

or contained:

- (1) Food, beverages (including liquor), other items intended for consumption by humans or animals and all substances or ingredients to be added to food;
- (2) Paper, metal, and plastic products, including but not limited to napkins, facial tissues, toilet tissues, foil wrap, plastic wrap, papertoweling, wrapping paper, cordage, disposable diapers, and disposable plates;
- (3) Detergents, solvents, waxes, soaps and other cleansing agents, sponges and similar cleaning accessories, and lubricants; and
- (4) Non-prescription drugs, personal care items, including female hygiene products, bandages, and toiletries;
- (5) Household products, including light bulbs, disposable cameras, batteries, camera supplies, candles, tape, and adhesives.

The term "consumer commodity" shall not include:

- (1) Unpackaged fresh produce;
- (2) Individual items under three cubic inches in size;
- (3) Individual items weighing less than three ounces; and
- (4) Individual items priced under fifty cents.

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"Department" means the department of business affairs and consumer protection.

"Distillate fuels" includes fuel in liquid form which can be used for heating purposes and which has an American Petroleum Institute gravity nominally greater than 22; provided, however, the term shall not include oil that has a Saybolt universal viscosity of more than 55 seconds at 100 degrees Fahrenheit.

"Establishment" means each separate store or business location, whether or not affiliated with any other store or business location, where merchandise is offered for sale to the public, including, but not limited to, wholesalers, bulk sellers, and private membership sellers of merchandise directly to consumers.

"Merchandise" means and includes any objects, wares, goods, commodities, intangibles, real estate or services.

"Outdated merchandise" means merchandise that is offered for sale beyond the date specified by the manufacturer of the merchandise. Such date may or may not be preceded by, but is not limited to, such terms as "last sale date," "use by," "best if used by," or "expires on."

"Price" means the amount stated in U.S. dollars and cents asked or charged for an item offered for retail sale.

"Reference price" means an advertised price to which a selling price is compared in advertising which employs comparative pricing. The term "reference price" includes, but is not limited to, the use of such terms as "if perfect," "list price," "regular price," "full price," "retail price," "former price," or words of similar import.

"Sale" means any sale, offer for sale, or attempt to sell any merchandise for cash or on credit.

"Sale items" means goods offered by the seller for less than the regular price.

"Selling price" means the price at which a consumer commodity is sold at retail on any given date.

"Unit price" means the price of individual consumer commodities, calculated by dividing the total retail selling price by the total count, measure or weight of the individual item.

"Weight" means net weight.

4-276-010 Inspection - Certificate of accuracy.

Every person using weights, measures, scale beams, patent balances, steelyards or any instrument in weighing or measuring any article intended to be purchased or sold in the city, or any article weighed or measured for shipping or receiving purposes, or in weighing or measuring any person or animal for hire or reward, shall cause the same to be inspected and sealed by the ~~inspector of weights and measures~~ commissioner and shall obtain a certificate of accuracy in accordance with the provisions of Section 2-24-040 2-25-050(b)(27) of this Code.

No person shall refuse to exhibit any weight, measure, scale beam, patent balance, steelyard or other instrument to the ~~inspector of weights and measures~~ commissioner for the

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purpose of being so inspected and examined.

No person shall use any weighing or measuring device for commercial purposes without first having obtained a certificate of approval from the commissioner as provided in Section 2-25-050 of this Code, nor shall any

person use any such weighing or measuring device that is incorrect or defective.

Any person violating any of the provisions of this section shall be fined not less than \$25.00 nor more than \$100.00 for each offense. Each violation of this section shall constitute a separate and distinct offense and shall be regarded as being committed on each day on which such person shall continue or permit any such violation.

4-276-020 Inspection fees.

