitation shall include a specification that the contractor shall submit a written compliance plan to the department with respect to compliance with the requirements of this section within 14 days following the notice to proceed. The plan shall detail the strategy to be used by the contractor to comply with the requirements of this section. The chief procurement officer ~~and the commissioner of environment~~ are ~~is~~ authorized to determine the contents of a compliance plan by rules and regulations promulgated pursuant to subsection (h) of this section.

*(Omitted text is unaffected by this ordinance)*

(e) *Enforcement.* Any solicitation for a contract subject to the provisions of this section and any contract entered into as a result of such solicitation shall include terms necessary to enforce the provisions of this section, including, but not limited to, terms:

*(Omitted text is unaffected by this ordinance)*

(3) specifying that the commissioner or head of the department or ~~the commissioner of environment~~ or any other city agency designated by the commissioner or head of the department or ~~the commissioner of environment~~ is authorized to inspect or to have inspected any vehicle or equipment in order to ensure full compliance with contract requirements specified pursuant to subsections (b)(1), (b)(2), and (b)(3) of this section;

(4) specifying that in the event of violation of any of the specifications required pursuant to subsections (b)(1), (b)(2), and (b)(3) of this section, liquidated damages shall be assessed against the contractor in the amount of \$5,000 for each violation and that each day of noncompliance shall be a separate violation; provided, however, the damages shall not exceed a total of \$50,000 for any one vehicle or piece of equipment; that such liquidated damages are not imposed as a penalty but as an estimate of the damages that the city will sustain from delay in completion of the project and inspection and other enforcement costs, as well as the resultant damages to the public health of its citizens, which damages by their nature are not capable of precise proof; and authorizing the city to withhold and deduct from monies otherwise payable to the contractor the amount of liquidated damages due to the city; and

(5) specifying that in the event the contractor has not met the minimum clean fleet score specified pursuant to subsections (b)(4), (b)(5) or (b)(6) of this section during any reporting period, liquidated damages shall be assessed against the contractor in the dollar amount that shall be calculated as follows:

$(RCFS - ACFS) \times \$500.00 \times \text{the number of working days in the reporting period}$ ; where RCFS stands for the minimum required clean fleet score during the reporting period and ACFS stands for the actual clean fleet score obtained by the contractor in the reporting period.

Such solicitation or contract shall also specify that noncompliance during each reporting period shall be a separate violation; that such liquidated damages are not imposed as a penalty but as an estimate of the damages that the city will sustain from delay in completion of the project and inspection and other enforcement costs, as well as the resultant damages to the public health of its citizens, which damages by their nature are not capable of precise proof; and authorizing the city to withhold and deduct from monies otherwise payable to the contractor the amount of liquidated damages due to the city; and.

~~(f)(e-1)~~ ~~specifying that~~ Except as otherwise provided in subsection (f)(5) of this section, any person who knowingly makes a false statement of material fact to any city agency with respect to compliance with any of the contract requirements specified pursuant to any of the provisions of this section or rules and regulations promulgated thereunder shall be fined not less than \$1,000.00 nor more than \$5,000.00 for each such false statement. For purposes of this section, a person knowingly makes a false statement of material fact when such person makes a false statement of material fact as described in subsection (d) of section 1-21-010 of this Code.

*(Omitted text is unaffected by this ordinance)*

(f) *Clean fleet score annual waiver.*

(1) Any construction firm may apply to the ~~commissioner of environment~~ chief procurement officer for a clean ~~feet~~ fleet score annual waiver certificate. Applications for a clean ~~feet~~ fleet score annual waiver certificate shall be on a form provided by the department of ~~environment~~ procurement services and shall be accompanied by a non-refundable application fee of \$100.00. The application shall also include all of the following information and statements which shall be verified by affidavit:

*(Omitted text is unaffected by this ordinance)*

(2) If, upon review of the application, the ~~commissioner of environment~~ chief procurement officer or the ~~commissioner's~~ his or her designee determines that the applicant has met all of the requirements set forth in subsection (f)(1) of this section, the ~~commissioner~~ chief procurement officer is authorized to grant a clean ~~feet~~ fleet score annual waiver certificate to the applicant.

*(Omitted text is unaffected by this ordinance)*

(5) Any person who knowingly makes a false statement of material fact to the ~~commissioner of environment~~ chief procurement officer with respect to a clean ~~feet~~ fleet score annual waiver certificate application specified in this subsection or rules and regulations promulgated thereunder shall be subject to the penalties provided in section 1-21-010 of this Code. For purposes of this section, a person knowingly makes a false statement of material fact when such person makes a false statement of material fact as described in subsection (d) of section 1-21-010 of this Code.

(6) No clean fleet score annual waiver certificate shall be granted as of January 1, 2023.

*(Omitted text is unaffected by this ordinance)*

(h) *Regulations.* The chief procurement officer ~~and the commissioner of environment~~ are ~~is~~ authorized to ~~jointly~~ adopt rules and regulations ~~they~~ she may deem

appropriate for the administration and enforcement of the provisions of this section.

*(Omitted text is unaffected by this ordinance)*

**2-102-030 Commissioner – Powers and duties.**

The commissioner of transportation shall have the following powers and duties:

*(Omitted text is unaffected by this ordinance)*

(s) To administer the program concerning decorative banners or other decorations designed to be placed on light poles that is provided for in Section 10-8-340 of the Code;

(t) To administer the Green Streets Program, and other urban forestry and beautification programs, and to enter into grant agreements, cooperation agreements and other agreements or contracts with governmental entities, private businesses and civic and community groups to implement such programs, as the commissioner may deem advisable and necessary, 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.

**2-102-035 Transfer of rights, powers and duties.**

The commissioner and the department of transportation shall assume all rights, powers, duties, obligations and responsibilities of the former commissioner and department of the environment related to the Green Streets Program and other urban forestry and beautification programs, including:

(1) All personnel, books, records, property and funds related to the Green Streets Program and other urban forestry and beautification programs;

(2) The administration of any federal, state, local or private grant or loan programs, except to the extent prohibited by the grantor or grant agreement, related to the Green Streets Program and other urban forestry and beautification programs; and

(3) The rights and duties under existing contracts, appropriations, grant agreements, redevelopment agreements, leases, indentures or other agreements or ordinances related to the Green Streets Program and other urban forestry and beautification programs.

All rules or regulations issued by the former commissioner of the environment relating to the Green Streets Program and other urban forestry and beautification programs, in effect as of January 1, 2012, shall remain in effect until amended or repealed by the commissioner of transportation.

**2-106-030 Transfer of rights, powers and duties.**

(a) The commissioner and the department of water management shall assume all rights, powers, duties, obligations and responsibilities of the former commissioner and department of water and the former commissioner and department of sewers. All personnel,

books, records, property and funds relating to such former departments are transferred to the department of water management. The commissioner of water management shall succeed such former commissioners in the administration of any federal, state, local or private grant or loan programs. The commissioner of water management shall succeed to the rights and duties of such former commissioners under existing contracts, grant agreements, redevelopment agreements, leases, indentures or other agreements or ordinances. All rules or regulations issued by the commissioner of water and the commissioner of sewers in effect as of the effective date of this ordinance shall remain in effect until amended or repealed by the commissioner of water management.

(b) The commissioner and the department of water management shall assume all rights, powers, duties, obligations and responsibilities of the former commissioner and department of the environment related to water quality and stormwater management, including:

(1) All personnel, books, records, property and funds related to water quality and stormwater management;

(2) The administration of any federal, state, local or private grant or loan programs, except to the extent prohibited by the grantor or grant agreement, related to water quality and stormwater management; and

(3) The rights and duties under existing contracts, appropriations, grant agreements, redevelopment agreements, leases, indentures or other agreements or ordinances related to water quality and stormwater management.

All rules or regulations issued by the former commissioner of the environment relating to water quality and stormwater management, in effect as of January 1, 2012, shall remain in effect until amended or repealed by the commissioner of water management.

#### **2-106-040 Commissioner – Power and duties.**

The commissioner of water management, subject to the provisions of this Code, shall take special charge and superintendence of the following:

(a) The operation and maintenance of the waterworks of the city;

(b) The extension, installation, repair or relocation of water pipes, except those installations to be constructed by contract with the city or by the department of transportation;

(c) ~~(Reserved)~~ The development of plans and proposals for joint cooperative investigation and research with public and private agencies and organizations on methods for eliminating or reducing water pollution.

(d) ~~(Reserved)~~ To enter into grant agreements, cooperation agreements and other agreements or contracts with governmental entities, private business and civic and community groups to implement water quality programs, as the commissioner may deem advisable and necessary, 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.

*(Omitted text is unaffected by this ordinance)*

**4-108-355 Semiannual surficial cleansing.**

At least twice per calendar year, and more frequently if determined necessary by the commissioner of environment health or his/her designee, the operator must wash or cleanse all vehicular use areas of the facility to remove any and all residue, stains or other matter remaining from oil spills and other spilled materials. Permitted methods of vehicular use area cleaning include power washing or equivalent dry cleaning methods. If power washing or other wet washing method is used, the operator must provide a positive mechanism to prevent the wash water or waste water from leaving the site or discharging into the municipal sewer system. In addition, the operator shall manage and dispose of all waste and effluent in a manner consistent with federal and state law. The operator shall keep records of dates on which vehicular use area cleaning is performed and records of waste disposal onsite for three years and make such records available upon request of the commissioner of environment health or his/her designee.

**4-108-360 Violation – Penalty.**

(A) The commissioner of environment health or his/her designee may issue citations for any violation of this article, the violation of which shall be punishable by a civil penalty of not less than \$500.00 and not more than \$1,000.00 for each offense. Each day such violation continues shall constitute a separate and distinct offense. In addition, the operator shall be responsible for the cleanup and costs resulting from any contamination and related damage from a spill or overflow.

(B) The commissioner of environment health or his/her designee may seek permanent or temporary injunctive relief for any violation of this article.

**4-115-020 License – Application.**

*(Omitted text is unaffected by this ordinance)*

In addition, the application shall contain the following information: (1) the location of the place at which it is desired or intended to store or use the hazardous material(s) enumerated for use in the applicant's business; (2) the chemical name or common name of such hazardous material(s); (3) the maximum aggregate quantity of such hazardous material(s) to be stored for use, at each location identified pursuant to item (1) of this section; (4) a description of the business engaged in, of the location and capacity of all containers or tanks used to store any hazardous material and of all vehicles used in connection with the applicant's business; and (5) any other information that the deputy fire commissioner of the fire prevention bureau, the commissioner of the environment health, the executive director of emergency management and communications or the commissioner of business affairs and consumer protection may require to implement the requirements of this chapter.

*(Omitted text is unaffected by this ordinance)*

**4-115-025 Unlawful act – Failure to file tier II notification – Failure to submit diagram.**

*(Omitted text is unaffected by this ordinance)*

(B) The commissioner of environment health, the fire commissioner, the executive director of emergency management and communications, the commissioner of business affairs and consumer protection and their respective designees are authorized: (1) to inspect, at reasonable hours or in case of an emergency, any facility licensed or required to be licensed under this chapter for the purpose of determining compliance with the requirements of this section; (2) to examine the applicable books and records of any person licensed or required to be licensed under this chapter in order to corroborate the quantities of hazardous chemicals reported or required to be reported by the owner or operator of the facility under Section 11-4-1200; and (3) to enforce the requirements of this chapter.

**4-151-030 License – Application and issuance procedures.**

*(Omitted text is unaffected by this ordinance)*

(c) The commissioner shall forward the application to the departments of buildings, fire, police, and environment health. Before a license shall be issued, the departments of buildings, fire, police, and environment health shall inspect the premises for which the license is sought to determine whether the shooting range facility is in compliance with the provisions of this code and the rules and regulations promulgated thereunder relating to health and sanitation, buildings, public safety, environment and fire prevention.

*(Omitted text is unaffected by this ordinance)*

**4-151-060 Inspections.**

Every shooting range facility shall be open at all reasonable times for inspection by the departments of buildings, environment health, police, business affairs and consumer protection, and fire.

**4-216-030 License – Application – Investigation.**

*(Omitted text is unaffected by this ordinance)*

(e) The ~~director of revenue~~ comptroller shall notify the commissioner of environment health, the commissioner of streets and sanitation and the superintendent of police of the name and City of Chicago junk peddler license number of every licensed junk peddler.

**4-228-024 Proper disposal of tires.**

No motor vehicle repair shop shall replace or repair motor vehicle tires unless the motor vehicle repair shop maintains in effect a contract for the removal and disposal of motor vehicle

tires replaced by such motor vehicle repair shop. The contract shall be kept on the premises of the motor vehicle repair shop and be made available for inspection by the commissioner or the commissioner's designee or by the commissioner of the departments of environment health or streets and sanitation or the commissioner of business affairs and consumer protection or their designees, each of whom is authorized to enforce this section, during the repair shop's business hours. The motor vehicle repair shop shall be jointly and severally liable with the repair shop's waste tire transporter and the repair shop's tire disposal contractor for any illegal disposal of the repair shop's tires by such transporter or disposal contractor.

**4-228-025 Proper disposal of unrepairable or unclaimed vehicle and parts.**

Motor vehicle repair shops shall lawfully dispose of all unrepairable or unclaimed motor vehicles and motor vehicle parts which are within their custody. Proof of proper disposal, in the form of a receipt, shall be maintained by each motor vehicle repair shop on the business premises of the repair shop for a minimum of one year, and shall be made available for inspection by the commissioner or the commissioner's designee, or by the commissioner of the departments of environment health or streets and sanitation or the commissioner of business affairs and consumer protection or their designees, each of whom is authorized to enforce this section, during the repair shop's business hours. With respect to tires, the receipt shall include or be accompanied by the following information: the name and address of the motor vehicle repair shop, the date of disposal, the name and address of the disposal facility, the number of tires disposed of; and the name of the transporter of the waste tires, including the truck number or license plate number.

**4-228-040 Unlawful acts and omissions.**

*(Omitted text is unaffected by this ordinance)*

(k) installing or selling any muffler cutout, by-pass, straight pipe or similar device upon a motor vehicle licensed for use on public roads, or installing or selling on any motorcycle licensed for use on public roads any exhaust system or exhaust system component that is not labeled in accordance with Section 205.169 of Title 40 of the Code of Federal Regulations, indicating that the exhaust system or exhaust system component meets federal noise emission requirements for that model of motorcycle. For purposes of this subsection (k), the term "straight pipe" includes a muffler without baffles or any other noise inhibiting device. This subsection may be enforced by the commissioner of business affairs and consumer protection ~~or the commissioner of environment.~~

Where the motor vehicle repair shop cannot show there was bona fide error, the commissioner of business affairs and consumer protection may recommend to the mayor the suspension or the revocation of a motor vehicle repair shop license for any of the aforementioned acts or omissions, ~~and the commissioner of environment may make such a recommendation for any violation of subsection (k).~~

**4-229-065 Proper disposal of tires.**



Every tire facility shall maintain in effect a contract for the disposal of tires. The tire facility shall also maintain all disposal invoices related to the disposal contract for a minimum of one year. The invoices shall include the name and address of the tire facility, the date of disposal, the name and address of the disposal facility, the number of tires disposed of; and the name of the transporter of the waste tires, including the truck number or license plate number. The disposal contract and all related invoices shall be kept on the premises of the tire facility and be made available for inspection by personnel of the departments of streets and sanitation, business affairs and consumer protection, or environment health, all of whom are authorized to enforce this section, during the tire facility's business hours.

The tire facility shall be jointly and severally liable with the tire facility's waste tire transporter and the tire facility's tire disposal contractor for any illegal disposal of the tire facility's tires by such transporter or disposal contractor.

**4-260-045 License – Recycling program required.**

As a condition of receiving, renewing and maintaining a license as a scavenger or refuse hauler, each such licensee or applicant for such license shall:

(a) Develop and make available to all refuse collection customers an effective recycling program as required by Chapter 11-5 of this Code by July 1, 1994. Any hauler may subcontract with a recycling service provider, transfer station or other waste control facility to meet these requirements. The program shall be in writing and shall describe the categories of materials to be recycled, the involvement of the scavenger's or hauler's customers in the program, and the means of recycling. The commissioner of the department of environment streets and sanitation shall review and approve the adequacy of these programs as prerequisite to the issuance of such license. Included in that program shall be the specific measures required to ensure cooperation between the building manager and the municipal solid waste hauler;

(b) Submit the written reports to the commissioner of the department of environment streets and sanitation summarizing recycling activities between January 1st and June 30th, on or before August 31st, and recycling activities between July 1st and December 31st, on or before February 28th of each year, setting forth the following data and information:

*(Omitted text is unaffected by this ordinance)*

(c) Any and all specific information regarding materials collected or collection methods included as part of the certification or reporting submitted to the commissioner of the department of ~~the environment~~ streets and sanitation as required by this section shall be made available to the general public in accordance with the Freedom of Information Act.

**4-260-150 Commercial refuse containers – Permit required.**

*(Omitted text is unaffected by this ordinance)*

(E) *Enforcement.* This section shall be enforceable by any one of the following: ~~the commissioner of the environment~~, the commissioner of streets and sanitation, the commissioner

of transportation, the commissioner of business affairs and consumer protection, or the ~~director of revenue~~ comptroller, or their respective designees. The commissioner of transportation shall have the authority to promulgate such rules and regulations as the commissioner deems necessary or appropriate for the proper administration and enforcement of this section. The ~~director of revenue~~ comptroller may require that a provider produce such records and other information that the director considers necessary to determine compliance with this section.

*(Omitted text is unaffected by this ordinance)*

#### **4-268-050 Rules and regulations.**

*(Omitted text is unaffected by this ordinance)*

(d) (1) A performer shall comply in all respects with the relevant portions of the noise and vibration control provisions of the Chicago ~~Environmental~~ Noise Ordinance, ~~Article XXI~~ of Chapter ~~11-4~~ 8-32 of the Municipal Code, and all other applicable code provisions, which prohibit a street performer from generating any sound by any means so that the sound is louder than an average conversational level at a distance of 100 feet or more, measured either horizontally or vertically from the point of generation. Failure to comply with these noise control limitations shall constitute a violation of this section and shall subject the violator to the penalties set forth in subsection (e) of this section.

Any performer whose performance in the area bounded by Lake Michigan on the east, Oak Street on the north, Congress Parkway on the south and LaSalle Street and Wacker Drive on the west (including both sides of the named boundary streets), has exceeded the noise limitations set forth in Section ~~11-4-2800~~ 8-32-070, and restated in this subsection (d)(1), and who is given notice thereof and requested to move by a police officer ~~or department of environment personnel~~, shall move the location of his or her performance at least two city blocks from the location where the noise violation occurred. Failure to obey such a request to move is a violation of this section.

*(Omitted text is unaffected by this ordinance)*

#### **7-28-020 Summary abatement.**

Whenever any nuisance under this Chapter 7-28 shall be found on any premises within the city, the commissioner of buildings or commissioner of ~~the environment~~ health or commissioner of streets and sanitation or the corporation counsel is hereby authorized, in his or her discretion, to seek to enjoin such nuisance or to cause the same to be summarily abated in such manner as he or she may direct pursuant to the applicable provisions of this Code.

#### **7-28-120 Weeds – Penalty for violation – Abatement – Lien.**

*(Omitted text is unaffected by this ordinance)*

(b) All weeds which have not been cut or otherwise controlled, and which exceed an average height of ten inches, are hereby declared to be a public nuisance. If any person has been convicted of violating subsection (a) and has not cut or otherwise controlled any weeds as required by this section within ten days after the date of the conviction or finding of liability or judgement, , the city may cause any such weeds to be cut at any time. In such event, the person who owns or controls the property on which the weeds are situated shall be liable to the city for any and all costs and expenses incurred by the city in cutting the weeds, plus a penalty of up to three times the amount of the costs and expenses incurred by the city. Such monies may be recovered in an appropriate action instituted by the corporation counselor or in a proceeding initiated by the department of streets and sanitation or the department of ~~the environment~~ health at the department of administrative hearings. The penalties imposed by this subsection shall be in addition to any other penalty provided by law.

*(Omitted text is unaffected by this ordinance)*

**7-28-395 Construction debris on public way prohibited.**

*(Omitted text is unaffected by this ordinance)*

This section may be enforced by the department of streets and sanitation, the department of ~~the environment~~ health, and the department of transportation.

*(Omitted text is unaffected by this ordinance)*

**7-28-455 Unremoved motor vehicles, ashes, refuse, waste, debris and other materials – Substantial risk to the public – Nuisance – City authorized to remove – Notice – Violation – Penalty – Costs.**

(a) Definitions. As used in this section:

“Commissioner” means the commissioner of streets and sanitation or the commissioner of ~~the environment~~ health or their respective designees.

“Owner” has the meaning ascribed to the term in Section 13-4-010.

“Property” means any lot, tax parcel of real estate, railroad track, residence, place of business or any portion thereof, whether improved, unimproved, vacant or occupied.

*(Omitted text is unaffected by this ordinance)*

In addition to such fine, any person who violates this subsection shall be liable to the city for any and all costs and expenses incurred by the city in abating a nuisance under this section, plus a penalty of up to three times the amount of the costs and expenses incurred by the city in abating such nuisance. Such monies may be recovered in an appropriate action instituted by the corporation counsel or in a proceeding initiated by the department of streets and sanitation or the department of ~~the environment~~ health at the department of administrative hearings. The penalties imposed by this subsection shall be in addition to any other penalty provided by law.

*(Omitted text is unaffected by this ordinance)*

**7-28-518 Penalties.**

A. Any person who violates any provision of this ordinance or its rules and regulations, shall, upon conviction, be fined not less than \$500.00 nor more than \$1,000.00 for the first offense, not less than \$1,000.00 nor more than \$2,000.00 for the second offense, and not less than \$2,000.00 nor more than \$5,000.00 for a third or any subsequent offense.

B. In the event infectious waste is found which has been disposed of in violation of this ordinance, the departments of health ~~and the environment~~ shall take or direct all action necessary to insure proper disposal of such waste. Any person responsible for such improper disposal shall, in addition to the penalties specified above, be required to pay any and all costs incurred by the city to dispose of such waste.

**7-28-637 BPA-free kids ordinance.**

*(Omitted text is unaffected by this ordinance)*

(e) Enforcement. The department of business affairs and consumer protection shall enforce this section. The department is also authorized to adopt rules and regulations for the proper administration and enforcement of the provisions of this section. The ~~department of environment and the~~ department of public health also shall have the authority to enforce this section.

*(Omitted text is unaffected by this ordinance)*

**7-30-010 Definitions.**

For the purposes of this chapter:

(a) “Commissioner” shall mean the Commissioner of the Department of ~~Consumer Services~~ Business Affairs and Consumer Protection of the City.

(b) “Consumer” shall mean any person who purchases a product from a store that is placed in a plastic bag at the time of sale.

(c) “Department” shall mean the City’s Department of Business Affairs and Consumer Services Protection.

(d) “Film plastic” shall mean uncontaminated and unsoiled non-rigid film plastic packaging products composed of plastic resins that include, but are not limited to, newspaper bags, dry cleaning bags and shrink wrap.

