



Office of the Chicago City
Clerk



SO2011-10247

Office of the City Clerk

City Council Document Tracking Sheet

Meeting Date:	12/14/2011
Sponsor(s):	Mendoza, Susana A. (Clerk)
Type:	Ordinance
Title:	Amendment of Titles 2, 3 and 9 of Municipal Code concerning Wheel Tax License fees and penalties
Committee(s) Assignment:	Committee on Committees, Rules and Ethics

SUBSTITUTE
ORDINANCE

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

SECTION 1. Section 9-76-170 of the Municipal Code of Chicago is hereby repealed in its entirety, and Sections 2-12-010, 3-56-040, 3-56-050, 3-56-070, 3-56-150, 9-64-125 and 9-100-020 of the Municipal Code of Chicago are hereby amended by deleting the struck-through language and inserting the underscored language as follows:

2-12-010 Powers and duties.

The city clerk shall, in addition to other duties imposed upon him by law, perform the following:

(Omitted text is unaffected by this ordinance)

Administer and enforce the requirements of Chapter 3-56 and other provisions of this Code relating to the wheel tax license emblem of this Code, which shall include the authority to issue citations for violations;

(Omitted text is unaffected by this ordinance)

3-56-040 Issuance.

Upon the payment by the applicant of the license fee hereinafter provided, the city clerk shall issue, or cause to be issued, a wheel tax license. The annual period for every such license shall begin on July 1st, and end on June 30th of the year following the year of issuance. However, any permit purchased before July 1 for the annual period to begin July 1 of that year, will be considered valid as soon as it is purchased and affixed as described in Sections ~~3-56-060, 3-56-070, and 3-56-090 and 9-76-170~~. The city clerk shall have authority to provide a grace period not exceeding 30 (thirty) days, during times of heavy volume of applications, for all persons desiring to buy a wheel tax license emblem or combined wheel tax license/ residential permit parking emblem.

3-56-050 Fees.

(Omitted text is unaffected by this ordinance)

(b) (1) Except as otherwise provided in subsection (b)(2) of this section, the license fee for each vehicle shall be ~~\$40.00~~ \$60.00 greater for any person ~~65 years of age or older, and \$60 greater for any person under age 65~~, than the amount otherwise specified in this section if the license is purchased after July 15th and (1) the applicant fails to purchase the license within 30 days of residing in the city, or (2) the applicant fails to purchase the license

within 30 days of purchasing the vehicle, unless the city clerk determines that the failure to purchase the license in any case was due to reasonable cause.

(2) The license fee for not more than one smaller or larger passenger automobile registered to any person 65 years of age or older, upon satisfactory proof of age and vehicle ownership, shall be ~~\$20.00~~ greater, by an amount equal to one-half of the additional license fee provided in subsection (b)(1), than the amount otherwise specified in this section if the license is purchased after July 15th and (1) the applicant fails to purchase the license within 30 days of residing in the city, or (2) the applicant fails to purchase the license within 30 days of purchasing the vehicle, unless the city clerk determines that the failure to purchase the license in any case was due to reasonable cause.

3-56-070 Wheel tax license emblems.

Except as otherwise provided in Section 3-56-125(d) of this Code, the city clerk or his designee shall deliver to the holder of any wheel tax license for any motor vehicle or other vehicle, a wheel tax license emblem, which shall bear the word "Chicago", and the numerals designating the year for which such license is issued, the names of the mayor and the city clerk, the name of the class to which such vehicle belongs, and a number identical with the number of such license. Such wheel tax license emblem may bear information indicating residential permit parking, if applicable. In addition, wheel tax license emblems issued either to disabled veterans or to former prisoners of war, pursuant to Section 3-56-050, shall bear the word "Veteran".

~~Except as otherwise provided in Section 3-56-125(d) of this Code, such wheel tax license emblem shall be affixed, in accordance with the instructions printed thereon which are made a part hereof, and without the use of supplemental adhesives, at the lower right-hand corner on the inside of the glass portion of the windshield of such motor vehicle: Requirements regarding proper affixing, positioning and display of the wheel tax license emblem are set forth in Section 9-64-125(d).~~

The city clerk shall change annually the background colors of such wheel tax license emblems.