~~(a) The commissioner of business affairs and consumer protection shall demand and receive for the use of the city, before~~ Before the delivery of certificates provided for by this chapter, ~~the following~~ the commissioner shall charge and receive inspection fees as set by rules and regulations promulgated by the commissioner pursuant to subsection (b) of this section for the following services:

~~For inspecting and sealing scales of the capacity of 24,000 pounds and upwards, each \$75.00~~

~~For inspecting and sealing scales of the capacity of 6,000 pounds up to 24,000 pounds, each \$5.00~~

~~For inspecting and sealing scales of the capacity of 2,500 pounds up to 6,000 pounds, each~~

~~For inspecting and sealing scales of a capacity up to 2,500 pounds, each 5.00±~~

~~For inspecting and sealing hopper scales of the capacity of 0 to 500 pounds, each 6.00~~

~~For inspecting and sealing hopper scales of the capacity of 501 pounds to 2,000 pounds, each 14.00~~

~~For inspecting and sealing hopper scales of the capacity of 2,001 pounds to 10,000 pounds, each 34.00~~

~~For inspecting and sealing hopper scales of the capacity of 10,001 pounds and upwards, each 75.00±~~

~~For inspecting and sealing two-bushel, one-bushel and half-bushel measures, each 4.50±~~

~~For inspecting and sealing any other dry measure, each 1.50±~~

~~For inspecting and sealing every automatic weighing machine or other similar device of a capacity of less than three tons, used for weighing, each 5.00±~~

~~For inspecting and sealing liquids measures of a capacity up to and including five gallons, each 2.00±~~

~~For inspecting and sealing liquids measures of a capacity over five gallons, for each five-gallon capacity or part thereof 5.00±~~

~~For inspecting and sealing any automatic machine used for measuring liquids, each unit 0.00±~~

~~For inspecting and sealing yard measures, each 2.00±~~

~~For inspecting and sealing any linear measure, for each three feet 2.00±~~

~~For inspecting and sealing any tape line exceeding 50 feet in length, each 5.00±~~

~~For inspecting and sealing any automatic machine used for lineal measuring, each 5.00±; For inspecting and sealing any automatic pump used for measuring gasoline, oils, etc.; each 7.00±~~

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~~For measuring a quantity of coal or wood and issuing a certificate of approximate measure or weight of same 14.00±~~

~~For weighing or measuring any other commodity and issuing a certificate of weight or measure, at the rate per hour of 20.00±~~

~~For inspecting and sealing gasoline and fuel oil tank trucks, wagons or trailers of a capacity of 1,000 gallons or less, each 34.00±~~

~~For inspecting and sealing gasoline and fuel oil tank trucks, wagons or trailers of a capacity of over 1,000 gallons, for each 500-gallon capacity or part thereof 14.00±; and~~

~~For inspecting and sealing any meter used for measuring gasoline, oils, etc.; each 34.00±~~

(b) The commissioner shall promulgate rules and regulations setting the fees for the inspections and sealings of the weights and measuring devices specified in subsection (a) of this section. The commissioner shall give public notice of proposed rules or regulations setting fees a minimum of 10 business days prior to the effective date of such rules and regulations in one or more newspapers of general circulation. Such public notice shall include information concerning where the rules or regulations can be reviewed and where comments may be directed. Such fees shall be based on the city's reasonable costs of administration, and such reasonable administration costs shall be documented by the commissioner every time any fee is changed.

4-276-030 Limitations on fees.

It shall not be lawful for the ~~said inspector~~ commissioner to make charges for inspecting and examining weights, measures, scale beams, patent balances, steelyards or other instruments used for weighing, more than once in each year ~~(except charges for inspecting and examining track scales and scales of a capacity of three tons and upwards, and automatic or mechanical pumps or liquid measuring devices, which shall not be made more than once in every six months)~~, unless such weights, measures, scale beams, patent balances, steelyards, or other instruments used in weighing and measuring shall be found to be not conformable to the said standards set forth in rules and regulations promulgated by the commissioner.

4-276-040 Incorrect measures.

If any person shall use, maintain or operate in the city, in weighing or measuring as ~~aforsaid~~, any weight, measure, scale beam, patent balance, steelyard or other instrument which shall not be conformable to the standard of this state, or shall use in weighing, ~~as aforsaid~~, any scale beam, patent balance, steelyard or other instrument which shall be out of order or incorrect, or which shall not balance, he shall be fined for every such offense not less than \$25.00 nor more than \$100.00

In every case where the said inspector may, at the request of the owner or person in possession or control of any scale, weight or measure, employ labor or material in making such scale, weight or measure accurate, he shall charge and receive from such owner or person, for the use of the city, a just and reasonable compensation for such labor and material.