*(Omitted text is unaffected by this ordinance)*

**7-30-020 Recycling program requirements.**

(a) Every operator shall establish an in-store recycling program that shall include, but need not be limited to, the following:

(1) Every plastic carryout bag provided by a store shall have printed or

displayed outside the face of the bag: (i) the words "Please Reuse Or Recycle At Participating Store" using letters at least one-half (1/2) inch in height; or (ii) a similar message encouraging the reuse or recycling of plastic carryout bags that is no less than one (1) inch in height and uses letters at least one quarter (1/4) inch in height; ~~provided, however, that such store shall be allowed, for six (6) months from the effective date of the ordinance that added this Subsection, to use its existing stock of plastic carryout bags and may apply to the Commissioner for a waiver, based on economic hardship, to extend such six (6) month period;~~

(2) a bin for the collection of plastic carryout bags and other film plastic shall be placed in a visible location that is easily accessible to the consumer, and clearly marked as available for the purpose of collecting plastic carryout bags and other film plastic for recycling;

(3) all plastic carryout bags and other film plastic returned to a store are to be collected, transported and recycled in a manner consistent with the provisions of this chapter or any rule promulgated pursuant to this chapter;

(4) plastic carryout bags and other film plastic collected by a store that are free of foreign material shall not be disposed of in any solid waste or hazardous waste facility; and

(5) the operator shall make available to consumers within a store at or near the place where plastic carryout bags are dispensed, reusable bags, which may be purchased and used in lieu of a plastic carryout bag or paper bag.

(b) Each operator or its designee shall maintain a copy of the annual report submitted to the Department of ~~Environment~~ in accordance with the requirements of Section 7-30-020(c).

(c) Each operator or its designee shall submit an annual report, sworn by an affidavit, to the Department of ~~Environment~~ covering the preceding calendar year, beginning with a report covering calendar year two thousand nine (2009) which shall state the following:

(1) a good faith estimate of the total amount of carryout plastic bags and other film plastic weight that is collected and transported for recycling for the total of its stores that it operates within the City of Chicago, the physical location at which such recycling occurred, and the costs to the operator of such efforts; and

(2) any other information that the Commissioner of the ~~Department of Environment~~ shall require by rule. Such annual report shall be submitted to the Department of ~~Environment~~ no later than February twenty-eighth (28th) following the calendar year to which the annual report relates.

(d) The Commissioner of the ~~Department of Environment~~ shall, in consultation with operators, manufacturers and recyclers, develop a system to monitor and determine the weight of all plastic carryout bags and other film plastic collected and the physical location where the said plastic recycling occurred under this chapter and shall analyze the information and report to the Joint Committee of the Committee on Finance and the Committee on Health and Energy, ~~Environmental Protection and Public Utilities~~ every two (2) years beginning December thirty-first (31st) two thousand and ten (2010), regarding the implementation and enforcement of this chapter.

#### **8-4-087 Chronic illegal activity premises.**

*(Omitted text is unaffected by this ordinance)*

15. Excessive noise or vibration in violation of any provision of the Chicago Environmental Noise Ordinance, ~~Article XXI~~ of Chapter ~~11-4~~ 8-32 of the Municipal Code of Chicago or any comparable federal, state or local law;

*(Omitted text is unaffected by this ordinance)*

**9-80-095 Excessive standing of diesel powered vehicles with the engine running.**

*(Omitted text is unaffected by this ordinance)*

(d) Any police officer, traffic control aide, other designated member of the police department, parking enforcement aide or other person designated by the city traffic compliance administrator, ~~or the commissioner of the environment~~ health, or the commissioner of transportation shall have authority to enforce the provisions of this section.

**10-8-335 Outdoor special events.**

*(Omitted text is unaffected by this ordinance)*

(d) The department shall promptly send copies of all applications for a special event permit to the following departments, for the purpose of obtaining input on the factors set forth in (f):

- (1) the department of business affairs and consumer protection;
- (2) the department of police;
- (3) the fire department;
- (4) the department of streets and sanitation;
- (5) the department of transportation;
- (6) the department of law;
- (7) ~~the department of environment;~~
- (8) the office of emergency management and communications.

*(Omitted text is unaffected by this ordinance)*

**11-4-020 Enforcement of provisions.**

(1) ~~Except as otherwise provided, The~~ the provisions of this chapter, known as the Chicago Environmental Protection and Control Ordinance, shall be enforced by the commissioner of the department of ~~environment, health~~ health ~~except for Article III which shall be enforced by the building commissioner.~~ All duties and powers granted herein shall be exercised by each such official.

(2) ~~In addition to any other available penalties and remedies provided for in the Code, one or more citations for violation of this chapter on each of three or more separate days within a three month period at the same construction site may result in a stop work order issued~~

by the department of the environment, directing that all activity cease for 10 days. Any further citation for violation at the same construction site within six months after the initial stop work order may result in the issuance of another 10 day stop work order. The department shall lift a 10 day stop work order only if sufficient evidence of compliance with this chapter is provided to the department. As used in this section, the term “construction site” has the meaning ascribed to the term in Section 13-32-125.

*(Omitted text is unaffected by this ordinance)*

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

*(Omitted text is unaffected by this ordinance)*

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

*(Omitted text is unaffected by this ordinance)*

(4) *Duty to comply and Demand demand for a hearing.* Any person to whom the commissioner issues an order under this subsection (c) shall comply with such order as ordered by the commissioner; provided, however, that if the person contests the order, she or he shall notify the commissioner within 15 calendar days from the service date of the order, on the appropriate form as provided by the commissioner, of her or his demand for a hearing. If the person notifies the commissioner of her or his demand for a hearing in accordance with this subsection, the order shall be stayed by the commissioner until the 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 order, or affirming or vacating the commissioner’s order. Failure to notify the 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 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.

*(Omitted text is unaffected by this ordinance)*

#### **11-4-030 Operating a facility without a permit or authorization – Violation – Penalty.**

*(Omitted text is unaffected by this ordinance)*

(4) knowingly submitted a materially false or inaccurate statement in the permit or authorization application or any other document submitted to the commissioner in support of such application. The commissioner shall send notice of any permit revocation or suspension to the permittee in accordance with the applicable provisions of subsection (d) of Section 11-4-025 of this Code, and provide any such permittee an opportunity to demand a hearing in accordance

with the procedures set forth in subsection (c) of Section 11-4-025 of this Code.

*(Omitted text is unaffected by this ordinance)*

#### **11-4-040 Permit issuance or renewal – Requirements.**

(b) Any person whose application for issuance or renewal of a permit is denied may appeal to the commissioner for a hearing on the denial by submitting a written request for a hearing within 15 days of the date of the letter denying the permit or the renewal application. The commissioner, or the commissioner's designee, shall commence the hearing within 30 days of receiving a hearing request, unless a later date is scheduled with the mutual consent of the parties. Failure to timely request a hearing in accordance with this paragraph shall constitute a waiver of the opportunity for a hearing. When an application for issuance or renewal of a permit is denied, the commissioner shall send notice of such denial to the applicant in accordance with the applicable provisions of subsection (d) of Section 11-4-025 of this Code, and provide any such permittee an opportunity to demand a hearing in accordance with the procedures set forth in subsection (c) of Section 11-4-025 of this Code.

#### **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:

“Acoustical terminology.” Definitions of all acoustical terminology shall be that contained in ANSI S1.1 Acoustical Terminology.

*(Omitted text is unaffected by this ordinance)*

“Authorized representative” means any individual, firm or corporation designated by a “person”, as defined in this section, who shall be given authority to act for such “person” in all matters pertaining to the department of the environment health. Such authorization must be transmitted to such department in writing.

*(Omitted text is unaffected by this ordinance)*

“Decibel” means a unit for measuring the volume of a sound, equal to the logarithm of the intensity of the sound to the intensity of an arbitrarily chosen standard sound; abbreviated dB.

“Commissioner” means commissioner of the environment health of the City of Chicago.

*(Omitted text is unaffected by this ordinance)*



“Department” means department of ~~the environment~~ health of the City of Chicago.

*(Omitted text is unaffected by this ordinance)*

~~“Fluctuating noise” means a noise whose sound pressure level varies significantly but does not equal the ambient environmental level more than once during the period of observation.~~

*(Omitted text is unaffected by this ordinance)*

~~“Impulsive noise” means impulsive noise as characterized by brief excursions of sound pressure (acoustic impulses) which significantly exceed the ambient environmental sound pressure. The duration of a single impulse is usually less than one second.~~

*(Omitted text is unaffected by this ordinance)*

~~“Inedible rendering process.” The provisions of this chapter shall not apply to any device, machine, equipment or other contrivance used exclusively for the processing of food for human consumption and to food service establishments.~~

*(Omitted text is unaffected by this ordinance)*

~~“Intermittent noise” means a noise whose sound pressure level equals the ambient environmental level two or more times during the period of observation. The period of time during which the level of the noise remains at an essentially constant value different from that of the ambient is on the order of one second or more.~~

*(Omitted text is unaffected by this ordinance)*

~~“Motorcycle” means every motor vehicle having a seat or saddle for the use of the rider and designated to travel on not more than three wheels in contact with the ground, but excluding a tractor.~~

~~“Motor-driven cycle” means every motorcycle, every motor scooter, or every bicycle with motor attached with less than 150 cubic centimeter piston displacement.~~

*(Omitted text is unaffected by this ordinance)*

~~“Noise disturbance” means any sound which (1) is heard at a distance of 600 feet or more from the point of generation; or (2) generates a sound pressure level on the public way exceeding 80 dB(A) when measured at a distance of ten feet or more from the source.~~

~~“Non-steady noise” means a noise whose level shifts significantly during the period of observation.~~

*(Omitted text is unaffected by this ordinance)*

"Odor concentration" means the number of cubic feet that one cubic foot of sample will occupy when diluted to the odor threshold. It is a measure of the number of odor units in one cubic foot of the sample. It is expressed in odor units per cubic foot.

"Odor nuisance" means any noxious odor in sufficient quantities and of such characteristics and duration as to be injurious to human, plant or animal life, to health, or to property or to unreasonably interfere with the enjoyment of life or property.

"Odor unit" means one cubic foot of air at the odor threshold.

*(Omitted text is unaffected by this ordinance)*

"Period of observation" means the time interval during which acoustical data are obtained. The period of observation is determined by the characteristics of the noise being measured and should also be at least ten times as long as the response time of the instrumentation. The greater the variance in indicated sound level, the longer must be the observation time for a given expected accuracy of the measurement.

*(Omitted text is unaffected by this ordinance)*

"Polyphosphate builder or phosphorus" means a water softening and soil suspending agent made from condensed phosphates, including pyrophosphates, triphosphates, tripolyphosphates, metaphosphates and glassy phosphates, used as a detergent ingredient, but shall not include polyphosphate builders or phosphorus which is essential for medical, scientific or special engineering used under such conditions and regulation as may be prescribed by the commissioner of the environment health.

"Pure tone" means any sound which can be distinctly heard as a single pitch or a set of single pitches. For the purpose of this chapter, a pure tone shall exist if the one-third octave band sound pressure level in the tone exceeds the arithmetic average of the sound pressure levels of the two contiguous one-third octave bands by five dB center frequencies of 500 Hz and above, and by eight dB for center frequencies between 160 and 400 Hz, and by 15 dB for center frequencies less than or equal to 125 Hz.

*(Omitted text is unaffected by this ordinance)*

"Rendering" means any heating process, including cooking, drying, dehydrating, digesting, evaporating, leaving protein concentrations of animal or marine matter.

*(Omitted text is unaffected by this ordinance)*

"Sound amplification device" means any electrically operated or battery-operated device, the principal purpose of which is to amplify or produce sound.

For air-borne sound, "sound level (noise level)" means a weighted sound pressure level, obtained by the use of metering characteristics and the A-weighting as specified in the reference standards ANSI S1.4, Section 3.1.3. When the A-weighting is employed, it must be indicated.

"Sound Pressure Level." The sound pressure level, in decibels, of a sound is 20 times the logarithm to the base of ten of the ratio of the pressure of the sound to the reference sound pressure. Unless otherwise specified, the effective (rms) pressure is to be understood. The reference sound pressure is 20µN/m<sup>2</sup>.

*(Omitted text is unaffected by this ordinance)*

"Steady noise" means a noise whose level remains essentially constant (i.e., fluctuations are negligibly small) during the period of observation is steady noise.

*(Omitted text is unaffected by this ordinance)*

#### **11-4-140 Fee on generation of liquid waste.**

*(Omitted text is unaffected by this ordinance)*

(c) For purposes of this section, the term "liquid waste generator" means any natural individual, person, corporation, partnership, trust, association, limited liability company, joint venture, foundation or other legal entity that generates liquid waste and meets one or both of the following criteria:

(1) the liquid waste is designated pursuant to Section 5/3.45 of the Illinois Environmental Protection Act as "special waste", and is containerized and transported off-site;

(2) the liquid waste has the potential to adversely impact the public health, safety or welfare of the citizens of Chicago as determined by the commissioner pursuant to Section 2-30-030 of this Code.

*(Omitted text is unaffected by this ordinance)*

~~(j) The commissioner is empowered to grant exemptions pursuant to Section 2-30-030 of this Code rules and regulations adopted by the commissioner relating to the collection of any fees authorized by this section.~~

#### **11-4-440 Sanitary landfill inspection = Jurisdiction and supervision.**

Inspection at all sanitary landfill operations shall be under the jurisdiction of the commissioner of ~~the environment~~ health. Inspections as necessary shall be supervised by ~~an engineer~~ a state certified inspector who is qualified by ~~both~~ training, education and experience.

#### **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 that ~~are exempted under subsection (b) or (c) of section 11-4-740, or for which the commissioner has issued a variance pursuant to subsection (d) of section 11-4-740~~ have received all necessary approvals from the department of buildings;

*(Omitted text is unaffected by this ordinance)*

**11-4-630 Standards for issuance of air pollution control permits.**

*(Omitted text is unaffected by this ordinance)*

(b) The commissioner shall have authority to impose conditions necessary to achieve the purposes of this article upon any permit issued pursuant to this section. Violation of any permit condition shall be considered to be a violation of this section.

*(Omitted text is unaffected by this ordinance)*

**11-4-670 Standards for the issuance of annual certificate of operation.**

*(Omitted text is unaffected by this ordinance)*

(b) The commissioner shall have authority to impose conditions necessary to achieve the purposes of this article upon any certificate of operation issued pursuant to this section. Violation of any certificate of operation condition shall be considered to be a violation of this section.

*(Omitted text is unaffected by this ordinance)*

**11-4-740 Open fires prohibited.**

It shall be unlawful to burn paper, wood, garbage, leaves, building construction, demolition debris or any other combustible material in open fires or in metal containers.

The commissioner shall implement the rules and regulations set forth in ~~Chapter V, PCB-R70-11, April 14, 1972~~ Part 237.120 of 35 Illinois Administrative Code, Open Burning, as promulgated by the State of Illinois Pollution Control Board and subject to amendment from time to time.

**11-4-760 Handling and storage of material susceptible to becoming windborne.**

*(Omitted text is unaffected by this ordinance)*

(f) Enforcement. The department of environment health and the department of streets and sanitation are authorized to enforce the provisions of this section.

**11-4-780 Refuse burning, municipal waste- burning equipment and municipal waste burning – Prohibited.**

(a) It shall be unlawful to burn refuse, garbage or other debris in any boiler or any unit which has not been specifically designed for that purpose and for which an effective certificate of operation has not been issued.

(b) It shall be unlawful to install or replace a municipal waste incinerator in the City of Chicago and the burning of municipal waste in any incinerator shall be strictly prohibited except when required by state or federal law; provided, however, the prohibition in this section shall not apply to facilities that convert waste to fuel, steam, electricity, energy, or other resources in a properly-permitted facility.

~~(c) All existing municipal waste incinerators in the city must be removed or rendered inoperable and certified as such by the department of environment. An incinerator will not be certified as “inoperable” until all of the following have occurred:~~

~~(1) The fuel and electricity are permanently disconnected.~~

~~(2) The stack, vent, bridge wall, or exhaust is disconnected, blocked and sealed off or permanently removed.~~

~~(3) The interior of the incinerator shall be cleared and cleaned of all residue and debris.~~

~~(4) The door to the incinerator is welded shut or otherwise permanently closed.~~

~~(5) The owner or operator of the incinerator notifies the department of environment in writing that the above four requirements have been satisfied.~~

~~(d) The department of environment shall inspect and certify whether the requirements in section (c) have been met. Upon approval, the department of environment shall provide written certification to the owner or operator that the incinerator has been rendered inoperable or removed.~~

~~(e) The commissioner shall have authority to promulgate rules and regulations regarding the closure requirements set forth in paragraph (c).~~

**11-4-950 Periodic inspection fees.**

Periodic inspection fees for boilers and unfired pressure vessels shall be paid to the city comptroller ~~as provided in Section 11-4-170 of this Code.~~

The provisions of this section shall not apply to single dwellings nor to multiple dwellings having less than four apartments.

**11-4-970 Sales and erection requirements.**

Any person manufacturing or dealing in the sale or erection of boilers, unfired pressure vessels or apparatus as defined by this chapter shall, on the sale or delivery of any such boiler, vessel, apparatus at any point or locality within the city, notify the department of buildings, giving the name of the purchaser, his street address and the street address to which such system is to be delivered. Any person selling a secondhand or used boiler or unfired pressure vessel

shall before painting the same, have it inspected by the department of buildings and before offering for sale any such boiler or unfired pressure vessel shall have in his possession a certificate issued by the said department of buildings to the effect that the said boiler or unfired pressure vessel is in such condition that it can be safely used. ~~The fee for such inspection shall be provided in Section 11-4-180 for ASME code work.~~

**11-4-990 Emission limitations.**

No person shall cause or allow emissions in excess of the limitations promulgated by the State of Illinois Pollution Control Board, ~~PCB-R71-23~~, as set forth in Part 215 of 35 Illinois Administrative Code ~~the Illinois Pollution Control Board Rules and Regulations, Chapter 2: Air Pollution, Part II, Rule 205~~; Organic Material Emission Standards and Limitations, as amended from time to time.

**11-4-1020 Definitions.**

~~Definitions relating to Article VI will be found in Article I, Section 11-4-120.~~  
“Commissioner” means the commissioner of water management.

**11-4-1040 Prohibited wastes.**

*(Omitted text is unaffected by this ordinance)*

(3) The commissioner and the commissioner of health shall have authority to enforce the provisions of this section.

**11-4-1050 Discharges of clean waters.**

Wherever possible clean waters from air conditioning, cooling or condensing systems or from swimming pools or clean waters resulting from pretreatment of industrial wastes shall be discharged into a storm sewer, combined sewer or natural outlet approved by the commissioner or the commissioner of buildings.

**11-4-1080 Sampling methods.**

In order to ascertain whether or not the sewage or waste of any kind discharged by any person into any waters or sewage system conforms to the criteria or water quality standards of the department of ~~the environment~~ water management, City of Chicago, the department of water management will use any appropriate method or device which will lead to such a determination.

**11-4-1200 Tier II notification – When required.**

(A) Definitions. As used in this section:

“Department of business affairs and consumer protection” means the department of business affairs and consumer protection of the City of Chicago.

“Department of ~~the environment~~ health” means the department of ~~the environment~~ health of the City of Chicago.

*(Omitted text is unaffected by this ordinance)*

(G) *Enforcement.* The commissioner of ~~the environment~~ health, the fire commissioner, the executive director of emergency management and communications, the commissioner of business affairs and consumer protection and their respective designees are authorized: (1) to inspect, at reasonable hours or in case of an emergency, any facility subject to the requirements of Section 12 of the Illinois Emergency Planning and Community Right To Know Act for the purpose of determining compliance with the requirements of this section; and (2) to examine the applicable books and records of any person subject to the requirements of Section 12 of the Illinois Emergency Planning and Community Right To Know Act in order to corroborate the quantities of hazardous chemicals reported or required to be reported under Section 11-4-1200 by the owner or operator of the facility.

**11-4-1560 Screening requirements.**

All Class III recycling facilities, sanitary landfills, incinerators, resource recovery facilities and liquid waste handling facilities, ~~or transfers and transfer stations~~ shall be visually screened from view and shall have buffer zones, as provided in the Chicago Zoning Ordinance, Title 17.

**11-4-1660 Special permit – Hearing – Findings.**

The commissioner of ~~the department of environment~~ health shall conduct a public hearing to examine the impact on the community and compliance with the provisions of this chapter if: (1) any waste treatment or disposal facility for which an application to the zoning board of appeals for a special use permit is required under the Chicago Zoning Ordinance; or (2) the expansion or alteration of any such facility previously permitted as a special use for which an application to the zoning board of appeals for the modification of a special use permit is required under the Chicago Zoning Ordinance. Notice of the public hearing and procedures therein shall be as provided in regulations issued by the commissioner. The commissioner shall record the proceedings and consider the matters presented in the hearing in deciding whether to issue the permit required under this chapter for the proposed facility. The commissioner shall also prepare findings based on the matters presented in the hearing and forward the findings to the solid waste management review committee for its consideration.

**11-4-1840 Recycling coordinator – Responsibilities.**

The commissioner of ~~the environment~~ streets and sanitation shall appoint a recycling coordinator ~~within 45 days of the effective date of this ordinance~~, who shall be actively involved in the city's solid waste policy development and implementation and report directly to the commissioner. The recycling coordinator shall have the following responsibilities:

*(Omitted text is unaffected by this ordinance)*

**11-4-1890 Promotion of economic development – Markets for recycled materials.**

In order to promote economic development within the city and to encourage markets for recycled materials, the city department of housing and economic development in coordination with the ~~department of the environment~~ chief sustainability officer and other city departments, as appropriate, shall implement programs to build demand for recycled products among Chicago businesses, residents and local governments; to build markets for recycled materials by attracting to the city manufacturers that use recycled material as raw material; and to assist businesses in developing capacity to use recycled material in place of virgin material.

**11-4-1905 Construction or demolition site waste recycling.**

*(Omitted text is unaffected by this ordinance)*

**(4) Certification Of Compliance And Enforcement.**

(a) Within 30 days of completion of a project meeting the requirements of subsection (3) of this section, the contractor shall submit documentation as described herein to report compliance with this section and regulations promulgated thereunder. The documentation required under this subsection (4)(a) shall be in a form prescribed by the commissioner of ~~the environment~~ health and consist of notarized affidavits from the contractor and the waste-hauler or recycler for the project certifying the extent to which the project complies with subsection (2).

*(Omitted text is unaffected by this ordinance)*

(e) A contractor must comply with all reasonable requests for information and documentation made by the commissioner of ~~the environment~~ health pursuant to an audit to monitor compliance with this section. Documentation required by this section must be maintained for at least three years.

*(Omitted text is unaffected by this ordinance)*

(5) The commissioner of ~~environment~~ health may promulgate such rules and regulations as necessary to implement the provisions of this section.

*(Omitted text is unaffected by this ordinance)*

**11-4-1910 Definitions.**

*(Omitted text is unaffected by this ordinance)*

“Reprocessing device” shall mean a device designed to crush or break reprocessable material into smaller constituent parts for the purpose of reprocessing such material and for which a permit has been issued by the department of ~~environment~~ health pursuant to this Code.



Other definitions relating to this article will be found in Article I of Chapter 11-4.

**11-4-1930 Reprocessable construction/demolition material permit.**

*(Omitted text is unaffected by this ordinance)*

(B) Permit Application. Application for a permit for a reprocessible construction/demolition material facility shall be made to the commissioner and shall provide the following information:

*(Omitted text is unaffected by this ordinance)*

(7) ~~A “process equipment permit~~ An “air pollution control permit” for reprocessing devices used for preprocessing reprocessible material issued by the department of environment health pursuant to this Code;

*(Omitted text is unaffected by this ordinance)*

**11-4-1970 Reprocessing device requirement.**

To qualify for a permit, each facility must have at least one permitted reprocessing device, with a ~~process equipment permit~~ an air pollution control permit issued by the department of environment health pursuant to this Code, for the purpose of reprocessing reprocessible material permitted for the site, or have an alternative plan approved by the commissioner for timely reprocessing of the material.