(Omitted text is unaffected by this ordinance)

3-56-150 Penalty.

(a) Any person who shall take, destroy, remove or obliterate any wheel tax license 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 wheel tax license emblem from any vehicle shall be considered a separate offense.

(b) Any person who fails to pay the wheel tax license fee imposed by this chapter or to display the wheel tax license emblem as required by this chapter shall be fined the vehicle-weight-based amount applicable to a violation of Section 9-64-125 for failure to display the wheel tax license emblem. ~~\$200.00 for each offense involving a vehicle of under or equal to 16,000 lbs. gross vehicle weight. In the case of such an offense involving a vehicle of over 16,000 lbs. gross vehicle weight, the fine shall be \$500 for each offense.~~

(Omitted text is unaffected by this ordinance)

9-64-125 Display of wheel tax license emblem.

(a) Except as otherwise provided in Section 3-56-125(d) of this Code, no person shall park or stand on any portion of the public way, on any city-owned property, in a public parking garage as defined in Chapter 4-232, or any parking lot open to pedestrian traffic, any vehicle requiring a license pursuant to Chapter 3-56 of this code, unless the wheel tax license emblem is displayed as required by ~~Section 9-76-170~~ of this code. Pursuant to Section 3-56-021, any person alleged to have violated this section may raise as an affirmative defense that (1) such person resided in the city for less than 30 days at the time he or she was cited for the violation, or (2) the cited vehicle was purchased less than 30 days prior to the issuance of the violation.

(b) It shall be a violation of this section for a vehicle of under or equal to 16,000 lbs. gross vehicle weight to fail to comply with subsection (a) of this section.

(c) It shall be a violation of this section for a vehicle of over 16,000 lbs. gross vehicle weight to fail to comply with subsection (a) of this section.

(d) If display is required by this section, the wheel tax license emblem shall be affixed in accordance with the instructions printed thereon, which are made a part hereof, and without the use of supplemental adhesives, and positioned to be clearly visible and maintained in a clearly legible condition on the front windshield in the lower right-hand corner farthest removed from the driver's position.

(e) The violation of this section shall subject the violator to the fine set forth in Section 9-100-020.

~~9-76-170 City wheel tax license emblem:~~

~~The city wheel tax license emblem, for any vehicle requiring a license pursuant to Chapter 3-56 of this code, shall be displayed, and placed and positioned to be clearly visible and maintained in a clearly legible condition and shall be placed on the front windshield in the lower right-hand corner farthest removed from the driver's position. Any person who violates this section shall be fined \$120.00.~~

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.

(Omitted text is unaffected by this ordinance)

(c) The fines listed below shall be imposed for violation of the following sections of the traffic code:

Traffic code section

Fine

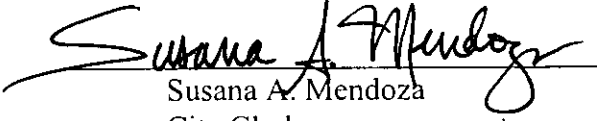
(Omitted text is unaffected by this ordinance)

9-64-125	120.00
<u>9-64-125(b)</u>	<u>200.00</u>
<u>9-64-125(c)</u>	<u>500.00</u>
<u>9-64-125(d)</u>	<u>30.00</u>

(Omitted text is unaffected by this ordinance)

9-76-170	120.00
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SECTION 2. This ordinance shall be in force and effect upon passage and approval.



Susana A. Mendoza
City Clerk

Chicago, February 15, 2012

To the President and Members of the City Council:

Your Committee on Committees, Rules and Ethics, having under consideration a Substitute Ordinance replacing, PO2011-10247, introduced by, City Clerk Susana A. Mendoza (which was referred on 12-14-2011) amending Section 9-76-170, 2-12-010, 3-56-040, 3-56-050, 3-56-070, 3-56-150, 9-64-125 and 9-100-020 of the Municipal code: please see attached amendment for changes.

begs leave to recommend that Your Honorable Body *p a s s* the Ordinance which is transmitted herewith.

This recommendation was concurred in by a viva voce vote of the members of the committee on February 14, 2012.

Respectfully submitted,

Alderman Richard F. Mell
Chairman,
Committee on Committees, Rules and Ethics