4-276-070 Peddlers' scales.

All itinerant peddlers and hawkers using scales, balances, weights or measures shall take the same to the office of the ~~inspector of weights and measures~~ commissioner before any use is made thereof and have the same sealed and adjusted annually; and any such person failing to comply with the provisions of this section shall be regarded as having committed a separate and distinct offense each day such person shall use such scales, balances, weights or measures

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without having the same adjusted and sealed as hereinbefore provided.

Any itinerant peddler or hawker found using any ice scale shall be subject to a fine of not less than \$10.00 nor more than \$50.00 for each offense.

4-276-080 Pumps and liquid measuring devices.

Any person owning, operating or using any automatic or mechanical pump or liquid-measuring device for the purpose of measuring any liquid commodity to be sold or offered for sale within the city shall provide proper tested standard measures, and shall each day before making the first sale in the morning, and always before commencing to sell a new supply of liquid, test the accuracy of the device so in use.

No person shall use such automatic or mechanical pump or device without first having obtained a certificate of approval from the ~~inspector of weights and measures~~ department as provided in Section ~~2-24-040~~ 2-25-050(b) (27) of this Code, nor shall any person use any such automatic or mechanical pump device that is incorrect or defective.

4-276-090 Measurement of fuel oil.

No person shall sell distillate fuels by any other than liquid measure using the standard gallon as the unit measure. No person shall sell or deliver or attempt to sell or deliver to any purchaser in excess of ten gallons of any distillate fuel unless measured at the place and time of delivery by means of a meter or five-gallon liquid measure, tested and sealed by the department ~~of weights and measures~~; provided, that deliveries of distillate fuel in quantities of 2,000 gallons or more or of residual fuel of any quantity may be measured either through a meter or by a vehicle tank which has been tested and sealed by the department ~~of weights and measures~~.

4-276-120 Distillate or residual fuel delivery requirements.

(Omitted text is unaffected by this ordinance)

(d) All delivery tickets shall be serially numbered and no ticket or duplicate thereof shall be destroyed but may be voided and kept on file. At least one copy of each delivery ticket shall be retained and preserved for a period of at least two years after the date of delivery and shall be available for inspection by the ~~inspector of weights and measures~~ commissioner and his deputies.

4-276-130 False delivery ticket - Substitute product.

(Omitted text is unaffected by this ordinance) (d) It shall be unlawful for any person making or in charge of delivery of distillate fuel to refuse, fail or neglect to deliver to the ~~inspector of weights and measures~~

commissioner or to any of his deputies upon demand therefor, any ticket evidencing any delivery subject to the provisions of Sections 4-276-110 and 4-276-120 of this chapter. If the inspector or deputy desires to retain the ticket, he shall make and deliver to the person a signed receipt therefor.

4-276-140 Vehicle tank meter - Alteration or removal.

If, after the approval, testing and sealing by the department of business affairs and consumer protection of any vehicle tank, meter or measuring device used in delivering distillate fuels it shall be necessary to adjust, repair or alter the same or to remove a meter from a vehicle tank to which it is affixed at the time of testing and sealing or to install the same on any other vehicle tank, immediate written notice shall be transmitted in person or by mail to the inspector

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commissioner of business affairs and consumer protection.

All adjustable elements on such vehicle tank, meter or measuring device shall seal with a lead and wire seal by the person or agency making the adjustment, repair, alteration or removal, pending a retest by the department of business affairs and consumer protection. Any person failing to seal such adjustable elements or transmit such notice shall be subject to a penalty of not less than \$25.00 nor more than \$200.00 for each offense.

4-276-150 Nonapplicability to certain fuel oils.