**11-4-1980 Testing of materials.**

The owner and/or operator of a reprocessible construction/demolition material facility shall perform, at its own expense, testing of material delivered to the facility for constituents and characteristics as described in rules and regulations that may be promulgated by the department of environment health. Such tests shall be performed on a schedule contained in regulations that may be promulgated by the department of environment health; provided, however, that the number of tests requested shall not exceed six within a 12-month period unless the commissioner determines that sufficient cause exists for additional testing and such cause is provided to the owner and/or operator in written form.

**11-4-1990 Reports and recordkeeping.**

*(Omitted text is unaffected by this ordinance)*

The load tickets or other documentation shall be preserved for a period of one year following the end of the calendar year in which such tickets were written and recorded or in which such other documentation is made. Load tickets or other documentation shall be made

available upon written or oral request during normal business hours to an employee or agent of the department of environment health.

(B) Reports. The owner and/or operator shall prepare, upon the request of the department of environment health or on a schedule prescribed by regulation, reports on materials delivered to and removed from a facility and on the operations of the facility.

*(Omitted text is unaffected by this ordinance)*

#### **11-4-2000 Operating requirements.**

The owner and/or operator of a reprocessible construction material facility shall comply with the following requirements:

(A) All facilities shall keep permits on the premises at all times. Permits should be posted in a prominent location and available at all times for review by employees or agents of the department of environment health.

*(Omitted text is unaffected by this ordinance)*

(E) Each reprocessible construction/demolition material facility shall employ measures and/or devices approved by the department of environment health to prevent the emission of dust and to keep the streets, sidewalks and sewers adjacent to the facility free and clear at all times of all material and debris transported to or from, or maintained or stored within, the facility.

(F) At no point shall any portion of the facility site be excavated for the purpose of storing reprocessed material, reprocessible material or incidental debris.

(G) Each facility shall conform to the noise standards established by ~~Article VII of this Chapter~~ ~~11-4~~ 8-32 of the Municipal Code of Chicago.

*(Omitted text is unaffected by this ordinance)*

#### **11-4-2010 Closure.**

The owner and/or operator of a facility shall notify the commissioner in writing of an intention to terminate operations of the facility at least 14 days prior to termination. Upon termination of operations on the facility site, the owner and/or operator shall leave the site in a clean condition that is to be approved by the department of ~~the environment health~~ environment health, removing all waste and other materials and equipment from the site. The site shall be restored to a level grade for future development consistent with local zoning ordinances. Only city- approved fill material shall be used to regrade the site.

#### **11-4-2020 Security.**

No person shall operate a facility which requires a permit under this article unless such person has posted with the department of ~~the environment health~~ environment health security in the amount of \$250,000.00. The purpose of such security is to assure that the applicant will comply with the

requirements of such permit, the provisions of this Code and the rules and regulations promulgated hereunder, and to secure payment of the city's expenses incurred in correcting any dangerous condition or defect existing in such facility or in responding to any emergency created as a result of the operation of the facility, and also to assure closure of the site and post-closure care in accordance with the requirements of this Code. Such security shall be maintained in effect for 90 days after the notice of the official closure of the facility has been given in writing to the commissioner. In no event shall the security be deemed to be the limit of the permittee's liability for its activities at the facility.

*(Omitted text is unaffected by this ordinance)*

#### **11-4-2080 City waste prevention program.**

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

(b) To reduce the volume of paper purchased, all city departments shall use both sides of paper sheets used for copying and printing purposes on documents that exceed five pages in length. Each city department shall ensure that all staff are informed of this requirement.

#### **11-4-2090 Definitions.**

As used in this article, unless the context requires otherwise:

(a) "Commissioner" shall mean the commissioner of ~~the Department of Environment~~ health.

*(Omitted text is unaffected by this ordinance)*

(e) "Underground storage tank" or "underground tank" shall mean an underground storage tank system as defined by the regulation promulgated by the Office of the State Fire Marshal in Title 41, Section ~~170.400~~ 174.100, of the Illinois Administrative Code.

#### **11-4-2115 Underground tank storage regulations.**

Any person who installs, maintains, repairs, removes or abandons in place any underground storage tank in violation of any section of ~~Title 41, Chapter I, Part 170, Subparts B and D, Part 171 and Part 172 of the Illinois Administrative Code~~ 41 Illinois Administrative Code 172, 174, 175, 176, or 177, as amended from time to time, shall be considered to have violated this section. The department of ~~the environment~~ health shall have the authority to: (1) enforce the above-cited provisions which are incorporated herein by reference; (2) obtain any and all applicable relief, including injunctions, court costs and fees; and (3) exercise such powers and perform such functions as may be delegated to the City by the Office of the State Fire Marshal pursuant to Section 2 of the Gasoline Storage Act, 430 ILCS 15/2. Any person

found in violation of these provisions or any administrative order issued under Section 2 of the Gasoline Storage Act, 430 ILCS 15/2, shall be fined in an amount equal to the fine specified for the violation in the Gasoline Storage Act (430 ILCS 15) for each violation, and any such violation shall constitute a public nuisance. Each and every violation of any section of ~~Title 41, Chapter I, Part 170, Subpart B, Part 171 and Part 172 of the Illinois Administrative Code~~ 41 Illinois Administrative Code 172, 174, 175, 176, or 177, or any administrative order issued under Section 2 of the Gasoline Storage Act, 430 ILCS 15/2, shall constitute a separate and distinct violation. Each day on which such violation exists shall constitute a separate and distinct offense.

**11-4-2140 Fuel and lubrication facilities.**

*(Omitted text is unaffected by this ordinance)*

(2) Each facility in the city must provide notification, as set forth in this section, to the department of ~~environment~~ environment health. There shall be no fee to provide notification or to update a notification. Such notification shall be on forms provided by the department of ~~environment~~ health, and shall include the following information:

*(Omitted text is unaffected by this ordinance)*

(e) Such other information as the commissioner of ~~environment~~ environment health may require. A notification must be provided to the department of ~~environment~~ environment health by January 1 of each year. Such annual notification shall be required even if no changes have occurred since the submission of the previous notification. An updated notification must be provided in the ~~vent~~ event that any information on a notification form on file with the department of ~~environment~~ health becomes inaccurate or incomplete in any respect at any time during the year, within 30 days of the change in status. Such changes in status include, but are not limited to, changes in ownership, changes in operator and the temporary or permanent termination of operations at a facility.

*(Omitted text is unaffected by this ordinance)*

(4) In the event that the city is unable to contact an owner or operator of a facility using information provided on a notification form, or as a result of an owner's or operator's failure to provide notification or update a notification, the facility shall be presumed to be abandoned, and the department of ~~environment~~ environment health may, after reasonable efforts to contact the owner or operator, arrange for the closure of the facility, and the abatement of any public nuisances associated with the facility, in accordance with applicable law. Costs incurred by the city in conjunction with such closure and abatement shall be a lien on the property as provided by law. In addition, the owner and operator of the facility shall be jointly and severally liable for costs in an amount up to three times the city's costs of closure and abatement, plus court

costs and reasonable attorney's fees. Such fines shall be in addition to any other costs and penalties provided herein.

**11-4-2150 Environmental standards related to the demolition, renovation, asbestos abatement and maintenance, sandblasting, chemical washing, and grinding of buildings, facilities or other structures.**

*(Omitted text is unaffected by this ordinance)*

(b) Definitions. For purposes of this section, the following terms shall have the following meanings:

*(Omitted text is unaffected by this ordinance)*

*Commissioner* means the commissioner of the department of environment health.

*(Omitted text is unaffected by this ordinance)*

*Department* means the department of environment health.

*(Omitted text is unaffected by this ordinance)*

**11-4-2160 Powers and duties of the commissioner.**

(a) In addition to all other powers and authority generally afforded the commissioner of environment health elsewhere under the Municipal Code, the commissioner shall have the following specific powers and responsibilities under this article:

*(Omitted text is unaffected by this ordinance)*

**11-4-2170 Demolitions and renovations: permit and notification requirements; performance standards for asbestos abatement; control and disposal of dust and debris.**

(a) Demolition of buildings, facilities or other structures: notice of intent to demolish required. No demolition of a building, facility or other structure shall be initiated within the city of Chicago unless a written notice of intent to demolish, accompanied by the fee required by this section, has been filed with, and approved by, the department of environment health at least ten working days prior to the commencement of demolition. The ten working day period shall not apply if the building, facility or other structure to be demolished has been found to be structurally unsound and in danger of imminent collapse by the building commissioner or state authority or court of competent jurisdiction; provided, however, any person or contractor demolishing such building, facility or other structure shall file a written notice with the department of environment health regarding such demolition as soon as practicable, and must have a properly licensed asbestos abatement contractor on site during the demolition.

*(Omitted text is unaffected by this ordinance)*

**11-4-2190 Sandblasting, grinding and chemical washing of buildings, facilities or other structures; permit and notification requirements; performance standards for lead paint abatement; and disposal of debris.**

*(Omitted text is unaffected by this ordinance)*

(g) Dust minimization – Containment, ~~wetting~~ wetting or vacuuming; plan required. Dust generated from any sandblasting, grinding, or chemical washing operation shall be minimized through the use of dust containment, wetting, vacuum attachments or other such mechanical means as appropriate. A written dust minimization plan shall be prepared prior to beginning any work and the plan shall be implemented throughout the sandblasting, grinding or chemical washing operation. A copy of the plan shall be maintained at the site throughout the course of the operation and shall be made available to the commissioner of environment health or his designees upon request.

(h) Permit fees. The fee for a permit to sandblast, grind or chemically wash any building, structure, statue or other architectural surface shall be \$200.00 per building, structure, statue or other architectural surface. The permit fee shall be waived for any unit of federal, state or local government.

**11-4-2200 Violations – Public nuisance – Civil penalties – Joint and several liability.**

(a) Civil penalties. Violation of any of the provisions of this article is hereby declared to be a public nuisance. Any person found to have violated any of the provisions of this article shall be assessed a civil penalty in accordance with the following schedule.

Schedule:

Violation Type	Residential Structures	Residential Structures	All Other (Non-Residential) Facilities, Structures or Architectural Surfaces
	With Four or Fewer Units	With More Than Four Units	

*(Omitted part of this table is not affected by this ordinance)*

<i>Failure to comply with provisions of Subsection 11-4-2170(b), (c) or (d) or Subsection 11-4-2190(b), (c) or (f) or (g)</i>	<i>Not less than \$2,000.00 and not more than \$5,000.00</i>	<i>Not less than \$5,000.00 and not more than \$10,000.00</i>	<i>Not less than \$5,000.00 and not more than \$10,000.00</i>
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*(Omitted part of this table is unaffected by this ordinance)*

**11-4-2510 Definitions.**

*(Omitted text is unaffected by this ordinance)*

Commissioner means the Commissioner of ~~the Department of the Environment of the City of Chicago~~ Health.

*(Omitted text is unaffected by this ordinance)*

Department means the Department of ~~the Environment of the City of Chicago~~ Health.

*(Omitted text is unaffected by this ordinance)*

**11-4-2620 Storage time limit – Maintenance of records.**

No recyclable materials shall be stored at any recycling facility for longer than 90 days except for processed, recyclable materials as approved in the permit. Each permittee under this article shall maintain records which indicate the date, quantity and type of recyclable materials received. ~~disposition~~ Disposition records shall also be kept which indicate the type, quantity and date of disposition of recyclable materials. Such records shall be open to inspection by the commissioner or his authorized agent during normal business hours and at other times upon reasonable notice.

**11-4-2625 Prohibited and regulated materials.**

*(Omitted text is unaffected by this ordinance)*

(f) All records required by this section shall at all times during the permittee’s business hours, and at all other times upon reasonable notice, be made available for inspection by the commissioner or his authorized agent, or any member of the police department. Upon the request of the commissioner or any member of the police department, the permittee shall provide photocopies of such records to the department of ~~environment~~ health or the police department.

*(Omitted text is unaffected by this ordinance)*

**11-4-3000 Definitions.**

For purposes of this Article XXII, the following definitions shall apply:

(a) “Business” shall have the meaning ascribed to it in Section 7-32-030 of this Code.

(b) “Ecosystem” means any living or non living organisms interacting as a unit wholly or partly within or adjoining the territorial boundaries of the City of Chicago.

(b-1) “Commissioner” means the commissioner of business affairs and consumer protection.

*(Omitted text is unaffected by this ordinance)*

**11-4-3010 List of regulated invasive species.**

The commissioner shall keep and update as necessary a list of regulated invasive species. Such list shall be based upon, but not limited to, the following: (1) the economic impact of introducing this species into the ecosystem; (2) the hazards that this species present to the wildlife and wildlife resources of the city; (3) diseases and parasites associated with this species; and (4) any food or commercial value of this species. Except in an emergency as determined by the commissioner, the commissioner shall provide a reasonable period of public notice before updating the list to add one or more regulated animal or plant species. Such list shall be published as ~~provided in subsection 2-30-030(12) of this Code~~ deemed appropriate by the commissioner.

*(Omitted text is unaffected by this ordinance)*

**11-4-3030 Enforcement.**

(a) The commissioner or the executive director of animal care and control is authorized to enforce the provisions of this article. The commissioner is authorized to adopt such rules and regulations as he or she may deem appropriate for the proper administration and enforcement of the provisions of this article. ~~Any such rules and regulations shall be published as provided in subsection 2-30-030(12) of this Code.~~

*(Omitted text is unaffected by this ordinance)*

**11-5-020 Definitions.**

For the purposes of this chapter, unless the context requires otherwise, the following terms shall have the definitions set forth below:

*(Omitted text is not affected by this ordinance)*



(d) "Commissioner" means the commissioner ~~of the city's department of environment or the city's commissioner of the department of streets and sanitation or their~~ respective his designees.

*(Omitted text is unaffected by this ordinance)*

(h) "Department" means the city's ~~department of environment or the department of streets and sanitation.~~

*(Omitted text is unaffected by this ordinance)*

**11-5-026 Department of environment streets and sanitation.**

In order to meet the stated purpose of this ordinance, the commissioner shall have the following responsibilities under this chapter.

*(Omitted text is unaffected by this ordinance)*

**11-5-027 Rules and regulations.**

The commissioner may ~~jointly~~ promulgate such rules and regulations as necessary to implement the provisions of this chapter ~~pursuant to notice and public hearing as required in Chapter 2-30 of the municipal code.~~

**11-6-020 Definitions.**

As used in this chapter:

*(Omitted text is unaffected by this ordinance)*

"Commissioner" means the City's commissioner of ~~the environment~~ business affairs and consumer protection or the commissioner's designee.

"Controlling person(s)" means any person who (1) is an officer, director, manager, managing member, partner, general partner or limited partner of a legal entity seeking or holding CGB certification under this chapter; or (2) owns, directly or indirectly through one or more intermediate ownership entities, 25% or more of the interest in a legal entity seeking or holding CGB certification under this chapter; or (3) is in charge of the day-to-day management or operations of any legal entity seeking or holding CGB certification under this chapter.

"Department" means the City's department of ~~the environment~~ business affairs and consumer protection.

*(Omitted text is unaffected by this ordinance)*

**11-6-170 Powers and duties of the commissioner and other city department heads.**

*(Omitted text is unaffected by this ordinance)*

(E) Inspections - Authorized. The commissioner of the environment, the commissioner of business affairs and consumer protection, the head of any city department authorized to inspect a place of business for the purpose of determining compliance with the requirements of this Code and their respective designees are authorized to inspect any place of business certified as a Chicago Green Business for the purpose of determining whether such place of business is in compliance with the requirements of this chapter.

*(Omitted text is unaffected by this ordinance)*

(I) Interdepartmental collaboration to develop CGB Program incentives - Required. The department of procurement services, the department of housing and economic development, the department of business affairs and consumer protection, ~~the department of the environment, the office of compliance~~ and the office of budget and management shall collaborate on a regular basis, by meeting at least twice a year, to develop and implement operational, financial and other incentives to encourage participation by local businesses in the Chicago Green Business Program.

*(Omitted text is unaffected by this ordinance)*

#### **11-12-085 Theft of hydrant or parts thereof.**

*(Omitted text is unaffected by this ordinance)*

(c) In addition to the penalties provided in subsection (b) of this section, any person holding a ~~junk facility permit~~ or recycling facility permit issued pursuant to Chapter 11-4, or agent or employee thereof, who violates this section shall be subject to suspension of any such permit for a first violation of this section, and shall be subject to revocation of any such permit for any subsequent violation. Any proceedings to implement such suspension or revocation shall be carried out by the commissioner of ~~the environment~~ health pursuant to procedures set forth in Chapter 11-4. The remedy provided in this subsection (c) shall be in addition to any remedy otherwise available to the city under the code.

#### **11-16-120 Discharging prohibited substances.**

No person shall discharge or cause to be discharged into any portion of the sewer system or waterway any of the following materials: any steam, chemicals, grease, oil, fatty matter, butcher's offal, garbage, dead animals, stone or dust; any waste capable of causing obstructions of any kind or of destroying or corroding masonry; any prohibited wastes as defined by the Metropolitan Water Reclamation District, the department of ~~environment~~ health or any other governmental agency charged with regulation of waste disposal; or any other material which the commissioner determines is likely to obstruct or stop the flow of wastewater in the public sewer

system. A catch basin or other device approved by the commissioner shall be used to prevent any prohibited material from reaching the public sewer system.

*(Omitted text is unaffected by this ordinance)*

**11-18-100 Site inspections.**

To enable ~~the commissioner of the environment and the commissioner, or their~~ respective his designees, to monitor compliance with this chapter, the Owner shall permit access during reasonable hours to those areas of a Regulated Development affected by the Plan.

**11-18-130 Enforcement and penalties.**

(a) Except as otherwise specifically provided in this chapter, ~~the commissioner of the environment and the commissioner, and their~~ respective his designees, ~~are jointly and severally~~ are authorized to enforce this chapter and any regulations promulgated hereunder, including the issuance of citations for violations.

*(Omitted text is unaffected by this ordinance)*

In addition to any other remedies, penalties or means of enforcement provided in this chapter, if ~~the commissioner of the environment or the commissioner, on due investigation,~~ makes a determination of noncompliance, ~~either of them~~ he may request the corporation counsel to make application on behalf of the City to the Circuit Court of Cook County for such other order as the Court may deem necessary or appropriate to secure compliance. The corporation counsel may then institute proceedings on behalf of the City, as provided by law.

**11-18-140 Cease and desist orders.**

(a) ~~Either the~~ The commissioner ~~of the environment or the commissioner, or both of them,~~ may issue a cease and desist order to stop any person from proceeding with any activity regulated under this chapter when the commissioner(s) has reason to believe that such activity is in violation of this chapter, or that the activity endangers human or animal health, endangers the environment, or has the potential to cause or worsen flooding or wasteful use of water. The commissioner(s) may enforce a cease and desist order pursuant to this section or pursuant to section 11-18-130(d).

*(Omitted text is unaffected by this ordinance)*

**13-32-020 Exceptions.**

*(Omitted text is unaffected by this ordinance)*

(b) A permit shall not be required for work in any building, regardless of the building's occupancy, if the work consists of the repair or replacement of (1) interior non-fire-rated doors; (2) interior non-fire-rated ceiling tiles only (alteration of the supports or

grid requires a permit); (3) floor finishes, such as carpeting, hardwood or tiles; (4) wall finishes, such as paint, wallpaper or tile; ( 5 ) cabinetry or furniture without plumbing or electrical connections; (6) portable appliances, such as a coffee maker, stove, refrigeration display case or similar object, if such appliance: (i) is not a hard-wired appliance; and (ii) connects to its power source using a plug; and (iii) is not regulated by the City of Chicago's department of ~~the environment~~ health; (7) at-grade noncombustible patios or walkways; (8) landscaping, such as: (i) plant landscaping; (ii) any landscaping element that does not require plumbing or electrical service; and (iii) playground equipment; and (9) any other repairs deemed to be minor repairs by the building commissioner in duly promulgated rules. Provided, however, that no work or operation shall be deemed by the building commissioner to consist of minor repairs to a building, if the work or operation (i) involves sandblasting; or (ii) involves the replacement or repair of any structural load-bearing members; or (iii) reduces the means of exit; or (iv) affects the light, ventilation, room size, or sanitary or fire-resistive requirements of the building or any portion thereof; or (v) involves the use of materials not permitted by the building and environmental control provisions of this Code; or (vi) involves changes in the materials of roofs, windows or exterior walls visible from a public street of properties designated as Chicago landmarks in accordance with the applicable provisions of Chapter 2-120 of this Code; or (vii) changes the height, area, or capacity of the building.

*(Omitted text is unaffected by this ordinance)*

(d) Nothing in this section shall be construed as waiving any other applicable provision of the municipal code and any alteration, construction, repair, replacement, or minor repair authorized without a building permit pursuant to this section shall comply with all other applicable provisions.

#### **13-32-040 Plan approval – Provisions to be made for electrical work.**

All drawings and plans for the construction, erection, addition to, or alterations of any building or other structure, for which a permit is required shall first be presented to the building commissioner for examination and approval as to proper use of building and premises and as to compliance in all other respects with the Chicago Zoning Ordinance and may be presented to the board of health, the department of ~~the environment~~ health, fire department, department of water management, department of streets and sanitation, and any other affected department for submission to the proper official of these departments and bureaus for examination and approval with regard to such provisions of this Code, as are within the duty of such office to enforce, and after the drawings and plans have been examined and passed upon, they shall be returned to the building commissioner where they shall be taken up for examination and approval by the building commissioner. The building commissioner is authorized to establish a system whereby drawings and plans may be reviewed simultaneously by more than one person or department.

*(Omitted text is unaffected by this ordinance)*

#### **13-32-125 Construction site cleanliness.**

(1) As used in this section:

*(Omitted text is unaffected by this ordinance)*

(3) Any person violating any of the provisions of this section shall be fined not less than \$200.00 nor more than \$500.00 for each offense. Each day such violation shall continue shall constitute a separate and distinct offense. Any owner, developer or general contractor who is responsible for any construction site at which operations are conducted in violation of the provisions of this section shall be liable for the penalties provided by this section, and shall be jointly and severally liable for such penalties with any subcontractor to which a violation is directly attributable. The department of buildings, the department of ~~the environment~~ health and the department of streets and sanitation shall each have the power to enforce the provisions of this section.

(4) In addition to any other available penalties and remedies provided for in the Code, one or more citations for violation of any of the provisions of subsection ~~(1)~~ (2) above on each of three or more separate days within a three month period at the same construction site may result in a stop work order issued by the department of buildings, the department of ~~the environment~~ health or the department of streets and sanitation, directing that all activity cease for ten days. Any further citation for violation at the same construction site within six months after the initial stop work order may result in the issuance of another 10-day stop work order. The issuing department shall lift a 10-day stop work order only if sufficient evidence of compliance with this chapter is provided to the department.

