



Office of the Chicago City
Clerk



O2012-2270

Office of the City Clerk

City Council Document Tracking Sheet

Meeting Date:	4/24/2012
Sponsor(s):	Burnett, Walter (27)
Type:	Ordinance
Title:	Amendment of Section 4-108-081 of Municipal Code by modifying public restroom requirements at filling stations
Committee(s) Assignment:	Committee on License and Consumer Protection

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ORDINANCE

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

SECTION 1. Section 4-108-081 of the Municipal Code of the City of Chicago is hereby amended by deleting the language stricken through, as follows:

4-108-081 Public restroom requirement.

(a) The owner or operator of any filling station shall provide at least one clean and functional public restroom. The public restroom must remain open to customers during all hours that the filling station is open, subject to the following: for those filling stations that have a full service convenience store operation on the premises, the restroom can be closed when the convenience store operation is closed; for all other stations, the restroom may be closed at 7.30 p.m. during daylight savings time and at 5.00 p.m. after daylight savings time ends.

(b) Subsection (a) of this section may be waived when any legal voters of the precinct in which the filling station is located, file in the office of the city clerk, a written consent affidavit directed to the city clerk, containing the signatures of not less than 25 percent of the legal voters registered with the board of election commissioners from the precinct. ~~A request for waiver of subsection (a) shall apply only to any filling station first opened prior to January 1, 2003. For any such station, provided a written consent affidavit was filed by December 31, 2003 and such request for waiver was denied by the city clerk, the liability pursuant to any notice of violation issued after March 9, 2005 for failure to provide the public restroom required by this section, unless otherwise adjudicated administratively or in a court of law as of March 9, 2005, shall not be determined until the city clerk has reviewed the denied request for waiver under the rules and regulations referred to in subsection (c) below.~~ The written consent affidavit shall state that "Due to public safety concerns, we request that a clean public restroom NOT be provided at the following address...." Notice of the filing shall be simultaneously delivered to the alderman of the ward in which the public restroom exemption is requested. For a period of 30 days after the written consent affidavit is filed, any person who signed the written consent affidavit may submit a written revocation of consent with the city clerk. After the expiration of the 30-day period, and after the city clerk or its designee has verified the legitimacy of all signatures supplied with the written consent affidavit and any revocations that may have been filed, the city clerk shall certify whether sufficient valid signatures have been filed to proceed with the waiver. Any person who knowingly makes any false statement, submits any false information or misrepresents any information required under this paragraph shall be fined not less than \$500.00 per offense, or incarcerated for a period not to exceed three months, or both.

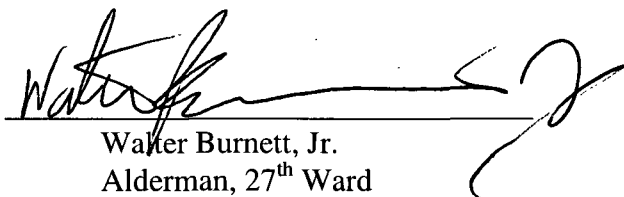
(c) In the event that, after a good faith effort, the owner or operator is unable to obtain the necessary signatures for the waiver provided for in subsection (b) above, the requirements of subsection (a) may be waived at the election of the owner or operator of the filling station is 800 square feet or less in size; ~~provided, the owner or operator of a filling station structure 800 square feet or less which has a public restroom as of March 9, 2005 shall not be permitted to remove said restroom.~~ The election shall be made by the owner or operator by submitting a written statement to the city clerk explaining the good faith efforts made to obtain the necessary signatures and a drawing, prepared by a licensed architect or engineer, bearing the certification of

the architect or engineer that the station structure is 800 square feet or less.

(d) If any section, sentence or clause of this ordinance is for any reason held unconstitutional, such decision shall not affect the validity of the remaining portions.

(e) The city clerk shall, and is hereby authorized to, 1) promulgate rules and regulations governing the filing and review of the written consent affidavit provided for herein and 2) enter into an agreement with the board of election commissioners of the City of Chicago regarding the verification of the legitimacy of the signatures supplied with the written consent affidavit.

SECTION 2. This ordinance shall be effective upon passage and approval.



Walter Burnett, Jr.
Alderman, 27th Ward