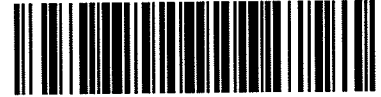




City of Chicago



SO2013-4208

Office of the City Clerk

Document Tracking Sheet

Meeting Date:

6/5/2013

Sponsor(s):

Brookins, Howard (21)
Ervin, Jason C. (28)
Harris, Michelle A. (8)
Cullerton, Timothy M. (38)
Hairston, Leslie A. (5)
Sawyer, Roderick T. (6)
Thompson, Joann (16)
Lane, Lona (18)
Dowell, Pat (3)
Burns, William D. (4)
Thomas, Latasha R. (17)
Austin, Carrie M. (34)
Graham, Deborah L. (29)
Burnett, Walter (27)
Balcer, James (11)
Beale, Anthony (9)
Pope, John (10)
Holmes, Natashia (7)
Foulkes, Toni (15)

Type:

Ordinance

Title:

Amendment of Section 10-8-480 of Municipal Code
concerning violations for ejecting refuse or liquids upon
public way from moving or stationary vehicle

Committee(s) Assignment:

Committee on Finance

2

SUBSTITUTE
ORDINANCE

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

SECTION 1. Section 10-8-480 of the Municipal Code of Chicago is hereby amended by deleting the language struck through and by inserting the language underscored, as follows:

10-8-480 Casting refuse and liquids.

(a) It shall be unlawful for any person, in person or by his agent, employee or servant to cast, throw, sweep, sift or deposit in any manner in or upon any public way or other public place in the city, or in or upon the waters of Lake Michigan, or any river, canal, public water, drain, sewer or receiving basin within the jurisdiction of the city, any kind of litter. Nor shall any person cast, throw, sweep, sift or deposit any litter anywhere within the jurisdiction of the city in such manner that it may be carried or deposited, in whole or in part, by the action of the sun, wind, rain or snow, into any of the aforementioned places.

(b) For purposes of this section, the term "litter" Litter includes, but is not limited to, the following: (a1) picnic or eating utensils, such as paper plates, cups, napkins, towels, plastic utensils, metal foil, cellophane, wax paper, paper bags, or any food wrappings; (b2) liquid or beverage containers such as beer, soft-drink, and juice cans, beer, soft-drink, liquor and wine bottles, and milk or juice cartons; (c3) tobacco and confection wrappers, such as cigarette packages, candy, ice cream, popsicle, gum or any other type of dessert or confection wrapping or container; (d4) food wastes, such as fruit or vegetable peelings, pulp, rinds, leftovers or any other type of table wastes; (e5) newspapers, books, placards, handbills, pamphlets, circulars, notices or papers of any type; (f6) or any other type of rubbish, garbage, refuse matter, article, thing or substance such as discarded clothing, boxes, dust, manure or ashes.

(c) (1) Any person 17 years of age or older who throws litter upon a public way from a moving, standing or parked vehicle shall be fined as provided in subsection (e) of this section.

(2) In addition to a fine imposed pursuant to subsection (e) of this section, a motor vehicle that is used in the violation of this subsection (c) may be seized and impounded pursuant to this subsection (c).

(3) Whenever a police officer has probable cause to believe that a vehicle is subject to seizure and impoundment pursuant to this subsection (c) and rules adopted by the superintendent of police, the police officer shall provide for the towing of the vehicle to a facility controlled by the city or its agents. When the vehicle is towed, the police officer shall notify the person who is found to be in control of the vehicle at the time of the alleged violation, if there is such a person, of the fact of the seizure and of the vehicle owner's right to request a preliminary hearing to be conducted under Section 2-14-132 of this Code.

(4) Section 2-14-132 of this Code shall apply whenever a motor vehicle is seized and impounded pursuant to this subsection (c).

(d) Provided, that this section shall not apply to the deposit of material under a permit authorized by any ordinance of the city; or to goods, wares, or merchandise deposited upon any public way or other public place temporarily, in the necessary course of trade, and removed therefrom within two hours after being so deposited; or to articles or things deposited in or conducted into the city sewer system through lawful drains in accordance with the ordinances of the city relating thereto.

(e) Any person violating ~~any of the provisions of~~ this section shall be fined not less than ~~\$50.00~~ \$150.00 nor more than ~~\$200.00~~ \$1,500.00 for each offense.

SECTION 2. Section 2-14-132 of the Municipal Code of Chicago is hereby amended by inserting the language underscored, as follows:

2-14-132 Impoundment.

(1) Whenever the owner of a vehicle seized and impounded pursuant to Sections 3-46-076, 3-56-155, 4-68-195, 9-80-220, 9-112-640 or 9-114-420 of this Code (for purposes of this section, the "status-related offense sections"), or Sections 7-24-225, 7-24-226, 7-28-390, 7-28-440, 7-38-115(c-5), 8-4-130, 8-8-060, 8-20-070, 9-12-090, 9-76-145, 9-80-225, 9-80-240, 9-92-035, 10-8-480(c), 11-4-1410, 11-4-1500 or 15-20-270 of this Code (for purposes of this section, the "use-related offense sections") requests a preliminary hearing in person and in writing at the department of administrative hearings, within 15 days after the vehicle is seized and impounded, an administrative law officer of the department of administrative hearings shall conduct such preliminary hearing within 48 hours of request, excluding Saturdays, Sundays and legal holidays, unless the vehicle was seized and impounded pursuant to Section 7-24-225 and the department of police determines that it must retain custody of the vehicle under the applicable state or federal forfeiture law. If, after the hearing, the administrative law officer determines that there is probable cause to believe that the vehicle was used in a violation of this Code for which seizure and impoundment applies, or, if the impoundment is pursuant to Section 9-92-035, that the subject vehicle is eligible for impoundment under that section, the administrative law officer shall order the continued impoundment of the vehicle as provided in this section unless the owner of the vehicle pays to the city the amount of the administrative penalty prescribed for the code violation plus fees for towing and storing the vehicle. If the vehicle is also subject to immobilization for unpaid parking and/or compliance violations, the owner of the vehicle must also pay the amounts due for all such outstanding violations prior to the release of the vehicle. If the administrative law officer determines there is no such probable cause, or, if the impoundment is pursuant to Section 9-92-035, that the subject vehicle has previously been determined not to be eligible for impoundment under that section, the vehicle will be returned without penalty or other fees.

(Omitted text is not affected by this ordinance)

SECTION 3. This ordinance shall take effect 30 days after its passage and publication.


Alderman Howard Brookins, Jr., 21st Ward

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①

CHICAGO September 11, 2013

To the President and Members of the City Council:

Your Committee on Finance having had under consideration

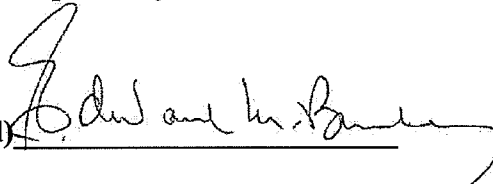
A substitute ordinance concerning the authority to amend Section 10-8-480 of the Municipal Code of Chicago by inserting language concerning the increase in fines for the violation of ejecting refuse or liquids on the public way from a vehicle.

O2013-4208

Having had the same under advisement, begs leave to report and recommend that your Honorable Body pass the proposed Ordinance Transmitted Herewith

This recommendation was concurred in by _____ (a viva voce vote of members of the committee with _____ dissenting vote(s).

Respectfully submitted

(signed) 

Chairman