*(Omitted text is unaffected by this ordinance)*

### **13-32-302 Additional fees for costs not included in calculation of permit fee.**

*(Omitted text is unaffected by this ordinance)*

(b) If a permit is sought to install any equipment regulated by the department of ~~the environment~~ health, the applicable minimum flat fee set forth in subsection (b) of section 13-32-310 shall be assessed for each piece of equipment so installed, unless all of the following requirements are met: (1) the permit fee for the work being done on any building, facility or other area where such equipment will be located is required to be calculated under subsection (a) of section 13-32-310; and (2) the piece of equipment to be installed in such building, facility or other area is clearly indicated on the drawings or plans accompanying the building permit application; and (3) any permit application or other form required by the department of ~~the environment~~ health to install such piece of equipment is attached to the building permit application; and (4) the department of ~~the environment~~ health reviews and approves any required drawings or plans for the installation of the piece(s) of equipment to be installed. If all of the requirements of this subsection are met, the permit fee assessed under subsection (a) of section 13-32-310 shall include the minimum flat fee that would otherwise apply to install such piece(s) of equipment. If all of the requirements of this subsection are not met, a separate

permit application shall be required for the equipment and the minimum flat fee set forth in subsection (b) of Section 13-32-310 shall be assessed, as applicable, to install such piece(s) of equipment. For purposes of this subsection, “equipment regulated by the department of the environment health” shall have the meaning ascribed to the term in section 13-32-310.

(c) No city department shall assess any fee in addition to the permit fee(s) required under this chapter, if the fee being assessed by such city department has already been calculated into the permit fee(s) required under this chapter.

**13-32-310 Permit fees – Computation.**

*(Omitted text is unaffected by this ordinance)*

“Equipment regulated by the department of environment health” means any equipment, device, vessel or area within a facility regulated under this code by the department of the environment health of the City of Chicago including, but not limited to, any of the following:

*(Omitted text is unaffected by this ordinance)*

**Table 13-332-310(C)  
Scope of Review Factor  
NEW CONSTRUCTION**

<i>Class per 13-56-010</i>	<i>Occupancy</i>	<i>Multiplier</i>	<i>Description</i>
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*(Omitted part of the table is not affected by this ordinance)*

G, H, I	Industrial, Storage, and Hazardous Use	0.25	Not applicable
		0.5	Not applicable
		0.75	Max. 1 story and without sprinklers (min. fee \$1000)
		1.0	More than 1 story; or sprinklers installed; or mixed occupancy (min. fee \$1500)
		1.25	Facilities with the installation of equipment regulated by the department of <u>environment health</u> (min. fee \$1500)

*(Omitted part of the table is unaffected by this ordinance)*

**Table 13-32-310(D)**  
**Scope of Review Factor**  
**REPAIRS, RENOVATIONS, ALTERATIONS, AND ADDITIONS**

<i>Class per 13-56-010</i>	<i>Occupancy</i>	<i>Multiplier</i>	<i>Description</i>
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*(Omitted part of this table is not affected by this ordinance)*

G, H, I	Industrial, Storage, and Hazardous Use	0.25	Interior demolition, including the removal of MEP within fire separations (min. fee \$125)
			Roof repairs/replacement with structural member replacement (min. fee \$300)
			Repair or replacement or renovation of single discipline MEP system, no alteration (min. fee \$300)
			No structural work. No expansion of sprinkler piping. No mixed occupancy. No installation of equipment regulated by the department of <u>environment health</u> .
		0.5	Renovation work (min. fee \$300)
			Repair or replacement of more than one MEP system without alteration (min. fee \$750)
			Installation or alteration of a green roof (min. fee \$125)
			No structural work. No expansion of sprinkler piping. No mixed occupancy.
			No installation of equipment regulated by the department of <u>environment health</u> .
		0.75	Alterations for max one story without expansion of sprinkler piping (min. fee \$300)
			Alterations with structural work (min. fee \$750)

			No installation of equipment regulated by the department of <u>environment health</u> .
		1.0	Alterations to buildings over one story (min. fee \$750)
			Additions (min. fee \$1000)
			Alterations to the mixed occupancy separations or fire separations or with expansion of sprinkler piping, (min. fee \$1500)
		1.25	Facilities including the installation of equipment regulated by the department of the <u>environment health</u> (min. fee \$1000)

*(Omitted part of the table is unaffected by this ordinance)*

**Table 13-32-310(E)  
FLAT FEES**

<i>Type</i>	<i>Description</i>	<i>Drawings required</i>	<i>Zoning fee</i>	<i>Fee</i>
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*(Omitted part of the table is unaffected by this ordinance)*

Environment	Installation of equipment regulated by the department of <del>the environment</del> <u>health</u> , per piece of equipment	(1)	(5)	\$150
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*(Omitted part of the table is unaffected by this ordinance)*

Note: If more than one discipline is involved in a scope of work that qualifies for flat fees, the total fee will include the fees for each discipline involved as determined by this table, the minor repair fee, and the appropriate zoning fee.

Note: If the scope of work includes equipment regulated by the department of ~~the environment~~ health, the total fee will also include the fees for each discipline involved in the permit process and inspection.

*(Omitted text is unaffected by this ordinance)*



### **13-96-1200 Shooting range requirements.**

a) Every shooting range shall be separated from the rest of the shooting range facility or other occupancies with a separation that prevents projectiles from straying from the shooting range.

b) Every shooting range shall comply with the following:

1) area requirement - the shooting range shall have minimum ceiling height of 8 feet. The area between the firing line and the rear wall shall be at a minimum adequate to accommodate a designated exit path beyond the depth of the area occupied by the shooting range patron and any appurtenances. The exit path shall be in addition to area required for shooting range patrons to easily and directly move from one shooting booth or shooting position to another along the firing line without disturbing another shooting range patron and the area required for the range master to monitor operations;

2) sound control - the noise emanating from the shooting range to areas outside of the shooting range facility shall be in compliance with ~~Article XXI of Chapter 11-4 8-32,~~ sections ~~11-4-2700 8-32-010~~ through and including ~~11-4-2920 8-32-170,~~ Environmental Noise and Vibration Control, for environmental noise. The maximum noise emanating from the shooting range facility into contiguous areas shall not be more than 55 dB. The shooting range shall conform to the requirements of The Occupational Noise Exposure Standard Section 1910.95 of 29 CFR Part 1910 and shall be designed and constructed to contain noise generated from the discharge of firearms. The shooting range shall be provided with air-borne and structure-borne sound absorbing materials. Surface applied or suspended acoustical materials shall comply with section 15-8-420. The materials shall be designed to permit easy cleaning and access for periodic replacement;

*(Omitted text is unaffected by this ordinance)*

9) range master booth - where a range master booth is provided, the shooting range shall be limited in size to the area that can be directly visible to the range master at all times.

The range master booth shall be constructed to provide:

- (i) protection from any projectiles straying from the shooting range;
- (ii) clear visibility of all firing positions at the shooting range;
- (iii) ready access to the shooting range;
- (iv) acoustical protection and separation for the range master;
- (v) protection from exposure to lead particulate from the shooting range, as provided for in rules and regulations promulgated by the department of environment health; and
- (vi) immediate access to and use of the shooting range communication system.

### **13-96-1220 Plumbing requirements.**

*(Omitted text is unaffected by this ordinance)*

(d) Interceptors or separators shall be installed to recover solids from metal particles, metal chips, shavings, plaster, stone, clay, sand cinder, ashes, glass, gravel, oily or greasy residual waste and similar materials in separating lighter than water waste from heavier than water waste or waste from soiled water to prevent such matter from entering the drain line. The size, type, location and construction material of each interceptor and of each separator shall be designed and installed in accordance with the manufacturer's instruction, the rules and regulations promulgated by the departments of water management and environment health, and the requirements of section 18-29-1003 based on the anticipated conditions of use.

*(Omitted text is unaffected by this ordinance)*

**15-28-755 Storage of hazardous materials prohibited.**

(a) Definitions. For purposes of this section, the following definitions apply:  
“Ammunition” shall have the meaning ascribed to that term in Section 8-20-030 of this Code.

“Commissioner” means the commissioner of environment health.

*(Omitted text is unaffected by this ordinance)*

**16-6-010 Definitions.**

*(Omitted text is unaffected by this ordinance)*

(i) “Flood Insurance Rate Map” or “F.I.R.M.” means the most recently published map of the City of Chicago on which F.E.M.A. has delineated both the areas of special flood hazards and the risk premium zones applicable to portions of the city. The F.I.R.M. shall be kept on file by the commissioner of ~~the environment~~ buildings. Before adopting the most recent publication of the F.I.R.M., said commissioner shall give a minimum of fifteen days’ notice of the proposed adoption by publication in a newspaper of general circulation published within the city. Said notice shall state the commissioner’s intent to adopt the F.I.R.M., shall solicit public comment and provide an address to where any such comment may be sent, and shall state how a person may obtain a copy of the proposed F.I.R.M. to be adopted.

*(Omitted text is unaffected by this ordinance)*

**16-6-030 Review of applications.**

On receipt of a permit application, an issuing department shall either ensure that the application has been reviewed by the zoning administrator or determine whether the development is in the S.F.H.A. If the zoning administrator or the commissioner of the issuing department determines that the proposed site of the development may be within the S.F.H.A., he shall inscribe “Flood Hazard Area” in permanent ink on the face of the application and deliver it

to the commissioner of ~~the environment~~ buildings for S.F.H.A. site confirmation and establishment of the F.P.E. No permit shall be issued for the proposed development until the requirements of this chapter have been met, and no development in the S.F.H.A. shall commence until the required permits are obtained.

**16-6-040 Additional information required.**

(a) On being advised that a permit application is subject to flood control requirements, the issuing department shall require the applicant to submit the following information, which the issuing department shall transmit to the commissioner of ~~the environment~~ buildings, to the extent not included in the original application, as an additional condition to issuance of the requested permit:

*(Omitted text is unaffected by this ordinance)*

**16-6-080 Duties of issuing departments.**

The head of each issuing department shall have the following duties and responsibilities:

(a) Ensure that all developments within the S.F.H.A. meet the requirements of this chapter, and attach to permit(s) evidence that the plans for such projects have been reviewed and approved as to compliance with this chapter;

(b) Identify any floodplain development application within the S.F.H.A. which has not previously been reviewed by the zoning administrator and notify the commissioner of ~~the environment~~ buildings;

(c) Determine, after receipt of comments by the commissioner of ~~the environment~~ buildings, any request for a variance from the requirements of this chapter, pursuant to the authority of the issuing department;

(d) Assure that construction authorization has been granted by I.D.N.R./O.W.R. for all development projects subject to this chapter, requiring such authorization and maintain a record thereof;

(e) Provide the commissioner of ~~the environment~~ buildings copies of all development permits issued by their department for all development or sites within the S.F.H.A., necessary I.D.N.R./O.W.R. permits, and evidence that the plans for such projects have been reviewed and approved as to compliance with this chapter;

(f) Provide information and assistance to citizens upon request about permit procedures and floodplain construction techniques.

(g) Require that all necessary state and federal agency permits are obtained.

**16-6-100 Duties of the commissioner of buildings.**

The commissioner of buildings shall have the following duties and responsibilities:

(a) Inspect and monitor all development projects within the S.F.H.A. for which the department has issued a development permit, to assure compliance with the provisions of this chapter;

- (b) Review all development applications submitted by the zoning administrator and notify other issuing departments as to those applications which fall within the S.F.H.A.;
- (c) Compare the elevation of the site to the base flood elevation for all developments located within the S.F.H.A.;
- (d) Maintain records of proposed developments within the S.F.H.A.;
- (e) Receive from the issuing departments copies of all development permit applications, permits, and as- built certifications reviewed by the departments of developments that fall within the S.F.H.A., maintain a file of all such copies received, and submit reports of such permits to F.E.M.A.;
- (f) Coordinate with state and federal agencies to improve base flood and floodway data, and to improve the administration of this chapter;
- (g) Notify all issuing departments of proposed development projects within the S.F.H.A., and coordinate review by the departments of such projects;
- (h) Notify all issuing departments of receipt of any revised F.E.M.A. maps or other relevant data, maintain them on file and distribute copies to the issuing departments;
- (i) Maintain for public inspection base flood data, S.F.H.A. maps, copies of federal and state permit documents and “as built” elevation and floodproofing data for all buildings constructed subject to this chapter;
- (j) Upon notification by the issuing department considering a variance request, respond in writing to the variance in terms of the requirements of this chapter.; and
- (k) Notify affected adjacent communities of watercourse alterations and relocations.

#### **16-6-110 Work performed by city.**

Development projects located within the S.F.H.A. and performed by the city shall not commence unless the commissioner of ~~the environment~~ buildings has received notice and a description of the proposed project containing the information described in Section 16-6-040 and has determined that the development complies with all terms of this chapter.

#### **16-6-140 Review of elevations.**

Upon receipt of proper documentation indicating that land is higher than the base flood elevation as of the date of the site’s first Flood Insurance Rate Map identification, the commissioner of ~~the department of the environment~~ buildings may determine that the site is not subject to the requirements of this chapter.

#### **17-4-1015 Green Roofs.**

17-4-1015-A Eligibility and Standards. Buildings with green roofs are eligible for floor area bonuses, provided they meet the following minimum standards:

*(Omitted text is unaffected by this ordinance)*

5. Plant varieties, soil depths and soil content must comply with Chicago Department of ~~Environment~~ housing and economic development guidelines.

*(Omitted text is unaffected by this ordinance)*

**17-17-0200 General Terms.**

*(Omitted text is unaffected by this ordinance)*

**17-17-02143 Recyclable Material.** Recyclable material shall be categorized as Type A, Type B, Type C or Type D recyclable material and shall have the meaning ascribed to each such type, as follows:

1. Type A recyclable material. Any aluminum or ferrous or non-ferrous scrap metal; bi-metal or tin cans; glass products; paper products; rubber; textiles; plastic products, such as polyethelene terephthalate. high density polyethylene, low density polyethylene, polystyrene or polypropolene; and any other material designated as Type A recyclable material by the commissioner of ~~the environment~~ health in duly promulgated rules and regulations.

2. Type B recyclable material. Organic waste and any other material designated as Type B recyclable material by the commissioner of ~~the environment~~ health in duly promulgated rules and regulations.

3. Type C recyclable material. Used motor vehicles or motor vehicle parts, and any other material designated as Type C recyclable material by the commissioner of ~~the environment~~ health in duly promulgated rules and regulations.

4. Type D recyclable material. Construction and demolition debris that does not contain lead, asbestos or any other hazardous material in such a way as to render recycling of such material illegal or impossible and that has been rendered reusable and is reused, or that would otherwise be disposed of or discarded but is collected or separated and returned to the economic mainstream in the form of raw materials or product; and any other material designated as Type D recyclable material by the commissioner of ~~the environment~~ health in duly promulgated rules and regulations.

**18-29-805.6 Sampling methods.**

In order to ascertain whether or not the sewage or waste of any kind discharged by any person into any waters or sewage system conforms to the criteria or water quality standards of the ~~environment department of the building~~ department of ~~sewers~~ water management will use any appropriate method or device which will lead to such a determination.

**SECTION 7.** Chapters 2-30 and 11-30, Article XXI of Chapter 11-4 (Sections 11-4-2700 to 11-4-2920), and Sections 7-28-445, 7-28-580, 7-28-600, 11-4-330, 11-4-1640, 11-4-1870, 11-4-1900, 11-4-1940 and 11-6-105, of the Municipal Code of Chicago are hereby repealed in their entirety.

**ARTICLE III - FORMER DEPARTMENTS OF FLEET/GENERAL SERVICES**

**SECTION 1.** There is hereby created a new City Department, to be known as the Department of Fleet and Facility management. In furtherance thereof, the Municipal Code of Chicago is hereby amended by adding a new Chapter 2-51 as follows:

## **CHAPTER 2-51 DEPARTMENT OF FLEET AND FACILITY MANAGEMENT**

### **2-51-010 Definitions.**

The following terms wherever used in this chapter shall have the following meanings unless a different meaning appears from the context:

(a) "Department" means the department of fleet and facility management of the City of Chicago.

(b) "Commissioner" means the commissioner of fleet and facility management of the City of Chicago.

(c) "City" means the City of Chicago.

(d) "Environmental requirements" means all local, state and federal environmental laws and regulations.

(e) "Environmentally significant projects and activities" means any project, activity or purchase which is undertaken by the city which:

(1) Requires the city to submit an Environmental Impact Statement, Environmental Assessment or statement of Finding of No Significant Impact to a state or federal agency, or for which an environment permit or license is required under applicable environmental requirements;

(2) Involves construction or major rehabilitation (other than routine maintenance and repair) of buildings owned or leased, in whole or in part, by the city or contracts for the procurement of energy- consuming equipment;

(3) Involves vehicle acquisitions or leases and the purchase of vehicle fuels;

(4) Involves the collection, sorting, recycling, disposal, or volume reduction of waste which is the responsibility of the city to collect or the collection of which is regulated by the city; or

(5) Involves alterations to, construction, demolition, excavation, placement of fill on or in or discharges into Lake Michigan and all other bodies of water within the city; shorelines and riverbanks; the Lake Michigan lakefront; parks or other public open space; wetlands; floodplains; and floodways.

(f) "Fleet" means any automobiles, vehicles, light, medium and heavy duty trucks, and related motorized or nonmotorized equipment owned or leased by the city for use of any city department or agency.

(g) "Fleet maintenance system" means an on-line inventory management system to monitor inventory of fleet acquisitions, repairs, maintenance and mileage.

(h) "Fuel management system" means an on-line inventory management system to monitor use and expenditure of nonemergency fuel.

### **2-51-020 Establishment – Composition.**

An executive department of the government of the city, to be known as the department of fleet and facility management, is hereby established. The department shall include the commissioner of fleet and facility management and such other personnel as may be provided in the annual appropriation ordinance.

All employees of the department shall be under the direction and supervision of the commissioner of fleet and facility management and shall perform such duties as may be required of them by the commissioner or by the provisions of this Code.

**2-51-030 Commissioner – Appointment and authority.**

The office of the commissioner of fleet and facility management is hereby established. The commissioner shall be appointed by the mayor, subject to the approval of the city council, and shall have management and control of all matters and activities pertaining to the department of fleet and facility management.

**2-51-040 Transfer of rights, powers and duties.**

(a) The commissioner and the department of fleet and facility management shall assume, respectively, all rights, powers, duties, obligations and responsibilities of (1) the former commissioner and department of fleet management, and (2) the former commissioner and department of general services. All personnel, books, records, property and funds relating to such former departments and such rights, powers, duties, obligations and responsibilities are transferred to the department of fleet and facility management. The commissioner of fleet and facility management shall succeed such former commissioners in the administration of any federal, state, local or private grant or loan programs relating to such rights, powers, duties, obligations and responsibilities. The commissioner of fleet and facility management shall succeed to the rights and duties of such former commissioners and under existing contracts, grant agreements, redevelopment agreements, leases, indentures or other agreements or ordinances relating to such transferred rights, powers, duties, obligations and responsibilities. All rules or regulations issued by such former commissioners relating to such rights, powers, duties, obligations and responsibilities in effect as of January 1, 2012 shall remain in effect until amended or repealed by the commissioner of fleet and facility management.

(b) The commissioner and the department of fleet and facility management shall assume all rights, powers, duties, obligations and responsibilities of the former commissioner and department of the environment related to energy, utilities and brownfields redevelopment, including:

- (1) All personnel, books, records, property and funds related to energy, utilities and brownfields redevelopment;
- (2) The administration of any federal, state, local or private grant or loan programs, except to the extent prohibited by the grantor or grant agreement, related to energy, utilities and brownfields redevelopment; and
- (3) The rights and duties under existing contracts, appropriations, grant agreements, redevelopment agreements, leases, indentures or other agreements or ordinances related to energy, utilities and brownfields redevelopment.

All rules or regulations issued by the former commissioner of the environment relating to energy, utilities and brownfields redevelopment, in effect as of January 1, 2012 shall remain in effect until amended or repealed by the commissioner of fleet and facility management.

**2-51-050 Commissioner of fleet and facility management – Powers and duties.**

The commissioner of fleet and facility management shall have the following duties and responsibilities:

a. To operate, manage and maintain all public buildings and public grounds owned or occupied by the city, subject to lease provisions, except (i) airport properties; or (ii) the public way and public transit rights of way; or (iii) properties managed by the department of housing and economic development; or (iv) property within any redevelopment or project area designated by the community development commission pursuant to the provisions of Chapter 2-124 of this Code; or (v) the sale of surplus land pursuant to Chapters 2-158 and 2-159 of this Code, and except as may otherwise be provided by this Code;

b. To coordinate, supervise and inspect the installation, repair and maintenance of all telecommunications equipment in buildings and structures owned or used by the city, except the telecommunications system for the police and fire departments and for all city airports; provided, however, the chairman of the appropriate city council committee may direct the commissioner on the management, operation and maintenance of telephone services for the city council chambers, the city council offices, and the areas adjacent thereto except the access corridors and the press room;

c. To supervise city storerooms and warehouses;

d. Subject to approval of the city council, to negotiate to purchase, sell, lease or let real estate and to purchase, sell, lease or let real estate on behalf of the city; provided, however, that this provision shall not apply to (i) airport developments; or (ii) street or public transit improvements; or (iii) properties managed by the department of housing and economic development; or (iv) property within any redevelopment or project area designated by the community development commission pursuant to the provisions of Chapter 2-124 of this Code; or (v) the sale of surplus land pursuant to Chapters 2-158 and 2-159 of this Code.

e. To appoint appraisers to determine the rent to be paid on renewal of any lease, the fair market value of property to be purchased upon expiration of any lease or the fair market value of any property to be bought or sold by or on behalf of the city except for (i) street or public transit improvements; or (ii) property within any redevelopment or project area designated by the community development commission pursuant to the provisions of Chapter 2-124 of this Code; or (iii) the sale of surplus land pursuant to Chapters 2-158 and 2-159 of this Code:

f. To maintain and hold all deeds, mortgages, leases and articles of conveyance for property owned or occupied by the city except for property acquired by the community development commission;

g. To permit any department of city government to use any real estate owned or leased by the city;



h. To inspect and supervise the installation, repair and maintenance of all appliances, fixtures and electrical equipment and electrical wiring in all buildings and structures owned or used by the city, except for public-safety-related radio communications and equipment, which is subject to the jurisdiction of the executive director of emergency management and communication pursuant to Section 2-29-040(14);

i. To have charge of all engineering and architectural services, and all labor, equipment and materials required in the construction, rehabilitation and repair of city buildings;

j. To collect, audit and remit to the comptroller all funds received from the operation of city facilities except city parking lots and airports and as may be otherwise provided by ordinance;

k. To enter into curtailment agreements with electric utility companies;

l. Subject to the approval of the corporation counsel as to form and legality, 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 is for a term not to exceed 30 days. Such initial agreement may be extended, renewed or continued for an additional 60-day period. Provided, however, that no extension, renewal or continuation of such initial agreement shall extend beyond a totality of 90 days unless 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. If the Chicago City Council approves an extension, renewal or continuation of such agreement beyond a totality of 90 days, such extension shall be deemed to be a temporary extension of the agreement. Such temporary extension shall not exceed 90 days in duration;

m. To provide in-house design, artwork, reproduction, printing, photography, publications and other artistic services to City government;

n. To sell, either directly or through a designee, graphics-related products (for example, digital and print photographs, calendars, posters and postcards), for the purpose of generating revenue to benefit the City of Chicago and promoting the City and the City's attractions, and to enter into contracts in order to accomplish such sales;

o. To enter into intergovernmental agreements with other units of local government and school districts for services provided by the department related to graphics and reproduction, including printing, design, photography and marketing services;

p. To take such actions that the commissioner considers necessary to protect the city's intellectual property rights in publications and other products produced or facilitated by the department;

q. To enter into contracts for the sale and purchase of natural gas, subsequent to competitive solicitation, and containing such terms as are useful, customary and appropriate for such transactions in the industry, including but not limited to the following provisions: supplying a bond, letter of credit or other performance-related security to the vendor, indemnifying the vendor, addressing the sale of natural gas back into the market at a loss, and addressing damages for the City's late payment, early termination or failure to perform; and to execute any ancillary documents necessary to affect any transactions contemplated by such contracts. Any such contracts shall be subject to the availability of funds duly appropriated for such contracts and to review and approval by the City's chief financial officer;

- r. To procure and oversee public utilities for city-owned or leased facilities, including airport facilities and to oversee the implementation of public utility franchise agreements;
- s. To enter into grant agreements with government entities, private businesses and civic groups necessary to implement energy conservation programs at all public buildings and public grounds operated, managed and maintained by the department;
- t. To coordinate document retention services and facilitate storage of records;
- u. To administer the city's fleet and to hold title to it in the city's name;
- v. To ensure that the fleet is maintained in good working order and in accordance with all city, state and federal requirements;
- w. To coordinate, supervise, monitor and inspect the maintenance and repair of the fleet except as otherwise provided in the annual appropriation ordinance;
- x. To establish and coordinate a loan pool for the fleet;
- y. To review specifications for purchase and leasing of fleet for all city agencies and departments including the departments of police, fire and aviation;
- z. To receive and review all requisitions for fleet and to coordinate its purchase and leasing with the chief procurement officer, except as otherwise provided in the annual appropriation ordinance;
  - aa. Subject to the approval of the corporation counsel as to form and legality, to negotiate and execute fleet leases on behalf of the city;
  - bb. To receive, review and process requisitions for nonemergency fuel from all agencies and departments including police, fire and aviation and to provide for its delivery and disbursement;
  - cc. To implement and maintain a fleet maintenance system and a fuel management system;
  - dd. With regard to the types of vehicles, equipment and services within the commissioner's jurisdiction, to enter into intergovernmental agreements with other units of local government and school districts for maintenance and repair; provision of fuel; or disposition of surplus, obsolete or worn-out inventory;
  - ee. To conduct advisory evaluations of environmentally significant projects and activities within or affecting the city, which are undertaken by city departments or agencies, including a review for compliance with environmental requirements and the environmental policy implications of such activities, and to provide such evaluations to the mayor;
  - ff. Subject to the approval of the corporation counsel, to negotiate and execute on behalf of the city leases, rights of entry or other agreements authorizing the temporary use or occupation of city property by others for purposes of conducting environmental assessments, remediation or related activities authorized by this chapter;
  - gg. Subject to the approval of the corporation counsel, to negotiate and execute on behalf of the city leases, rights of entry or other agreements authorizing the city to use or occupy, on a temporary basis, land owned or controlled by another for purposes of conducting an inspection, investigation or other activities authorized by this chapter;
  - hh. To encourage and conduct studies, investigations and research, including joint cooperative investigation and research with public and private agencies and organizations,

relating to energy efficiency and brownfields redevelopment, as the commissioner may deem advisable and necessary;

ii. To advise, consult and cooperate with other agencies of the state and federal governments and other governmental agencies to advance energy efficiency and brownfields redevelopment;

jj. To enter into grant agreements, cooperation agreements and other agreements or contracts with governmental entities, private business and civic and community groups to implement contaminated sites remediation and waste disposal 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

kk. To participate or otherwise engage in the city's emergency preparedness and emergency response activities; and

ll. To do any and all other acts which may be necessary for the implementation of other powers conferred on the commissioner and the department under this chapter.

**2-51-060 Purchases of real estate by the city – Documents required.**

Unless otherwise authorized by the city council, all purchases of real estate on behalf of the city shall be conditioned upon delivery to the city of a deed or other evidence of title satisfactory to the corporation counsel, or the owner's duplicate certificate of title or certified copy thereof issued by the registrar of titles of Cook County, Illinois, showing title in the city free and clear of all encumbrances, liens and charges, excepting acts done or suffered by the city.

**2-51-070 Charges for products or services related to graphics or reproduction.**

Charges for products or services related to graphics or reproduction shall be assessed based upon the average cost of such products or services, or other basis as determined by the commissioner.

**2-51-080 Responsibilities of municipal departments and agencies.**

All municipal departments and agencies shall, at the earliest possible date, provide to the commissioner of fleet and facility management notification of involvement in environmentally significant activities as defined in Section 2-51-010, and shall cooperate with the commissioner to effectuate the purposes of this chapter.

**SECTION 2.** The Municipal Code of Chicago is hereby amended by deleting the struck-through language and inserting the underscored language as follows:

**1-8-080 Manufacture and custody of flags and badges.**

The commissioner of ~~general services~~ fleet and facility management shall cause to be made, in accordance with the design fixed in this chapter, such number of flags as he may deem proper and necessary and of suitable size for use on the City Hall and other buildings and structures owned by the city.

The city clerk shall be the custodian of the corporate seal and of the municipal flag, standard and badge, drawn to scale.

**2-8-110 Term of office.**

All items of personal property purchased by an alderman from his or her aldermanic contingency expense allowance are the property of the City of Chicago and are to be returned to the City of Chicago when no longer used by an alderman or an alderman's staff in connection with the performance of the alderman's official duties. In the event of a vacancy or change in the office of an alderman, any personal property purchased with city funds in the possession of the vacating alderman shall transfer to the alderman's successor. If the successor alderman determines that use of any such personal property is no longer necessary then such personal property shall be transferred to the committee on committees, rules and ethics, and if not wanted by any other alderman, then to the department of ~~general services~~ fleet and facility management for treatment as surplus or salvage property.

If on the one hundred twentieth day after the end of the prior calendar year any unexpended funds remain in an alderman's aldermanic contingency account such unexpended funds shall be returned as property of the City of Chicago and shall be remitted to the comptroller of the City of Chicago by the alderman within 10 days thereafter.

**2-92-140 Department of cultural affairs and special events – Powers and duties.**

In addition to those conferred elsewhere in this code or by other ordinance, the department of cultural affairs and special events shall have the following powers and duties:

*(Omitted text is unaffected by this ordinance.)*

(e) to establish selection guidelines for public art program projects, including determining whether any selection will be made by open competition, limited entry (invitational) or direct selection;

(f) to maintain artworks(s) in the public art program collection in cooperation with the department of ~~general services~~ fleet and facility management;

*(Omitted text is unaffected by this ordinance.)*

**7-58-020 Submittal of emergency energy plan.**

(a) Every electric utility company must adopt and maintain an emergency energy plan. Every new electric utility company shall adopt its plan within 30 days after becoming an electric utility company. Every such company shall submit to the commissioner of ~~the environment~~ fleet and facility management, the executive director of emergency management and communications, the superintendent of police and the fire commissioner any emergency energy plan adopted by the company within 24 hours of the time the plan is adopted. The company shall notify those officials within 24 hours of any significant revisions to a plan and the rationale for the revisions. Such revisions shall be submitted as soon as is practicable and reviewed in accordance with Section 7-58-030.

*(Omitted text is unaffected by this ordinance)*

**7-58-040 Implementation of emergency energy plan.**

(a) Whenever an electric utility company determines that it is necessary to implement an emergency energy plan, the company shall notify the commissioner of ~~the environment~~ fleet and facility management, the executive director of emergency management and communications, the superintendent of police and the fire commissioner, or their designees, pursuant to a notification procedure approved by the commissioner of ~~the environment~~ fleet and facility management after consultation with the superintendent of police and the fire commissioner. The notification shall be made as soon as practicable and shall be made prior to implementation of the plan. The commissioner of ~~the environment~~ fleet and facility management may waive the notice requirement to accommodate exigent circumstances.

(b) Notice of the implementation of each level or stage of the emergency energy plan shall be made under this section pursuant to rules promulgated by the commissioner of ~~the environment~~ fleet and facility management after consultation with the executive director of emergency management and communications, the superintendent of police and the fire commissioner. The notification shall be made for each of the following actions:

*(Omitted text is unaffected by this ordinance)*

(6) such other actions requiring notice pursuant to rules promulgated by the commissioner of ~~the environment~~ fleet and facility management under this section.

*(Omitted text is unaffected by this ordinance)*

**7-59-020 Submission of natural gas emergency response plan.**

(a) Every gas utility company must adopt and maintain a natural gas emergency response plan. Every new gas utility company shall adopt its plan within 30 days after becoming a gas utility company. Every such company shall submit a natural gas emergency response plan to the commissioner of ~~environment~~ fleet and facility management, the executive director of emergency management and communications, the superintendent of police and the fire commissioner, no later than 24 hours of the time the plan is adopted. The company shall notify those officials, within 24 hours, of any significant revisions to the plan and of the rationale for the revisions. Such revisions shall be submitted as soon as is practicable and reviewed in accordance with Section 7-59-030.

*(Omitted text is unaffected by this ordinance)*

**7-59-040 Implementation of natural gas emergency response plan when demand exceeds or is at significant risk of exceeding the supply of gas.**

(a) Whenever a gas utility company determines that it may be necessary to implement a natural gas emergency response plan because projected demand for gas exceeds, or is at significant risk of exceeding, the projected supply of gas, the company shall notify the

commissioner of environment fleet and facility management, the executive director of emergency management and communications, the superintendent of police and the fire commissioner, or their designees, pursuant to a notification procedure approved by the commissioner of environment fleet and facility management after consultation with the superintendent of police and the fire commissioner. The notification shall be made as soon as practicable and shall be made prior to implementation of the plan. The commissioner of ~~the~~ environment fleet and facility management may waive the notice requirement to accommodate exigent circumstances.

(b) Notice of the implementation of each level, stage or step of the natural gas emergency response plan shall be made pursuant to rules promulgated by the commissioner of environment fleet and facility management after consultation with the superintendent of police and the fire commissioner. This notice shall be made immediately upon the determination that the level, stage or step may be necessary. Whenever practical, the notification shall be made at least two hours prior to the implementation of the level, stage or step and in no case shall the notification be made less than 30 minutes prior to such implementation.

*(Omitted text is unaffected by this ordinance)*

**7-59-050 Implementation of natural gas emergency response plan during a gas pipeline emergency or an unplanned interruption of delivery or distribution.**

(a) Whenever a gas utility company determines that it is necessary to implement a natural gas emergency response plan because of a gas pipeline emergency in the city or because of an unplanned interruption of delivery or distribution of gas to more than ten customers due to a single event or the company's response to the event, the company shall notify the commissioner of environment fleet and facility management, the executive director of emergency management and communications, the superintendent of police and the fire commissioner, or their designees, pursuant to a notification procedure approved by the commissioner of environment fleet and facility management after consultation with the superintendent of police and the fire commissioner. The notification from the utility shall include: (1) location of incident; (2) location of utility infrastructure in the vicinity of the incident; (3) estimated time to eliminate immediate danger to public health and safety; (4) estimated time of service restoration to customers and proposed method or order that will be used to restore service; (5) the number of customers affected; (6) geographic boundaries of the area affected; (7) critical facilities affected; (8) immediate updates concerning the information provided under subparagraphs (3), (4), (6) and (7) of this paragraph to the extent that information previously provided has changed, and periodic updates regarding the incident if there is no change to information previously provided; and (9) any necessary additional details.

*(Omitted text is unaffected by this ordinance)*

**8-4-280 Removing sod or earth.**

No person shall dig, cut, or remove any sod or earth from any public way within the city without a permit from the commissioner of transportation, or from any other public place within

the city without a permit from the commissioner of ~~general services~~ fleet and facility management, or from any premises not his own without the consent of the owner, under a penalty of not less than \$50.00 for each offense.

**10-28-165 Permit fee – Renewal.**

(a) The annual fee for a newspaper stand permit shall be based on the land values and square footage of public property occupied by the newspaper stand, including any rack, awning or overhang attached thereto, and shall be determined by the commissioner of ~~general services~~ transportation in accordance with regulations promulgated by him for computing rental values for occupancies of public property. In no event shall the annual fee be less than \$50.00; provided, however, the annual fee for a newspaper stand that is open and in operation only on Saturdays and/or Sundays shall be one-half of the fee that would otherwise be applicable.

*(Omitted text is unaffected by this ordinance.)*

**11-4-575 Emission reduction credit banking and trading program.**

(a) *Definitions.*

*(Omitted text is unaffected by this ordinance)*

(7) “Emission reduction credit banking and trading committee” or “E.R.C. committee” means a city interdepartmental committee that includes the chairman of the city council committee on ~~energy, health and environmental protection, and public utilities~~ or his designee and representatives from the department of ~~environment~~ fleet and facility management, department of housing and economic development and department of law.

*(Omitted text is unaffected by this ordinance)*

(g) *Program Administration.*

*(Omitted text is unaffected by this ordinance)*

(5) Copies of the plan shall be provided by the department of ~~environment~~ fleet and facility management to the I.E.P.A. and interested parties upon request.

**11-4-1680 Definitions.**

*(Omitted text is unaffected by this ordinance)*

(e) “Commissioner” means the commissioner of the department of ~~environment~~ fleet and facility management.

*(Omitted text is not affected by this ordinance)*

**11-12-050 Permit to use water.**

No person to whom permission is granted to make a connection with a service or supply pipe shall allow any person to take service from the new service or supply pipe unless a permit for such use has been granted by the department of water, and in the absence of such permission the new service or supply pipe shall be turned off at the curb stopcock, and such stopcock shall not again be turned on until proper permit shall be in the possession of the person about to perform such turning on.

The fees imposed by this chapter shall not apply to permits issued to the Department of ~~General Services~~ Fleet and Facility Management or its contractors, for work undertaken for public or governmental use.

**13-20-012 Liability for inspection fees.**

Unless otherwise specifically provided, the owner and the person in possession, charge or control of any building, structure, equipment, site or portion thereof inspected pursuant to this chapter shall be jointly and severally liable for the fee charged for such inspection. All inspection fees prescribed by this chapter shall constitute a debt due and owing to the city.

The fees imposed by this chapter shall not apply to inspections performed on building facilities owned or operated by the Department of ~~General Services~~ Fleet and Facility Management.

**13-32-350 Permit fees inapplicable to work by the City of Chicago.**

The fees imposed by this Article II shall not apply to permits issued to the Department of ~~General Services~~ Fleet and Facility Management or its contractors, for work undertaken for public or governmental use.

**SECTION 3.** The Municipal Code of Chicago is hereby amended by repealing Chapters 2-38 and 2-40 in their entirety.

**ARTICLE IV - FORMER OFFICE OF COMPLIANCE**

**SECTION I.** Section 2-74-020 of the Municipal Code of the City of Chicago is hereby amended by inserting the language underscored, as follows:

**2-74-020 Department established – Composition – Commissioner’s powers and duties.**

There is hereby established an executive department of the City of Chicago which shall be known as the department of human resources. The commissioner of human resources shall be the chief executive officer of the department of human resources and shall be appointed by the mayor with the advice and consent of the city council and shall serve at the pleasure of the mayor. The commissioner of human resources shall be responsible for the general management and control of the department of human resources in a manner consistent with the ordinances of



the city, the laws of the state, and the rules of the department. The commissioner of human resources shall have the power and duty to:

*(Omitted text is unaffected by this ordinance)*

(9) oversee compliance with the city's hiring policies and procedures.

(10) apply and carry out this ordinance and the rules thereunder and to perform any other lawful acts which may be necessary or desirable to carry out the purposes and provisions of this ordinance.

**SECTION II.** Section 2-156-380 of the Municipal Code of the City of Chicago is hereby amended by inserting the language underscored, as follows:

**2-156-380 Powers and duties.**

In addition to other powers and duties specifically mentioned in this chapter, the board of ethics shall have the following powers and duties:

*(Omitted text is unaffected by this ordinance)*

(l) to render advisory opinions with respect to the provisions of this chapter based upon a real or hypothetical set of circumstances, when requested in writing by an official or employee, or by a person who is personally and directly involved. Advisory opinions shall be made available to the public, but the identity of the person requesting the opinion and of any person whose conduct is involved in the set of circumstances described in the request for the opinion shall be confidential;

(n) to recommend polices, procedures and practices designed to ensure compliance with any federal, state or local law or regulation or any of the city's compliance-related polices and internal controls.

**SECTION III.** Chapter 2-92 of the Municipal Code of the City of Chicago is hereby amended by inserting a new section 2-92-017, by deleting the language stricken through and by inserting the language underscored, as follows:

**2-92-017 Transfer of rights, powers and duties.**

The chief procurement officer and the department of procurement services shall assume all rights, powers, duties, obligations and responsibilities of the executive director of compliance and the office of compliance related to the city's MBE and WBE procurement programs, including:

- (a) All personnel, books, records, property and funds related to the city's MBE and WBE procurement programs;
- (b) The administration of any federal, state, local or private grant or loan programs, except to the extent prohibited by the grantor or grant agreement, related to the city's MBE and WBE procurement programs; and
- (c) The rights and duties under existing contracts, appropriations, grant agreements, redevelopment agreements, leases, indentures or other agreements or ordinances related to the city's MBE and WBE procurement programs.

All rules or regulations issued by the executive director of compliance relating to the city's MBE and WBE procurement programs, in effect as of January 1, 2012, shall remain in effect until amended or repealed by the chief procurement officer.

### **2-92-420 Definitions.**

As used in Sections 2-92-420 through 2-92-570 of this chapter, the following terms shall have the following meanings:

- (a) "Affiliate" of a person or entity means a person or entity that directly, or indirectly through one or more intermediaries, controls or is controlled by, or is under common control with, the person or entity specified.

*(Omitted text is unaffected by this ordinance)*

- (o) "Established business" means a business entity which, by virtue of its size and capacity for competing in the markets in which it operates, does not need to be a participant in the program in order to effectuate the purposes of the program, as determined by the ~~executive director~~ chief procurement officer pursuant to regulations adopted by the ~~office of compliance department of procurement services~~. For calendar year 2000, a business entity shall be presumed to be an established business if the business entity and its affiliates have had annual average gross receipts in excess of \$27,500,000.00 over the previous three fiscal years. For calendar year 2001 and beyond, this sum shall be adjusted upwards or downwards by applying to it a rate equal to the Consumer Price Index for Urban Wage Earners and Clerical Workers (CPI-W) published by the United States Bureau of Labor Statistics for that calendar year. Such adjustment shall be made for a given year in January of the following year and shall remain in effect for that given year until the following year's adjustment is made. The ~~executive director~~ chief procurement officer, after computing the adjustment for a given year, shall cause the new sum as adjusted to be published for five consecutive business days in two or more newspapers of general circulation in the city.

- ~~(o-5) "Executive director" means the executive director of compliance.~~

- (p) "Joint venture" means an association of two or more businesses formed to carry out a single business enterprise for profit, and for which purpose they combine their expertise, property, capital, efforts, skills and knowledge.

*(Omitted text is unaffected by this ordinance)*

**2-92-440 Award goal – Implementation.**

In order to achieve the goal stated in Section 2-92-430 of this chapter, the chief procurement officer shall undertake, in addition to the other measures provided herein, the following measures:

*(Omitted text is unaffected by this ordinance)*

(e) Insert in each contract containing a commitment to M.B.E. and/or W.B.E. participation:

(i) A requirement of periodic reporting by the contractor to the ~~executive director~~ chief procurement officer on all expenditures made to achieve compliance with the foregoing provisions. Such reports shall include the name and business address of each M.B.E. and W.B.E. solicited by the contractor to work as a subcontractor on the contract and the responses received by the contractor to such solicitation, the name and business address of each M.B.E. and W.B.E. actually involved in the contract, a description of the work performed and/or product or service supplied by each such M.B.E. or W.B.E., the date and amount of each expenditure, and such other information as may assist the ~~executive director~~ chief procurement officer in determining the contractor's compliance with the foregoing provisions, and the status of any M.B.E. or W.B.E. performing any portion of the contract;

*(Omitted text is unaffected by this ordinance)*

(v) Uniform provisions allowing the ~~executive director~~ chief procurement officer access to the contractor's books and records, including without limitation payroll records, tax returns and records, and books of account, on five business days' notice, to allow the officer to determine the contractor's compliance with its commitment to M.B.E./W.B.E. participation and the status of any M.B.E. or W.B.E. performing any portion of the contract. This provision shall be in addition to, and not a substitute for, any other provision allowing inspection of the contractor's records by any officer or official of the city for any purpose;

*(Omitted text is unaffected by this ordinance)*

(j) Working with the department of community housing and economic development, review the bonding and insurance requirements applicable to ~~M.B.E.'s and W.B.E.'s~~ M.B.E.s and W.B.E.s and evaluate methods for reducing the burden imposed by such requirements consistent with the protection of the city's interest;

*(Omitted text is unaffected by this ordinance)*

(m) Working with the law department, issue rules and regulations relating to appeals of the decisions of the chief procurement officer under the program;

**2-92-445 Penalty for failure to meet M.B.E. / W.B.E. commitments.**

(a) If the chief procurement officer determines, upon reviewing a particular contract, that the M.B.E. or W.B.E. participation commitments have not been met, a penalty in the amount of the discrepancy between the amount of the commitment, as such amount may be amended through change orders or otherwise over the term of the contract, and the achieved amount may be applied to the contractor. ~~The executive director may at any time recommend that the chief procurement officer take action pursuant to this section with respect to a particular contract.~~

(b) Prior to imposing the penalty specified by this section, the chief procurement officer shall notify the contractor of the fact and amount of the proposed penalty. The contractor shall have the opportunity to present evidence to the chief procurement officer to controvert the fact or amount of the proposed penalty. Within 15 days of receiving the final decision of the chief procurement officer on the matter, and in the event that such final decision is adverse to the contractor, the contractor may submit to the chief procurement officer a written request for a hearing to be conducted by the city's department of administrative hearings.

*(Omitted text is unaffected by this ordinance)*

**2-92-490 Duties of ~~executive director~~ the chief procurement officer.**

~~The executive director~~ chief procurement officer shall, in coordination with the board ~~and the chief procurement officer~~, perform the following duties:

(a) Supervise the implementation of the program and, ~~jointly with the department of procurement services~~, report to the mayor and to the board on a quarterly basis the extent of achievement of the goal stated in Section 2-92-430 of this chapter, along with any recommendations for modification of the goal or of the measures contained herein;

(b) Establish or adopt substantially consistent standards and procedures for certification of applying businesses by the chief procurement officer or a certifying agency as a C.E.B. Such standards and procedures shall in the ~~executive director's~~ chief procurement officer's judgment fairly and effectively determine eligibility for inclusion as a C.E.B. Each application for certification shall be in writing, and executed by an officer or owner of the applicant, and shall contain such information as may assist the ~~executive director~~ chief procurement officer or applicable certifying agency in determining the status of the applicant. When all or a substantial portion of the application for certification is processed by the ~~executive director~~ chief procurement officer, each such application submitted to the ~~executive director~~ chief procurement officer shall be accompanied by a non-refundable \$250.00 fee, in the form of a certified check, cashier's check, money order or such other payment method as may be acceptable to the ~~executive director~~ chief procurement officer. If certification or recertification of a business entity has been denied three or more times in a five-year period, then the ~~executive~~

~~director~~ chief procurement officer may not consider an application from such business entity or its successors for a period of four years from the date of the most recent denial;

*(Omitted text is unaffected by this ordinance)*

(h) Notify the chief procurement officer and all city agencies and departments which request information on certified C.E.B.s of any decertification made in accordance with subsection (g) of this section. If certification or recertification of a business entity has been denied by the ~~executive director~~ chief procurement officer, then the ~~executive director~~ chief procurement officer shall ~~also~~ inform other Chicago area governmental agencies with affirmative action plans containing similar certification criteria of such denial if such agencies have agreed to provide similar information to the ~~executive director~~ chief procurement officer; and

(i) Publicize the certification program through appropriate means, in order to attract qualified certified C.E.B.s.

#### **2-92-495 Certification of eligible businesses.**

(a) As an alternative or in addition to conducting its own C.E.B. certification, the ~~executive director~~ chief procurement officer may designate certain eligible public or private agencies as certifying agencies, which may certify businesses as meeting eligibility standards and requirements necessary to participate as C.E.B.s. Such designation may be by way of (i) entering a contractual agreement with any eligible certifying agency to act as the city's agent for the purposes of certifying businesses as C.E.B.s; (ii) entering a memorandum of understanding with any eligible certifying agency to accept C.E.B. certifications issued by such agencies; or (iii) accepting C.E.B. certifications issued by eligible certifying agencies. The ~~executive director~~ chief procurement officer is empowered to enter into such contractual agreements or memoranda of understanding on such terms and conditions as he may deem necessary or appropriate.

(b) If in the ~~executive director's~~ chief procurement officer's judgment, or otherwise required by law, additional requirements to the certification issued by any eligible certifying agency are warranted, the chief procurement officer is authorized to impose such additional requirements before accepting C.E.B. certifications issued by any such agency to any such business.

(c) To be eligible as a certifying agency such agency shall:

(1) have C.E.B. certification requirements and procedures that conform with the standards and procedures for C.E.B.s certification established or adopted by the ~~executive director~~ chief procurement officer pursuant to Section 2-92-490 of this chapter, or that, in the judgment of the ~~executive director~~ chief procurement officer, are of equivalent effectiveness in determining eligibility for certification of C.E.B.s;

(2) have at least five years of experience in certifying C.E.B.s for participation in public and private affirmative action programs; and

(3) provide C.E.B. certification which must be accepted by one or more public agencies in the State of Illinois, other than the City of Chicago.

(d) If the ~~executive director~~ chief procurement officer terminates any contractual agreement or memorandum of understanding with any certifying agency, C.E.B.s certified by such agency shall not have their status as C.E.B. affected by the termination of the contractual agreement or memorandum of understanding until their current certification period expires or until they are decertified in accordance with subsection (f) of Section 2-92-490 of this chapter.

(e) The ~~executive director~~ chief procurement officer shall post the names, contact information and other information regarding a certifying agency which he may deem appropriate on the city's D.P.S. web site within 10 (ten) calendar days of execution by the city of any contractual agreement or memorandum of understanding with any certifying agency in accordance with the provisions of this section.

(f) The ~~executive director~~ chief procurement officer is authorized to adopt such rules and regulations as he may deem appropriate for the proper administration and enforcement of the provisions of this section.

(g) The ~~executive director~~ chief procurement officer is authorized to enter into certification recognition agreements and any amendments thereto regarding acceptance or recognition of the city's C.E.B. certifications by other public or private agencies. The ~~executive director~~ chief procurement officer is also authorized to enter into reciprocal certification recognition agreements and any amendments thereto as required by applicable federal law, including but not limited to, unified certification program agreements.

### **2-92-510 Affirmative action advisory board – Membership, appointment, term and compensation.**

There is hereby established for the City of Chicago an affirmative action advisory board to monitor and report on the participation of minority- and women- owned businesses in public contracting. The board shall consist of 11 members appointed by the mayor within 90 days of the effective date of this ordinance for two- year terms, who shall serve at the pleasure of the mayor. All members of the board who are not employees of the city shall be subject to confirmation by the city council. Members shall hold office until their successors are appointed.

Whenever a vacancy shall occur by reason of death, resignation, expiration of term or other reason, the mayor shall appoint a new member for the balance of the unexpired term. The mayor shall designate a member to serve as chair of the board, who shall serve in such capacity at the pleasure of the mayor. All members of the board shall be residents of the City of Chicago. ~~One member~~ Two of the members shall be a representatives of D.P.S., ~~one member shall be a representative of the office of compliance;~~ one member shall be a representative of the department of transportation, four members shall be representatives of M.B.E.s, one member shall be a representative of a W.B.E. and three members shall be representatives of contractors that are neither M.B.E.s nor W.B.E.s. The mayor may appoint representatives of appropriate associations of M.B.E.'s, W.B.E.'s or contractors that are neither M.B.E.'s nor W.B.E.'s as members of the board. Members of the board who are not employees of the city may not be appointed to more than two consecutive terms. Members of the board who are not employees of

the city shall disclose to the board any financial or economic interest, as defined in the governmental ethics ordinance, they, a relative as defined in the governmental ethics ordinance, or any M.B.E., W.B.E. or contractor they represent may have in matters coming before the board and shall abstain from participation in such matters. Members of the board who are not employees of the city shall be exempt from Sections 2-156-020, 2-156-030, 2-156-080 through 2-156-110 inclusive, and 2-156-130(b) and (c) of the governmental ethics ordinance as these sections pertain to their board membership. No member of the board shall be compensated for membership, but each member may be reimbursed for expenses reasonably incurred in the performance of official duties. The mayor shall appoint a staff director and such additional staff as may be necessary to carry out the business of the board in cooperation with D.P.S. ~~and the office of compliance.~~

### **2-92-520 Affirmative action advisory board – Duties and responsibilities.**

The board and its staff shall meet regularly with representatives of D.P.S., ~~the office of compliance~~ and the department of transportation to review the implementation of the program. In addition, the board shall:

- (a) assist ~~the executive director and~~ D.P.S. in the adoption of regulations and guidelines for the implementation of the program, including the target market program;
- (b) recommend to D.P.S. contract areas appropriate for inclusion in the target market program;
- (c) (Reserved)
- (d) Refer charges that city employees have engaged in discrimination against members of minority groups or women in the purchasing function to the ~~office of compliance~~, city inspector general, the city commission on human relations or the Illinois Department of Human Rights;
- (e) Administer the credit program;
- (f) Make recommendations to the ~~executive director or the~~ chief procurement officer concerning the suspension of contractors, M.B.E.'s and W.B.E.'s that are charged with making fraudulent misrepresentations concerning M.B.E. and W.B.E. utilization pursuant to Section 2-92-540 of this chapter;
- (g) On or before September 30, 1991, issue a report to the mayor and to the chief procurement officer setting forth proposed standards for the determination of when an M.B.E. or W.B.E. has become self-sufficient and capable of competing in the market with nondisadvantaged firms and thus should be treated as an established business under the program;
- (h) Submit a report on or before March 1st of each year to the mayor and to the city council reviewing the performance of city departments in meeting the goals established in the program, and recommend amendments to the program which the board believes are necessary to accomplish its purposes.
- (i) Perform such other affirmative action related duties as the mayor may require.

**2-92-540 Fraudulent misrepresentation.**

(a) If the chief procurement officer determines, after notice and a hearing before the chief procurement officer and upon receipt of a nonbinding recommendation from the board ~~or from the executive director~~, that a contractor, M.B.E. or W.B.E. has made fraudulent misrepresentations to the city regarding the utilization or status of M.B.E.s or W.B.E.s, or has colluded with another making such fraudulent misrepresentations, the contractor, M.B.E. or W.B.E., as the case may be, shall be declared ineligible to contract or subcontract on additional contracts. Upon making a finding of ineligibility, the chief procurement officer shall determine the period of ineligibility imposed, which may include permanent or indefinite ineligibility or some lesser penalty. No M.B.E. or W.B.E. shall be disqualified for collusive misrepresentations unless all parties with which the M.B.E. or W.B.E. was found to have colluded are also disqualified. The city shall regard as nonresponsive any bid submitted during such period of ineligibility which includes a disqualified entity as a contractor, subcontractor or member of a joint venture. In the event that a contractor submitting a bid is determined by D.P.S. not to have been involved in any misrepresentation of the status of a disqualified subcontractor included in the bid, D.P.S. may allow the contractor to discharge the disqualified subcontractor and, if possible, identify and engage a qualified subcontractor as its replacement for inclusion in the bid. The consequences provided herein shall be in addition to any other criminal or civil liability to which such entities may be subject. D.P.S. shall inform the State's Attorney of Cook County of instances of fraudulent misrepresentation and collusion.

*(Omitted text is unaffected by this ordinance)*

**2-92-550 Administrative rules and regulations.**

D.P.S. may promulgate administrative rules and regulations implementing Sections 2-92-420 through 2-92-570 of this chapter ~~with respect to the powers and duties granted to D.P.S. under those sections, or portions thereof and the executive director may promulgate rules and regulations implementing those sections with respect to the powers and duties granted to the executive director under those sections or portions thereof.~~ The rules and regulations may prescribe time delays and preemptive periods for applications, for appeals or for the doing of any act required or permitted herein.

**2-92-670 Definitions.**

As used in this article, the following terms shall have the following meanings:

(a) "Affiliate" of a person or entity means a person or entity that directly or indirectly through one or more intermediaries, controls or is controlled by, or is under common control with, the person or entity. In determining whether persons or entities are affiliates, the city shall consider all appropriate factors, including common ownership, common management and contractual relationships. Affiliates shall be considered together in determining whether a firm is a Small Business Enterprise.



*(Omitted text is unaffected by this ordinance)*

~~(j-5) “Executive director” means the executive director of compliance.~~

(k) “Good faith efforts” means actions undertaken by a contractor to achieve a contract specific goal that, by their scope, intensity and appropriateness to the objective, can reasonably be expected to fulfill the program's requirements.

*(Omitted text is unaffected by this ordinance)*

#### **2-92-680 Administrative rules and regulations.**

The chief procurement officer shall promulgate administrative rules and regulations implementing the provisions of this article ~~with respect to the powers and duties granted to chief procurement officer under this article, and the executive director may promulgate administrative rules and regulations implementing the provisions of this article with respect to the powers and duties granted to the executive director under this article.~~

#### **2-92-685 M.B.E./W.B.E. certification for the construction procurement program.**

(a) As an alternative or in addition to conducting its own M.B.E. or W.B.E. certification, the ~~executive director~~ chief procurement officer may designate certain eligible public or private agencies as certifying agencies, which may certify businesses as meeting eligibility standards and requirements necessary to participate in the city's minority- and women-owned business enterprise construction procurement program. Such designation shall be made as provided in Section 2-92-495 of this Code.

(b) If in the ~~executive director's~~ chief procurement officer's judgement, or otherwise required by law, additional requirements to the M.B.E. or W.B.E. certification issued by any eligible certifying agency are warranted, the ~~executive director~~ chief procurement officer is authorized to impose such additional requirements before accepting M.B.E. or W.B.E. certifications issued by any such eligible certifying agency to any such business for participation in the city's minority- and women-owned business enterprise.

#### **2-92-710 Race- and gender-neutral measures.**

The city shall develop and use race- and gender-neutral measures to facilitate the participation of small business enterprises in city contracting activities. Race- and gender-neutral measures shall be used to the maximum feasible extent to meet the biannual, aspirational goals established in Section 2-92-690. These measures shall include, but are not limited to:

(a) arranging solicitation times for the presentations of bids, quantities, specifications, and delivery schedules so as to facilitate the participation of interested contractors and subcontractors;

*(Omitted text is unaffected by this ordinance)*

(o) to the extent practicable, awarding contracts requiring the expenditure of funds not exceeding \$10,000 to small local business enterprises; and

(p) referring complaints of discrimination against M.B.E.s or W.B.E.s to ~~the office of compliance~~, the Chicago Commission on Human Relations and the city's Inspector General, or other appropriate authority, for investigation and resolution.

#### **2-92-720 Contract award procedures.**

(1) To achieve the aspirational goals and the contract specific goals, the ~~executive director~~ chief procurement officer shall undertake, in addition to the other measures provided herein, to establish uniform procedures and criteria for certification, recertification and decertification as a M.B.E. or W.B.E. and appeals of and challenges to certification decisions, and maintain a directory of certified M.B.E.s or W.B.E.s.

(2) To achieve the aspirational goals and the contract specific goals, the chief procurement officer shall undertake, in addition to the other measures provided herein, the following measures:

(a) (Reserved.)

(b) Include with the bid specifications for each competitively bid contract a list of certified M.B.E.s and W.B.E.s that are available to perform the work required by the specifications or otherwise make such a list available to potential contractors.

(c) Insert within specifications for each contract let through competitive bidding with an estimated value in excess of \$10,000.00 for which contract specific goals have been established:

*(Omitted text is unaffected by this ordinance)*

(iii) a requirement that where the contractor cannot achieve the contract specific goals it must document its good faith efforts to do so. In determining whether the contractor has made such good faith efforts, the performance of other contractors in meeting the goals may be considered. The ~~executive director~~ chief procurement officer shall consider, at a minimum, the contractor's efforts to do the following:

(A) Soliciting through reasonable and available means the interest of M.B.E.s or W.B.E.s that have the capability to perform the work of the contract. The contractor must solicit this interest within sufficient time to allow the M.B.E.s or W.B.E.s to respond. The contractor must take appropriate steps to follow up initial solicitations with interested M.B.E.s or W.B.E.s.

*(Omitted text is unaffected by this ordinance)*

#### **2-92-730 Contract performance procedures.**

To achieve the contract specific goals, the ~~executive director~~ chief procurement officer shall undertake, in addition to the other measures provided herein, the following measures:

(a) include uniform provisions permitting the termination of the contract by the city upon the disqualification of the contractor as a M.B.E. or W.B.E., if the contractor's status as M.B.E. or W.B.E. was a factor in the award of the contract and such status was misrepresented by the contractor;

(b) include uniform provisions permitting termination of the contract by the city upon the disqualification of any M.B.E. or W.B.E. if the subcontractor's or supplier's status as a M.B.E. or W.B.E. was a factor in the award of the contract and the status of the subcontractor or supplier was misrepresented by the contractor. In the event that the contractor is determined not to have been involved in any misrepresentation of the status of the disqualified subcontractor or supplier, the contractor shall discharge the disqualified subcontractor or supplier and make good faith efforts to engage a qualified M.B.E. or W.B.E. replacement;

(c) include uniform provisions allowing the ~~executive director~~ chief procurement officer access to the contractor's books and records, including without limitation payroll records, tax returns and records and books of account, to determine the contractor's compliance with its commitment to M.B.E. and W.B.E. participation and the status of any M.B.E. or W.B.E. performing any portion of the contract. This provision shall be in addition to, and not a substitute for, any other provision allowing inspection of the contractor's records by any officer or official of the city for any purpose;

(d) review each proposed contract modification request that, by itself or aggregated with previous modification requests, increases the contract value by ten percent of the initial contract value or \$50,000.00 whichever is less, for opportunities to increase participation of M.B.E.s or W.B.E.s already involved in the contract;

(e) insert in each contract containing a commitment to M.B.E. and/or W.B.E. participation:

(i) (i) a requirement of periodic reporting by the contractor to the ~~executive director~~ chief procurement officer on all expenditures made to achieve compliance with the foregoing provisions. Such reports, which the chief procurement officer shall publish on the Internet, shall include the name and business address of each subcontractor and supplier actually involved in the contract, a description of the work performed and/or product or service supplied by each such subcontractor or supplier, the date and amount of each expenditure, and such other information as may assist the ~~contract compliance~~ chief procurement officer in determining the contractor's compliance with the foregoing provisions;

(ii) a requirement that the contractor cannot make changes to its contractual M.B.E. and W.B.E. commitments or substitute such M.B.E. or W.B.E. subcontractors without the prior written approval of the ~~executive director~~ chief procurement officer. Unauthorized changes or substitutions, including performing the work designated for a subcontractor with the contractor's own forces, shall be a violation of this article and a breach of the contract with the city, and may cause termination of the executed contract for breach, and/or subject the contractor to contract remedies or other sanctions. The facts supporting the request must not have been known nor reasonably should have been known by the parties prior to entering into the subcontract.

*(Omitted text is unaffected by this ordinance)*

**2-92-740 Contract closeout procedures.**

Prior to contract closeout, the ~~executive director~~ chief procurement officer shall evaluate the contractor's fulfillment of the contracted goals, taking into account all approved substitutions, terminations and changes to the contract's scope of work. The ~~executive director~~ chief procurement officer shall prepare a report of the closeout and file it with the city council ~~and the chief procurement officer~~. If the chief procurement officer determines that good faith efforts to meet the M.B.E. or W.B.E. commitments were not made, so that the M.B.E. or W.B.E. participation commitments have not been met, or that fraudulent misrepresentations have been made, a remedy or sanction may be imposed. Such remedies or sanctions for failure to make good faith efforts, or for making any fraudulent misrepresentations, may include disqualification from contracting or subcontracting on additional city contracts for a period of up to three years, or the amount of the discrepancy between the amount of the commitment, as such amount may be amended through change orders or otherwise over the term of the contract, and the achieved amount may be imposed upon the contractor. The contractor shall have the opportunity, pursuant to administrative rule, to protest the remedy or other sanctions. The consequences provided herein shall be in addition to any other criminal or civil liability to which such entities may be subject. The chief procurement officer shall inform the city's inspector general, the State's Attorney of Cook County or other appropriate law enforcement agencies of instances of fraudulent misrepresentation and collusion.

**SECTION IV.** Chapter 2-26 of the Municipal Code of Chicago is hereby repealed in its entirety.

**ARTICLE V - ADMINISTRATIVE HEARINGS CONSOLIDATION**

**SECTION 1.** Section 2-14-170 of the Municipal Code is hereby stricken in its entirety. Sections 2-14-160 and 2-14-190 of the Municipal Code are hereby amended by deleting the struck-through language and inserting the underscored language, as follows:

**CHAPTER 2-14 - DEPARTMENT OF ADMINISTRATIVE HEARINGS**

*(Omitted text is not affected by this ordinance)*

**Article IV. Environmental Safety and Consumer Affairs Hearings Division**

**2-14-160 Environmental safety and consumer affairs hearings division.**

- (a) The department of administrative hearings shall operate a system of administrative adjudication of violations of sanitation code provisions ordinances regulating business affairs and consumer protection, public health and safety, streets and sanitation, transportation, aviation and the environment.
- (b) The system shall be operated within an environmental safety and consumer affairs hearings division created within the department of administrative hearings.
- (c) [Reserved.] For purposes of this section, “sanitation code” shall mean the provisions of Chapters 2-100, 4-4, 4-260, 7-28, 10-8, 10-32, 11-4 and Section 13-32-235 of the Municipal Code of Chicago; and additionally, any other provisions of the Municipal Code of Chicago pertaining to or regulating sanitation practices; forestry practices; the attachment of bills or notices to public property; the definition, identification and abatement of public nuisances; and the accumulation, disposal and transportation of garbage, refuse and other forms of solid waste in the city which are administered or enforced by the department of streets and sanitation with the exception of those provisions which by their terms are to be under the exclusive supervision of any department or officer of the city other than the department of streets and sanitation or the commissioner of streets and sanitation.
- (d) [Reserved.]

*(Omitted text is not affected by this ordinance)*

**Article V. ~~CONSUMER AFFAIRS HEARINGS DIVISION~~ [Reserved.]**

**~~2-14-170 Consumer affairs hearings division.~~**

- (a) ~~The department of administrative hearings shall operate the system of administrative hearings established by the uniform revenue procedures ordinance, chapter 3-4 of this Code.~~
- (b) ~~The system shall be operated within a consumer affairs hearings division created within the department of administrative hearings.~~

**Article VI. MUNICIPAL HEARINGS DIVISION**

**2-14-190 Municipal hearings division - Jurisdiction.**

- (a) The department of administrative hearings is authorized to establish a system of administrative adjudication for the enforcement of all provisions of the Municipal Code that are not adjudicated by the vehicle, buildings, or environmental safety ~~or~~ and consumer affairs hearings divisions, except that it shall not adjudicate violations of the following chapters and sections: chapter 4-92 (Massage Establishments and Massage Services); chapter 4-144 (Weapons); and Section 7-28-190 (Health Nuisances - Throwing Objects into Roadways).

*(Omitted text is not affected by this ordinance)*

## ARTICLE VI - ADVISORY COUNCILS CONSOLIDATION

**SECTION 1.** Section 2-120-500 of the Municipal Code is hereby amended by deleting the struck-through language and inserting the underscored language, as follows:

### **2-120-500 Advisory councils.**

The following advisory councils of the commission on human relations are hereby established:

- ~~(a) Advisory council on women;~~
- ~~(b) Advisory council on Latino affairs;~~
- ~~(c) Advisory council on Asian affairs;~~
- ~~(d) Advisory council on Arab affairs;~~
- ~~(e) Advisory council on African affairs;~~
- ~~(f) Advisory council on lesbian, gay, bisexual and transgender issues;~~
- ~~(g) Advisory council on veterans' affairs; and~~
- ~~(h) Advisory council on immigrant and refugee affairs.~~

(a) Advisory Council on Equity;

(b) Advisory Council on Women and LGBT Issues;

(c) Advisory Council on Veterans; and

(d) Advisory Council on New Americans

The mayor shall appoint 21 members to each advisory council, subject to approval of the city council. Of the initial appointments to each advisory council, one-third shall be appointed for a term of one year, one-third shall be appointed for terms of two years, and one-third shall be appointed for terms of three years, ~~subject to the following exceptions: the members, as of the effective date of this section, of the Chicago commission on women, the commission on Latino affairs, the commission on Asian-American affairs and the commission on Arab-American affairs existing under prior ordinances shall serve as the initial members of the~~

~~advisory council on women, the advisory council on Latino affairs, the advisory council on Asian affairs and the advisory council on Arab affairs, respectively, for the remainder of their individual terms under prior ordinances; and members, as of the effective date of this section, of the mayor's committee on gay and lesbian issues, the mayor's advisory committee on veterans' affairs, and the mayor's advisory committee on refugee and immigrant affairs, existing under the prior commission on human relations by mayoral appointment, shall serve as the initial members of the advisory council on lesbian, gay, bisexual and transgender issues, the advisory council on veterans' affairs, and the advisory council on refugee and immigrant affairs, for the remainder of their terms under such appointment.~~ Succeeding appointments to these advisory councils shall be for terms of three years. The mayor shall designate a member of each advisory council to serve as its chairperson. The chairperson of each advisory council shall be a member ex officio of the commission on human relations. The mayor shall also appoint a director for each advisory council. Each director must be a member of the respective advisory council's affected community and shall receive such compensation as provided by the annual appropriation ordinance.

~~From time to time the commission may create additional advisory committee councils on matters of special concern to other racial, cultural or social groups that have been or are subjected to discrimination as a result of membership in such a group.~~

*(Omitted text is unaffected by this ordinance)*

## **ARTICLE VII - MUNICIPAL MARKETING**

**SECTION 1.** Chapter 2-32 of the Municipal Code of Chicago is hereby amended by adding a new section 2-32-055, as follows:

### **2-32-055 Municipal marketing authority.**

(a) The chief financial officer is authorized to:

1. Identify specific City assets available for marketing and desirable to potential commercial partners;
2. Prioritize these assets in terms of ease of marketing and short- and/or long-term commercial value;
3. Develop a marketing plan for these assets;
4. Seek out commercial partners for asset-based transactions;
5. Structure marketing programs; and
6. Negotiate the terms of, and execute, asset-based marketing agreements with public and private entities.

(b) The chief financial officer may carry out the duties set forth in subsection (a) of this section either directly, or through a designee, agent or contractor, and is authorized to enter into one or more agreements to secure the services of such designee, agent or contractor.

(c) The chief financial officer shall not enter into any agreement pursuant to subsection (a) of this section that effectuates the sale of a city asset.

(d) Section 10-8-320 shall not apply to any assets used pursuant to this section.

(e) The chief financial officer is authorized to promulgate reasonable rules relating to the administration of this section.

(f) As used in this Section, the following definitions apply:

“Assets” means all assets available to the City, including without limitation tangible physical assets, such as buildings, vehicles and other equipment, and intangible intellectual property, such as patents, copyrights, and trademarks owned by the City, and other intangible opportunities, such as event sponsorship.

“Chief financial officer” means the chief financial officer of the City appointed by the mayor or, if there is no such officer then holding that office, the city comptroller.

## **ARTICLE VIII - FEE WAIVERS**

**SECTION 1.** Chapter 1-23 of the Municipal Code of Chicago is hereby amended by inserting a new Article III, as follows:

### **ARTICLE III. ELIGIBILITY OF PUBLIC MUSEUMS AND DISPROPORTIONATE SHARE HOSPITALS FOR FEE WAIVERS**

#### **Section 1-23-300 Fee Waivers.**

Except as otherwise explicitly provided in this Code, if the applicant for any city license or permit is (1) a public museum and such public museum is eligible to receive funds for capital development under subdivision (7) of §1-25 of the Department of Natural Resources Act, as amended, codified at 20 ILCS 801/1-1 et seq., or (2) a not-for-profit hospital that qualifies for a disproportionate share adjustment consistent with Section 148.120 of Subchapter d of Chapter I of Title 89 of the Illinois Administrative Code, as amended, codified at 89 Ill. Adm. Code §148.120, such public museum or disproportionate share hospital shall be exempt from payment of 20% of any license fee, permit fee, application fee or inspection fee that would otherwise apply in connection with the procurement of such license or permit. Provided, however, that the fee waiver authorized under this section shall not apply in connection with any monies owed by the City to any third party for any service provided to the City by such third



party under the department of building's developer services program or under any other city program.

**SECTION 2.** Section 11-12-150 is hereby repealed in its entirety.

**SECTION 3.** The following sections of the Municipal Code of Chicago are hereby amended by deleting the language stricken through and by inserting the language underscored, as follows:

**3-12-020 Charge for sewer service and use of sewerage system.**

(a) A charge for sewer service and use of the sewerage system of the City of Chicago is hereby established. The charge shall be an amount equal to the percentage set forth in the below Table, of the amount charged for water service pursuant to Chapter 11-12 of this Code, whether such water service is metered or otherwise; Provided, however, that:

\_\_\_\_\_ (1) property of the State of Illinois which is exempt from payment of a water service charge pursuant to subsection ~~(c)~~ (a)(1) of Section 11-12-540 of this Code shall be exempt from payment of the first \$500.00 a charge for sewer usage fee service per semiannual billing period;

\_\_\_\_\_ (2) property of the City of Chicago which is exempt from payment of a water service charge pursuant to subsection (a)(2) of Section 11-12-540 shall be exempt from payment of 100% of the charge for sewer service;

\_\_\_\_\_ (3) property of the Chicago Public Schools which is exempt from payment of a water service charge pursuant to subsection (a)(3) of Section 11-12-540 shall be exempt from payment of 100% of the charge for sewer service;

\_\_\_\_\_ (4) property of the City Colleges of Chicago which is exempt from payment of a water service charge pursuant to subsection (a)(4) of Section 11-12-540 shall be exempt from payment of the first \$500.00 charge for sewer service per semiannual billing period;

\_\_\_\_\_ (5) property of hospitals which is exempt from payment, in whole or in part, from payment of a water service charge pursuant to subsections (a)(5) or (a)(6) of Section 11-12-540 shall be exempt from payment of the first \$500.00 charge for sewer service per semiannual billing period;

\_\_\_\_\_ (6) property of public museums which is exempt from payment of a water service charge pursuant to subsection (a)(7) of Section 11-12-540 shall be exempt from payment of the first \$500.00 charge for sewer service per semiannual billing period; and ~~but property~~

~~exempt from payment of a water service charge under other provisions of Section 11-12-540 of this Code shall pay for sewer usage an amount equal to the percentage set forth in the below Table, of the water rate which would be otherwise applicable, but for an exemption pursuant to Section 11-12-540. However, such property as is owned and used in the immediate conduct of carrying out the purpose of any charitable, religious or educational institution, including the residence occupied by the janitor or caretaker of a religious institution if located on the premises of such religious institution, shall be exempt from the first \$500.00 charge for sewer service per semiannual billing period.~~

(7) Property of not-for-profit organizations which is exempt from payment of a water service charge pursuant to subsection (a)(8) of Section 11-12-540 shall be exempt from payment of the first \$500 charge for sewer service per semiannual billing period.

*(Omitted text is unaffected by this ordinance)*

**4-72-040 License – Fee – Exemption – Term.**

The license fee for each day care center shall be as set forth in section 4-5-010.

Day care centers which are operated without a charge being made for the care of children shall be exempt from payment of the license fee. Application for license for such day care center shall be accompanied by an affidavit stating that no charge is made for the care of the children. ~~Any day care center that is not operated for gain, but where a charge is made for the care of children, shall be exempt from payment of the license fee by a specific ordinance. Such exemptions shall continue only for the duration of the license period.~~

**4-84-060 License fee exemptions.**

~~Any not-for-profit hospital that is not operated for gain qualifies for a disproportionate share adjustment consistent with Section 148.120 of Subchapter d of Chapter I of Title 89 of the Illinois Administrative Code, as amended, codified at 89 Ill. Adm. Code §148.120, or (2) shall be exempted from payment of 20% of the hospital license fee by a specific ordinance of the city council. Such exemption shall continue only for the duration of the license period.~~

**7-22-010 Purpose.**

The provisions of this chapter shall ~~be applicable~~ apply to any elementary, middle or secondary school in the City of Chicago, public or private, which sponsors athletic activities for its students, and, ~~by order of the City Council,~~ is exempt from City water or sewer charges.

**10-8-335 Outdoor special events.**

*(Omitted text is unaffected by this ordinance)*

(c) An application for a special event permit must be made to the department no later than 45 days prior to the date the event is scheduled to begin unless the department determines

that the reasons for the delay were beyond the reasonable control of the applicant. Unless the special event is to be conducted in January or February, applications must be filed in the calendar year in which the event is to take place. If the event is to take place in January or February, the application must be filed no earlier than one year prior to the event. ~~There shall be no fee for the first application submitted by a sponsor during a calendar year; however, each subsequent~~ Each application submitted by the sponsor of the an outdoor special event during that calendar year shall be accompanied by a nonrefundable processing fee of \$35.00. The application shall include the following information:

*(Omitted text is unaffected by this ordinance)*

**10-20-420 Permit classes and fees.**

(a) Permit classes and fees for the establishment and maintenance of driveways under this article shall be as follows:

*(Omitted text is unaffected by this ordinance)*

~~Provided, however, that any Chicago Public School or City College of Chicago place used exclusively for charitable, educational or religious purposes shall, after payment of the first year's permit fee, be exempt from payment of the annual permit fee thereafter.~~

*(Omitted text is unaffected by this ordinance)*

(b) The permit fee for each driveway within the Central Business District, as that area is defined in Section 9-4-010 of the Code, shall be twice the amount set forth in subsection (a) above; provided that Class A permits and any Chicago Public School or City College of Chicago place used exclusively for charitable, educational or religious purposes shall be exempt from the provisions of this subsection.

*(Omitted text is unaffected by this ordinance)*

**11-12-540 Exemptions from charges.**

~~(a) The commissioner may comptroller shall exempt from the payment of water rates the property herein enumerated in this subsection (a) if the account for such property is controlled by meter, as follows: . If the account for such property is not controlled by meter, no exemption shall apply.~~

~~(a) Subject to the limitations in this subsection (a), such property as is owned and used in the immediate conduct of carrying out of the purposes of any charitable, religious or educational institution, including the residence occupied by the janitor or caretaker of a religious institution if located on the premises of such religious institution, if application be made for such exemptions to the commissioner in the form prescribed by him and if it shall appear to the satisfaction of said commissioner that such property is not used for gain or profit, or rented;~~

~~conducted, operated or maintained for the purpose of producing revenue. As a prerequisite for the granting of such exemption, the commissioner shall upon demand be provided with access to the financial records of such institution. If any such institution: (i) has net assets or fund balances in excess of \$350,000,000.00 at the end of the tax year or calendar year ending immediately preceding any calendar year, and is required by federal law or regulation to make such information available to the public; and (ii) has one or more water service accounts with rates in excess of \$10,000.00 in that calendar year, the total exemptions for all of such accounts of that institution shall not exceed \$50,000.00 in that calendar year.~~

~~(b1) Such Any property of the State of Illinois as that is used for any as an armory by the state or federalized national guard shall be exempt from payment of 100% of the water service charge.~~

~~(c2) All property owned or leased or occupied by the City of Chicago shall be exempt from payment of 100% of the water service charge, unless said city City, either as lessee or lessor, shall enter into an agreement for the payment of rates by the other party.~~

~~(3) All property owned or leased or occupied by the Chicago Public Schools shall be exempt from payment of 100% of the water service charge, unless said entity, either as lessee or lessor, shall enter into an agreement for the payment of rates by the other party.~~

~~(4) All property owned or leased or occupied by the City Colleges of Chicago shall be exempt from payment of 100% of the water service charge, unless said entity, either as lessee or lessor, shall enter into an agreement for the payment of rates by the other party.~~

~~(5) All hospitals located within the corporate limits of the City that are operated by the Cook County government shall be exempt from payment of 100% of the water service charge.~~

~~(6) Except as otherwise provided in item (5) of this subsection (a), all not-for-profit disproportionate share hospitals located within the corporate limits of the City shall be exempt from payment of 60% of the water service charge in 2012, 40% of the water service charge in 2013, and 20% of the water service charge in 2014 and thereafter, if such not-for-profit hospital qualifies for a disproportionate share adjustment consistent with Section 148.120 of Subchapter d of Chapter I of Title 89 of the Illinois Administrative Code, as amended, codified at 89 Ill. Adm. Code §148.120.~~

~~(7) All public museums shall be exempt from payment of 20% of the water service charge, if such public museum is eligible to receive funds for capital development under subdivision (7) of §1-25 of the Department of Natural Resources Act, as amended, codified at 20 ILCS 801/1-1 et seq.~~

(8) Not-for-profit organizations, other than any entity identified in items (1) through (7) of this subsection (a), shall be exempt from payment of the water service charge, as follows:

(i) If, as of November 9, 2011, such not-for-profit organization had applied for and was subsequently granted a charitable exemption from payment of any portion of the water service charge for such premises in calendar year 2011, such not-for-profit organization shall be exempt from payment of 60% of the water service charge in 2012, 40% of the water service charge in 2013 and 20% of the water service charge in 2014 and thereafter for water supplied to premises owned and used and occupied exclusively by such not-for-profit organization. Provided, however, that such exemption shall not apply to any not-for-profit organization that has net assets or fund balances of \$250,000,000.00 or more at the end of the tax year or calendar year immediately preceding any calendar year and that is required by federal law or regulation to make such information available to the public.

(ii) If, as of November 9, 2011, such not-for-profit organization had not applied for a charitable exemption from payment of any portion of the water service charge for such premises in calendar year 2011 and such not-for-profit organization is otherwise eligible for such exemption, such not-for-profit organization shall be exempt from payment of 20% of the water service charge in 2012 for water supplied to premises owned and used and occupied exclusively by such not-for-profit organization. Provided, however, that such exemption shall not apply to any not-for-profit organization that has net assets or fund balances of \$250,000,000.00 or more at the end of the tax year or calendar year immediately preceding any calendar year and that is required by federal law or regulation to make such information available to the public.

~~(d)(b) Such property as the city council has heretofore or may hereafter exempt. The supply to all premises enumerated in this section on which water may be taken from the waterworks system of the City of Chicago shall be controlled by meter, and the cost of meter, its installation, connections and vaults thereof, and the erection, construction and maintenance thereof shall be paid for and be borne by the institution or owner thereof. Nothing contained in this paragraph shall be held to exempt property of the United States, of the State of Illinois, or of any of its political subdivisions except as hereinbefore mentioned.~~

(c) The ~~commissioner~~ ~~comptroller~~ may fix such reasonable amounts of water as ~~he~~ the ~~comptroller~~, following consultation with the commissioner of water management, may deem to be sufficient for the requirements of said premises, and the exemption from payment of water rates shall be limited to said reasonable amounts so fixed. All use of water in excess of said reasonable amounts shall be paid for at the rates for metered water hereinafter fixed in Section 11-12-310.

(d) Accounts against the property of any ~~institution~~ ~~entity~~ exempted under the provisions of items (1), (2), (3), (4), (5), (6), (7) or (8) of subsection (a) of this section shall be kept in the usual manner. Upon receipt of the initial application for such exemption, such

~~account, which shall be metered, shall be inspected by authorized personnel from the department of water management, who shall certify to the comptroller whether the entity so inspected is eligible for the exemption under this section being claimed by such entity. During each year the amount of such account shall be transmitted to the chief water assessor, who shall cause an inspection of the premises, and when said assessor shall certify that said premises has been exempted under the provisions of this section from the payment of rates and charges, such amount or exempt portion thereof, as the case may be, shall be cancelled, and a record of each institution and the amount so cancelled, shall be kept in a book provided for that purpose. The accounts of the department shall show amounts so cancelled as a credit to the total collection and as a debit to the institution specified.~~

**13-10-040 Time for registration.**

*(Omitted text is unaffected by this ordinance)*

All owners whose buildings are licensed under the provisions of Chapters 4-84 and 4-96 of the Municipal Code of Chicago, and all eleemosynary, religious, educational, benevolent or charitable associations and all governmental agencies shall file the registration statement required under this chapter, but any governmental agency, Chicago Public School or City College of Chicago shall be exempt from the payment of the fee for the same.

*(Omitted text is unaffected by this ordinance)*

**13-12-125 Vacant buildings – Owner required to act – Enforcement authority.**

(a) (1) The owner of any building that has become vacant shall within 30 days after the building becomes vacant or within 30 days after assuming ownership of the building, whichever is later, file a registration statement for each such building with the department of buildings on forms provided by that department for such purposes. The registration shall remain valid for six months from the date of registration. The owner shall be required to renew the registration for successive six-month periods as long as the building remains vacant and shall pay a registration or renewal fee in the amount prescribed in paragraph (3) of this subsection (a) for each registered building; provided, however, that all Chicago Public Schools and City Colleges of Chicago ~~eleemosynary, religious, educational, benevolent or charitable associations organized on a not-for-profit basis~~ and all governmental agencies shall be exempt from the payment of the registration fee.

*(Omitted text is unaffected by this ordinance)*

**13-20-060 Inspection fee – Exemptions.**

~~The inspection fee required by this chapter for the annual inspection of buildings shall not be charged against any charitable, religious, and or educational institutions, when the building, or part thereof, so inspected, is located in or upon premises used or occupied exclusively and owned by such charitable, religious or educational institution, if such charitable,~~

~~religious, or educational institution is not conducted or carried on for private gain or profit; provided, however, that every application for exemption from such fees shall be supported by the affidavit of one or more taxpayers of the city, as to such facts.~~

~~Hospitals, dispensaries and homes which are operated without a charge being made for the care of patients shall be exempt from the payment of such annual inspection fees. Operators of such institutions shall file with their claim for exemption from such fees an affidavit stating that no charge is made for the care of patients or inmates. Any hospital, dispensary or home which is exempt by specific ordinance from the payment of annual license fees as provided in Chapters 4-76, 4-84 or 4-96 shall also be exempt from the payment of the annual inspection fees required by Section 13-20-050 for the period covered by the special ordinance.~~

All Chicago Public Schools and City Colleges of Chicago shall be exempt from payment of 100% of any annual inspection fee required under this chapter for the annual inspection of buildings, when the building, or part thereof, so inspected, is located in or upon premises used or occupied or owned by the Chicago Public Schools or City Colleges of Chicago.

Not-for-profit hospitals that qualify for a disproportionate share adjustment consistent with Section 148.120 of Subchapter d of Chapter I of Title 89 of the Illinois Administrative Code, as amended, codified at 89 Ill. Adm. Code §148.120, and dispensaries and homes which are operated without a charge being made for the care of patients, shall be exempt from payment of 20% of the inspection fee required under this chapter for the annual inspection of buildings, when the building, or part thereof, so inspected, is located in or upon premises used or occupied exclusively and owned by such not-for-profit hospital, dispensary or home.

Public museums that are eligible to receive funds for capital development under subdivision (7) of §1-25 of the Department of Natural Resources Act, as amended, codified at 20 ILCS 801/1-1 et seq., shall be exempt from payment of 20% of the inspection fee required under this chapter for the annual inspection of buildings, when the building, or part thereof, so inspected, is located in or upon premises used or occupied exclusively and owned by such public museum.

Operators of eligible hospitals, dispensaries, homes and public museums shall file with their claim for exemption from the payment of such fees an affidavit stating that the entity claiming an exemption under this section meets the eligibility requirements for such exemption as set forth herein.

**13-32-301 Permit fee waiver – When.**

(a) Except as otherwise provided in subsections (b), (c), (d), ~~and (e), and (f)~~ of this section, the building commissioner shall not waive for any person any permit fee required under this chapter or any associated fee for any project identified in a building permit application; ~~unless the city council authorizes such a fee waiver pursuant to a duly-enacted ordinance.~~

*(Omitted text is unaffected by this ordinance)*

(e) The building commissioner shall waive 20% of the permit fee(s) required under this chapter and any associated fee for the project identified in the permit application, if the applicant for such permit is (i) a public museum, if such public museum is eligible to receive funds for capital development under subdivision (7) of §1-25 of the Department of Natural Resources Act, as amended, codified at 20 ILCS 801/1-1 et seq., or (ii) a not-for-profit hospital, if such hospital qualifies for a disproportionate share adjustment consistent with Section 148.120 of Subchapter d of Chapter I of Title 89 of the Illinois Administrative Code, as amended, codified at 89 Ill.Adm.Code §148.120. Provided, however, that no fee waiver shall be provided to any public museum or disproportionate share hospital in connection with any monies owed by the City to any third party for any service provided to the City by such third party under the department of building's developer services program or any other program.

(ef) The City of Chicago shall not be required to pay a permit fee to wreck a city-owned structure or any other building ordered by the City to be demolished.

(fg) For purposes of this section, the term “associated fee” means any fee required for: (1) appearances before the Building Board of Appeals and the Committee on Standards and Tests; (2) preliminary plan review by the mayor’s office for people with disabilities; (3) plan review by the office of underground coordination; (4) driveway permits; (5) permit fees under section 15-16-190 for the installation or alteration of a sprinkler system; (6) permit fees under section 15-16-740 for the installation or alteration of an inside standpipe system; and (7) all applicable flat fees identified in subsection (b) of section 13-32-310.

#### **15-16-190 Permit and fees.**

*(Omitted text is unaffected by this ordinance)*

For the approval of the sprinkler plan and the initial inspection of a sprinkler system required by the provisions of this code, a fee of \$36.00 shall be charged for the first 100 sprinkler heads or less and an additional \$18.00 for each additional 100 sprinkler heads or fraction thereof. For the test of a fire pump used in connection with a sprinkler system, a fee of \$18.00 for each 50 gallons pumping capacity per minute shall be charged with a minimum fee of \$180.00. These fees shall not be required for any building used solely as a school operated by the Chicago Board of Education ~~or by a religious or charitable organization~~. Where a pump serves both a standpipe and a sprinkler system, only one pump fee shall be charged.

#### **15-16-1160 Annual test required.**

An annual test shall be made of each fire pump during which time water shall be discharged from the highest hose outlet of each riser. At least one riser shall be flowed for five minutes. Each ~~fire~~ fire pump shall deliver its rated capacity at its rated pressure through a test manifold or wall hydrant for a period of at least ten minutes. All such tests shall be performed in the presence of a representative of the fire prevention bureau. For the annual fire pump test, a fee of \$18.00 for each 50 gallon pumping capacity per minute shall be charged. The minimum fee



shall be \$180.00. The aforesated fees shall not be assessed with respect to any building used solely as a school operated by the Chicago ~~b~~Board of ~~e~~Education or by a religious or charitable organization.

**SECTION 4.** Chapter 2-8 of the Municipal Code of the City of Chicago is hereby amended by inserting a new Section 2-8-065, as follows:

**2-8-065 Discounted or waived fees – Restrictions.**

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

“Fee” means monies of any type, regardless of nomenclature, required to be paid to the City under this Code or under any rule or regulation promulgated thereunder, including, but not limited to, any permit fee, inspection fee, plan review fee, license fee, assessment or lien.

“Fee waiver” means, regardless of nomenclature: (1) the issuance of a free permit of any type; or (2) the waiver of a fee of any type, including, but not limited to, a waiver of any permit fee, inspection fee, application fee, plan review fee or license fee; (3) an exemption from payment of a fee of any type, including, but not limited to, an exemption from payment of any permit fee, inspection fee, application fee, plan review fee or license fee; (4) a refund of a fee of any type; (5) the cancellation or waiver of a water assessment, sewer assessment or other assessment of any type; or (6) the waiver, cancellation or release of a demolition lien or other lien of any type. The term “fee waiver” includes a whole or partial waiver of the applicable fee.

“Generally applicable fee waiver” means a fee waiver that, by terms of the authorizing ordinance, applies to any individual or entity meeting the objective criteria set forth in such ordinance.

“Governmental entity” means any city department or local, state or federal government agency or instrumentality thereof.

“Individual fee waiver(s)” means a fee waiver that, by terms of the authorizing ordinance, applies to a named individual or entity specified in such ordinance.

“Person” has the meaning ascribed to the term in section 1-4-090.

(b) *Prohibition on individual fee waivers.* Except as otherwise provided in subsection (c) of this section, no person or city department or member of the city council or other municipal officer shall propose, and no committee of the city council shall consider or recommend, and no officer or employee of the city shall enforce, any ordinance or amendment thereto authorizing an individual fee waiver for any person, including, but not limited to, any not-for-profit corporation.

(c) *Exemptions.* The requirements of this section shall not apply to any ordinance or amendment thereto authorizing individual fee waivers (1) for any governmental entity, as defined in subsection (a) of this section, or (2) in connection with a block party, or (3) in connection with the waiver under Section 2-120-815 of any fee charged by the City of Chicago for the issuance of any permit requiring approval of the Commission on Chicago Historical and Cultural Landmarks.

(d) *Construction of section.* Nothing in this section shall be construed to prohibit any person from qualifying for any generally applicable fee waiver authorized under this Code, if the objective criteria set forth in the ordinance authorizing such generally applicable fee waiver are met.

## ARTICLE IX - MISCELLANEOUS AMENDMENTS

**SECTION 1.** The following sections of the Municipal Code of Chicago are hereby amended by deleting the language stricken through, inserting the language underscored, and making the changes otherwise indicated, as follows:

### **2-28-030 Commissioner – Powers and duties.**

The duties and powers of the commissioner shall be as follows:

*(Omitted text is unaffected by this ordinance)*

(m) To negotiate and execute on behalf of the city lease agreements, rental agreements, rights-of-entry or other agreements authorizing the use or occupancy by others of any city-owned property or facility managed by the department.

### **2-156-230 Information required of registrants.**

*(Omitted text is unaffected by this ordinance)*

(d) The registration statement required under this section shall be accompanied by a written statement certifying that all information contained therein is true and correct, and a registration fee of \$350.00 per person identified as a lobbyist in the registration statement. In addition to this registration fee of \$350.00 per person, there ~~will~~ shall also be an annual fee of \$75.00 for each additional registered client after the first client. Provided, however, that the board shall consider and may grant a waiver of the registration and client fees required under this subsection (d) for a specific lobbyist, upon written request in a format and accompanied by such proof as may be specified by the board, based on the following: The lobbyist is a person paid to lobby by a non-profit entity with for-profit members and either (i) the person’s primary lobbying responsibilities are to foster small business initiatives primarily within a single official community area or neighborhood within the meaning of Section 1-14-010, or (ii) the non-profit

entity has been approved or is pending approval by the city council to be a special service area service provider for the city.

#### **7-28-250 Refuse collection cost – Reimbursement.**

Any alderman may introduce into the city council, on behalf of the governing associations or boards of condominiums, cooperative residential buildings and those townhouses which do not qualify to receive the services provided by the city for refuse collection located in his or her ward, an ordinance providing for the rebate of the cost incurred by owner-occupied units of the residential building for refuse collection. Beginning January 1, 1995, the implementation of a recycling program by governing associations or boards, pursuant to Section 11-5-021 of the Municipal Code, shall be a condition for receiving such a rebate. Attached to this ordinance shall be a notarized statement listing the amount of the annual cost incurred for refuse collection for the residential units in the building, the number of residential units in the building, and a letter confirming the executed agreement with the private scavenger service providing refuse collection for the residential building. The original ordinance and notarized statement shall be referred to the committee on finance, and such referral must occur on or before January 31 of the calendar year immediately following the billing period for refuse collection. If such referral does not take place in a timely fashion for any given year, the affected units shall no longer be eligible for any further refuse rebates pursuant to this section. A copy of the ordinance and attached notarized statement shall be transmitted to the city comptroller.

After review, the committee on finance may recommend that the city council approve the reimbursement to the governing association or board in an amount equal to the annual cost incurred for the refuse collection for the owner-occupied residential units in the building; provided, however, that the aggregate annual amount of the reimbursement paid to a governing association or board shall not exceed an amount equal to the number of owner-occupied residential units in the building multiplied by \$75.00 \$50.00 for rebates applicable to 2012, and \$25.00 for rebates applicable to 2013, 2014 and 2015. The rebate authorized by this section shall cease for 2016 and thereafter, and this section shall be repealed of its own accord, without further action by the city council, on February 1, 2016. Such repeal shall not impair the processing of rebate requests that have been properly submitted and referred to the committee on finance pursuant to this section prior to February 1, 2016. During the first year in which the cost of refuse collection is reimbursed, the governing association or board shall submit the bill for the prior year's refuse collection services. For each year thereafter the governing association or board shall submit their notarized statement within one year of the proposed reimbursement period to be eligible for the program. The city council may not reimburse a governing association or board for the cost of refuse collection services which is unreasonable or which has not been referred in ordinance form as specified in the first paragraph of this section to the committee on finance on or before January 31 of the calendar year immediately following ~~submitted more than one year after~~ the billing period for refuse collection.

In no event shall the governing association or board be reimbursed for that portion of the cost of refuse collection attributed to any commercial or other nonresidential unit located in the residential building. After city council's approval of the reimbursement, the city comptroller promptly shall pay the governing association or board the approved reimbursement.

For the purposes of this section, refuse shall include recyclable materials and the rebate authorized herein shall apply to collections made by business entities engaged in resource recovery. Provided, however, that nothing in this paragraph shall be construed to increase the total amount of rebate authorized in this section. Eligibility for the rebate authorized by this section shall be limited to owner-occupied units that also applied for and were granted one or more rebates pursuant to this section between January 1, 2009 and November 9, 2011.

**10-36-140 Millennium Park.**

*(Omitted text is unaffected by this ordinance)*

(i) Except as otherwise provided, all revenues from the Park, or any facility or structure located within the Park, with the exception of the parking facilities located at the Park, shall be used for the operation of the Park, including maintenance and programming. Such revenues may be placed in an appropriate fund designated by the comptroller, with the concurrence of the budget director, for the purposes set forth in this subsection (i). The chief procurement officer is authorized to enter into contracts, funded through revenues in such designated fund and otherwise meeting the applicable requirements of Chapter 2-92 of this Code, for goods, services and work pertaining to the operation of the Park. The commissioner of cultural affairs and special events is authorized to enter into agreements, including, but not limited to, performer agreements, funded through revenues in such designated fund and containing such terms and conditions as are customary or appropriate in such agreements, for goods, services and work pertaining to the programming or operation of events in the Park; provided, however, that such agreements shall not include concession agreements, which shall be governed by the requirements set forth in subsection (c) of this section.

**SECTION 2.** The “Managed Care Consumer Protection Ordinance,” deferred and published on July 2, 1997 and published at pages 47939-47944 of the *Journal of the Proceedings of the City Council of the City of Chicago* of that date, and passed on July 30, 1997 and published at pages 50884 - 50892 of the *Journal of the Proceedings of the City Council of the City of Chicago* of that date, is hereby repealed in its entirety.

**SECTION 3.** Chapter 2-112 of the Municipal Code of Chicago is hereby amended by adding a new Section 2-112-241, as follows:

**2-112-241 Tuberculosis clinical services.**

The commissioner of health is authorized to negotiate and execute agreements with the County of Cook for the provision of tuberculosis clinical services by the Cook County Health and Hospital System. Such agreements shall contain terms and conditions as are customary in such agreements, including, but not limited to, provisions for indemnification. The commissioner is authorized to perform any and all acts, including the 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.

**SECTION 4.** Section 9-100-020 of the Municipal Code of Chicago is hereby amended by deleting the struck-through text and adding the underscored text, as follows:

**9-100-020 Violation – Penalty.**

(a) The violation of any provision of the traffic code prohibiting or restricting vehicular standing or parking, or establishing a compliance or automated red light violation, shall be a civil offense punishable by fine, and no criminal penalty, or civil sanction other than that prescribed in the traffic code, shall be imposed.

(b) The fines listed below shall be imposed for a violation of the following sections of the traffic code:

*(Omitted text is unaffected by this ordinance)*

9-64-080	60.00
9-64-090(a) – (j)	<del>60.00</del> <u>75.00</u>
9-64-091	50.00

*(Omitted text is unaffected by this ordinance)*

9-64-150(a)	100.00
9-64-150(b)	<del>60.00</del> <u>75.00</u>
9-64-160	60.00

(c) The fines listed below shall be imposed for violation of the following sections of the traffic code:

*(Omitted text is unaffected by this ordinance)*

9-76-140	100.00
9-76-160	<del>50.00</del> <u>60.00</u>
9-76-170	120.00

*(Omitted text is unaffected by this ordinance)*

**ARTICLE X - CONDOMINIUM REGISTRATION AMENDMENTS**

**SECTION 1.** Section 3-33-040 of the Municipal Code of Chicago is hereby amended by deleting the language struck through, as follows:

**3-33-040 Payment of the tax.**

A. Except in the case of tax paid pursuant to Section 3-33-100, the tax imposed by this chapter shall be paid by the purchase of tax stamps issued by the department of revenue or its agents.

*(Omitted text is unaffected by this ordinance)*

~~F. Neither the director of revenue nor any agent of the director shall issue tax stamps in connection with the initial sale of a residential condominium unit, as that term is defined in section 13-72-010, located in the city that is subject to the provisions of sections 13-72-060(A)(2) and 13-72-085 unless there is presented to the department of revenue or its agent a certificate issued by the commissioner of housing and economic development showing that the provisions of sections 13-72-060(A)(2) and 13-72-085 have been complied with or, if not complied with then, either (i) the fines imposed for violation of such sections have been paid or (ii) the required compliance bond pursuant to section 13-72-110 has been posted.~~

**SECTION 2.** Section 4-40-065 of the Municipal Code of Chicago is hereby amended by deleting the language struck through and adding the language underscored, as follows:

**4-40-065 Duties.**

A licensee under this chapter shall have the following duties:

*(Omitted text is unaffected by this ordinance)*

(F) to cooperate fully with any authorized city official in any inquiry, inspection or investigation necessary or appropriate to implement the requirements of this chapter;

~~(G) To comply with the requirements of chapter 13-72, if applicable.~~

*(Omitted text is unaffected by this ordinance)*

**SECTION 3.** Chapter 13-72 of the Municipal Code of Chicago is hereby amended by deleting sections 13-72-085 and 13-72-105, by adding the language underscored and by deleting the language struck through, as follows:

**13-72-010 Definitions.**

For the purposes of this chapter, the following words and phrases shall have the meanings respectively ascribed to them by this section:

*(Omitted text is unaffected by this ordinance)*

“Commissioner” means the commissioner of business affairs and consumer protection housing and economic development.

*(Omitted text is unaffected by this ordinance)*

**13-72-060 Notice to tenants of intent to declare submission of property for condominium consideration required.**

(A) (1) Subject to subsection (A)(2), no less than 120 days prior to recording the declaration submitting the property to the provisions of the Illinois Condominium Property Act, a developer shall give notice of such intent to record to all persons who are tenants of the building on the property on the date notice is given.

\_\_\_\_\_ (2) For any condominium project for which a declaration is recorded on or after July 30, 2012, no less than 180 days, or in the case of any tenant who is over 65 years of age, or who is deaf or blind or who is unable to walk without assistance 210 days, prior to recording the declaration submitting the property to the provisions of the Illinois Condominium Property Act, a developer shall: (1) mail, by certified or registered mail, return receipt requested, a written notice of such intent to record, and attach to such notice the summary of a tenant’s rights prepared by the commissioner pursuant to section 13-72-067, to all persons who are tenants of the building on the property on the date notice is given; and (2) post at all public entrances to the building, a statement that the property is being converted to condominiums and the tenants must receive notice, by certified mail, of such conversion and a summary of the tenant’s rights. It is the duty of the developer to assure that the statement is posted at the required entrances for the entire tenant notice period required by this subsection (A)(2) prior to the recording of the declaration.

The developer shall: (i) keep all return receipts required by this subsection (A)(2) for a period of three years after the sale of the last unit in the condominium project; and (ii) at all times during the developer’s business hours, and at all other times upon reasonable notice, make such receipts available for inspection by the commissioner; ~~and (iii) if applicable, at the time of registration of the condominium project, pursuant to section 13-72-085, file an affidavit with the commissioner attesting to the date the notice of intent was sent and that the developer has complied with the applicable tenant notification provisions of this subsection (A)(2).~~

*(Omitted text is unaffected by this ordinance)*

**13-72-065 Tenant relocation assistance.**

*(Omitted text is unaffected by this ordinance)*

~~\_\_\_\_\_ (G) An affidavit signed by the landlord which attests that the landlord is in compliance with the provisions of this section shall be filed with the condominium registration required pursuant to section 13-72-085.~~

~~\_\_\_\_\_ (H G) For purposes of this section only, the following definitions apply:~~

*(Omitted text is unaffected by this ordinance)*

**13-72-090 Administration and enforcement of chapter.**

The commissioner shall administer this chapter and may adopt rules and regulations for the effective administration of this chapter.

~~\_\_\_\_\_ The commissioner of business affairs and consumer protection shall enforce any provision of this chapter by instituting an action with the department of administrative hearings or by the corporation counsel through injunction or any other suit, action or proceeding at law or in equity in a court of competent jurisdiction.~~

Any information, receipt, notice, or other document required under this chapter shall be open for inspection and review by the commissioner ~~or the commissioner of business affairs and consumer protection~~ at any reasonable time.

**13-72-100 Rights, obligations and remedies.**

The rights, obligations and remedies set forth in this chapter shall be cumulative and in addition to any others available at law or in equity. A person may bring a private cause of action in a court of competent jurisdiction seeking compliance with the provisions of this chapter and the prevailing plaintiff shall be entitled to recover, in addition to any other remedy available, his damages and reasonable attorney's fees; provided, however, that only the department may enforce the provisions of ~~sections~~ section 13-72-110 ~~or 13-72-085~~.

**13-72-110 Penalty for violation.**

Unless otherwise provided, any person found guilty of violating sections 13-72-050(A) & (B), 13-72-060; or 13-72-065 ~~or 13-72-085~~ shall be punished by a fine of not less than \$200.00 nor more than \$5,000.00 for the first offense, and not less than \$2,000.00 nor more than \$10,000.00 for the second and each subsequent offense in any given 180-day period. Any person found guilty of violating any other section of this chapter shall be punished by a fine of not less than \$100.00 nor more than \$300.00 for the first offense and not less than \$300.00 nor more than \$500.00 for the second and each subsequent offense in any 180-day period. Repeated offenses in excess of three within any 180-day period may also be punishable as a misdemeanor by incarceration for a term not to exceed 180 days. Each failure to comply with the provisions of this chapter with respect to each person shall be considered a separate offense. A separate and



distinct offense shall be regarded as committed each day on which such person shall continue or permit any such violation. In addition to such fines and penalties, violation of any provision of this chapter shall be cause for revocation of any license issued to such violator or offending party by the City of Chicago. Nothing herein shall be construed to preclude the revocation of any license for violation of any other provision of the Municipal Code of Chicago.

~~In addition to any other fines or penalties provided for, no tax stamps required under chapter 3-33 shall be issued to any developer who has received a citation for violating section 13-72-060(A)(2) or section 13-72-085 which has not been adjudicated, unless the developer, at his or her option:~~

- ~~(1) Delays the sale of the residential condominium until such time that the developer has come into compliance or the matter has been adjudicated;~~
- ~~(2) Pays any fine imposed for such violation; or~~
- ~~(3) Posts a bond with the city, in a form prescribed by the commissioner of business affairs and consumer protection, in the amount equal to the maximum fine due. After adjudication, if the developer is found not liable, the bond shall be returned, or if the developer is found liable, the bond shall be used to satisfy the amount of the fine and any amount remaining after payment of such fine shall be returned to the developer.~~

## **ARTICLE XI - PERMIT HOLDS FOR INDEBTEDNESS**

**SECTION 1.** Chapter 1-23 of the Municipal Code of Chicago is hereby amended by inserting a new Article IV, as follows:

### **Article IV. INELIGIBILITY FOR LICENSES AND PERMITS**

#### **1-23-400 Issuance of licenses and permits – Acceptance of application – Prohibited when.**

(a) *License and permit issuance prohibited when.* No person shall be eligible to obtain any license or permit of any type issued under this Code, and no such license or permit shall be issued by the applicable department, if the applicant for such license or permit or the property owner identified in the applicable application or any person owning, directly or indirectly, 25 percent or more of the interest in the applicant or property owner has any debt, as defined in Section 2-32-094(a), unless and until each applicable person owing such debt satisfies or otherwise resolves the debt within the meaning of Section 2-32-094(a).

For purposes of this subsection (a), the term “25 percent or more of the interest in the applicant or property owner” shall mean 25 percent or more of the combined voting power or fair market value of all stock, partnership interests or other ownership interests in the applicant or the right to receive at any time the distribution of 25 percent or more of the income or profits of the applicant. Provided, however, that with respect to those licenses or permits for which disclosure

of a lesser percentage of ownership interest is required under this Code, including, but not limited to, licenses issued under Chapter 4-40 (Residential Real Estate Developers) and Chapter 4-60 (Liquor Dealers), the percentage of ownership set forth in the specific ordinance establishing such license or permit shall be substituted for the term “25 percent” in the above definition.

(b) *Exceptions.* This section shall not apply to any permit or license sought by any local, state or federal government agency. Nor shall this section apply to (1) any permit issued by the department of buildings for emergency repairs as determined by the building commissioner, or (2) any license or permit issued by any department if the applicable department head determines that immediate issuance of the applicable license or permit is necessary to protect the public health, safety or welfare and all other applicable requirements for issuance of such license or permit have been met.

**SECTION 2.** Section 13-32-080 of the Municipal Code of Chicago is hereby amended by adding the language underscored and by deleting the language struck through, as follows:

**13-32-080 Permit issuance – Issuance prohibited when.**

*(Omitted text is unaffected by this ordinance)*

(c) ~~If an application for a building permit is required to be accompanied by drawings or plans, no~~ No building permit shall be issued under this chapter ~~for the work described in such application~~ if the applicant for such permit or the property owner identified in the permit application or any person owning, directly or indirectly, ~~more than~~ 25 percent or more of the interest in such applicant or property owner has any outstanding debt, as defined in Section ~~2-80-065(a)~~ 2-32-094(a), unless and until each applicable person owing such debt satisfies or otherwise resolves the debt within the meaning of Section ~~2-80-065(a)~~ 2-32-094(a). Provided, however, that this subsection shall not apply to any federal, state or local government agency. Provided further, that this subsection shall not apply to any permit application for emergency repairs as determined by the building commissioner. For purposes of this subsection (c), ~~“more than 25 percent or more of the interest in the applicant or property owner”~~ shall mean more than 25 percent or more of the combined voting power or fair market value of all stock, partnership interests or other ownership interests in the applicant or property owner or the right to receive at any time the distribution of ~~more than~~ 25 percent or more of the income or profits of the applicant or property owner.

**ARTICLE XII - AMENDMENTS REGARDING WATER SUPPLY SHUT OFF AND BILLING**

**SECTION 1.** Chapter 13-12 of the Municipal Code of Chicago is hereby amended by adding a new Section 13-12-128, as follows:

**13-12-128 Vacant buildings – Water supply shut off.**

No later than thirty days after a determination by the department of buildings that a building has become vacant pursuant to the provisions of subsection (e) of Section 13-12-125 of this Code, or upon a determination that a building is vacant, open and unsecured for any period of time, the building commissioner may request the department of water management to shut off the water supply to such building in accordance with Section 11-12-125 of this Code. However, the building commissioner shall not knowingly request the department of water management to shut off the water supply to any secure building with a sealed, operational sprinkler system.

**SECTION 2.** Chapter 11-12 of the Municipal Code of Chicago is hereby amended by adding a new Section 11-12-125, as follows:

**11-12-125 Water supply shut off.**

(a) Upon written notice of the building commissioner that a building is vacant and upon the building commissioner's request to the department of water management to shut off the water supply to the building, the department shall shut off the building's water service supply and provide notice to the department of finance that all applicable fees, including a water shut off fee, as determined by the department of water management, shall be billed and collected by the department of finance. The department of finance shall thereafter cease billing and charging of prospective water fees against the person responsible for the water account of the building from the time the water supply is shut off until such time as the water supply is restored.

(b) Upon written notice of the department of buildings to the department of water management, or upon notice of the building owner to the department of water management, that the building is no longer vacant, the department of water management shall restore water supply to such building and provide notice to the department of finance to resume billing and charging of water fees against the person responsible for the water account established for the building; provided, however, no water supply shall be restored unless all outstanding water and sewer fees and charges, including a water restoration fee as determined by the department of finance, are paid in full, or an arrangement for their payment is made.

(c) If water supply that is shut off in accordance with this section is illegally restored, the department of water management shall cause an unauthorized water restoration fee to be charged in accordance with Section 11-12-485 of this Code, and the department of finance shall pro-rate the water bill for such building calculated in accordance with Sections 11-12-270 and 11-12-280, or 11-12-310 and 11-12-320 of this Code from the end of the last billing period prior to the water shut off.

(d) It shall be the responsibility of the owner of the vacant building to protect, repair and maintain water supply pipes on private property leading to or located within such building.

**SECTION 3.** Chapter 11-12 of the Municipal Code of the City of Chicago is hereby amended by deleting the language struck through and by inserting the language underscored, as follows:

**11-12-010 Definitions of “premises”.**

~~The word “premises”, wherever used in this chapter, shall be held to include a lot or a part of a lot, a building or a part of a building, or any parcel or tract of land whatever.~~

For purposes of this chapter, the following definitions shall apply:

“Commissioner” means the city’s commissioner of water management.

“Department” means the city’s department of water management.

“Family” means any number of persons not to exceed 12, including children and employees.

“Full payment certificate” means a certificate issued by the comptroller indicating that all water and sewer charges and penalties that accrued to a water account are paid in full or otherwise not transferable to the subsequent owner.

“Owner” means: (1) the legal title holder or holders to any premises, or dwelling units, with or without accompanying actual possession thereof; (2) the beneficial owner or owners of an Illinois Land Trust if legal title is held by such a trust; (3) the purchaser under a real estate installment sales contract; (4) any person serving as executor, administrator, trustee, or guardian of an estate if legal title is held by the estate; or (5) any person, including the agent of the legal title holder, who is authorized or entitled to control, manage or dispose of any premises, dwelling or dwelling unit.

“Premises” means a lot or a part of a lot, a building or a part of a building, or any other parcel or tract of land.

**11-12-320 Faulty meters.**

*(Omitted text is unaffected by this ordinance)*

In such cases, charge and payment shall be made on an estimate prepared by the ~~commissioner~~ comptroller based on the average of 12 preceding readings of such meter, excluding excessive or deficient readings.

*(Omitted text is unaffected by this ordinance)*

**11-12-330 Liability for charges.**

The owner of a property, location or address where water or water service is supplied shall be responsible for payment for any water or water service supplied ~~until notice shall be given in writing to the commissioner, at least ten days in advance, that such service be terminated.~~ A property owner may request that billing statements be sent in the name of a tenant on the property through the filing of a form provided by the department of revenue finance; however, such billing to a tenant does not relieve the owner of the subject property from liability for unpaid water and sewer charges. ~~When a tenant or other party is the named billed party, both that party and the owner of the subject property shall be liable for unpaid water charges jointly and severally.~~ Upon a determination that any owner did not timely pay his water or sewer charges, the comptroller may institute collection action with the department of administrative hearings by forwarding a copy of a notice of violation or a notice of hearing, which has been properly served, to the department of administrative hearings. The billing statement, notice of a water service charge or notice of delinquent payment of a water service charge shall be prima facie evidence that the owner identified in the statement or notice shall be liable for such charge and any delinquent payment fee.

**11-12-340 Metered service – Billing.**

Metered water service ~~for large consumers shall be billed monthly, and metered water service for other consumers shall be billed bimonthly; provided, however that the commissioner may in his discretion render bills for small consumption in quarterly periods in such time periods as established by the comptroller.~~

**11-12-530 Certification of Payment**

~~Upon application and payment of an application fee of fifty (50) dollars, the commissioner shall issue a certificate of payment to the director of revenue, which shall certify that all water and sewer assessments have been paid in full.~~

Unless otherwise provided by law or rule, a full payment certificate is required in all transfers of real property whether such transfers are subject to or exempt from the real property transfer tax pursuant to Chapter 3-33 of this Code. In order to obtain a full payment certificate, an application with an application fee of \$50.00 shall be made to the comptroller. Provided, however, if the property is exempt from the real property transfer tax, the full payment certificate application fee shall not be charged. If a full payment certificate was required and such certificate was not obtained when the real property was transferred, both the transferor and the transferee will be jointly and severally liable for any outstanding water or sewer charges and penalties that have accrued to the water account.

**SECTION 4.** Chapter 11-12 of the Municipal Code of the City of Chicago is hereby amended by deleting Sections 11-12-015 and 11-12-020, in their entirety.

### **ARTICLE XIII - SEVERABILITY; STATEMENT OF PURPOSE**

**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.** All ordinances, resolutions, motions or orders inconsistent with this ordinance are hereby repealed to the extent of such conflict.

### **ARTICLE XIV - EFFECTIVE DATES**

Article VII (“Municipal Marketing”) of this ordinance shall take effect upon passage and approval.

Those provisions of Article VIII (“Fee Waivers”) of this ordinance that amend Sections 3-12-020 and 11-12-540 of the Municipal Code shall take effect, following passage and approval, as of the start of the first billing period commencing after January 1, 2012.

Article X (“Condominium Registration Amendments”) of this ordinance shall take effect, following passage and approval, on January 2, 2012.

The remainder of this ordinance, following passage and approval, shall take effect on January 1, 2012.