The provisions of Sections ~~4-276-080 and 4-276-100~~ 4-276-110 through 4-276-140 shall not apply to fuel oils delivered in packages or in tank cars by railroad, nor to deliveries by pipeline, boat or barge, nor to deliveries by any method from a refinery, pipeline terminal or boat or barge terminal into storage at a wholesale distributing plant of a liquid fuel dealer or distributor.

4-276-160 New equipment.

Where any new or additional equipment or appurtenance, except a meter-recording element or register, is required by the provisions of Sections 4-276-090 to 4-276-120 inclusive, a period of six months from and after the effective date of said sections shall be allowed for the procurement and installation of the same, provided that the ~~inspector of weights and measures~~ commissioner shall allow additional grace periods of not to exceed six months each for such procurement and installation if it appears that such additional time is necessary because the equipment or appurtenance cannot be obtained and installed during the time theretofore allowed.

4-276-180 Gasoline and petroleum products.

It shall be unlawful for any person, ~~firm or corporation~~ to sell or offer for sale at retail, gasoline or petroleum products for motor vehicle use, in any manner which deceives or tends to deceive a purchaser or prospective purchaser as to price, quality or identity of the product. The ~~pump, dispensing device or container~~ commissioner is authorized to promulgate rules and regulations for pumps, dispensing devices, or containers pursuant to shall have the name, brand, symbol, mark, lead content category and minimum anti-knock (octane) index to be derived from the sum of Research and Motor Octane Ratings divided by two ($R-M \div 2$), or minimum octane rating affixed to it of the gasoline or petroleum product sold or offered for sale, and the product therein cannot be substituted, mixed or adulterated. For the purpose of this section "Research Octane Rating" and "Motor Octane Rating" shall mean the research octane rating and motor octane rating as described in the American Society for Testing Materials (ASTM) Standard Specifications for Gasoline (D-439-73) and subsequent revisions thereof, and American Society for Testing Materials (ASTM) Test Methods, including but not limited to (D-2699), and (D-2700)_± and "Cetane Rating" shall mean the cetane rating as described in American Society for Testing Materials (ASTM) Standard Classification of Diesel Fuel Oil (D-975-73) and any subsequent revision thereof, and American Society for Testing Materials (ASTM) Test Method (D-613h "Lead content category" shall mean the lead content as described in (D-439-73)[^] and subsequent revisions thereof, and shall be determined by American Society for Testing Materials (ASTM) Test Methods (D-3237), (D-3116) and (D-526) and subsequent revisions thereof.

Any person violating any of the provisions of this section shall be fined not less than \$50.00, nor more than \$500.00, for each offense. Each violation of this section shall be considered a separate and distinct offense and shall be regarded as being committed on each day on which such person shall continue or permit any such violation. In addition to any fine provided for herein, violation of this section may be grounds for revocation of any license issued by the City of Chicago to any such violator.

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4-276-190 Self-service motor fuel dispensing.

It shall be unlawful for any person owning or operating a filling station to permit any person other than himself or an employee to dispense flammable and combustible liquids used as motor fuels in a filling station except pursuant to regulations issued by the commissioner of business affairs and consumer protection. Such regulations shall provide for safety in the dispensing of such motor fuels and for fairness in price, in the disclosure of price and service; provided, however, that such regulations will not require that full-service dispensing equipment also be maintained on the station premises.

Any person violating any of the provisions of this section shall be fined 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. Each violation of this section shall be considered a separate and distinct offense and shall be regarded as being committed on each day on which such person shall continue or permit any such violation. In addition to any fine provided herein, violation of this section may be grounds for revocation of any license or permit issued by the City of Chicago to any such violator.

4-276-200 Solid fuel sale.

Every person selling or offering for sale solid fuel in the city shall sell the same by avoirdupois net weight.

4-276-220 Stone, sand and gravel.

Any person engaged in the business of selling crushed stone, bank sand, torpedo sand, or gravel within the city for delivery in the said city shall, in the absence of a contract or agreement in writing to the contrary, sell the same by standard avoirdupois net weight and in no other way.

Any person violating any of the provisions of this section shall be fined not less than \$25.00 nor more than \$100.00 for each offense. Each violation of this section shall be considered a separate and distinct offense and shall be regarded as being committed on each day on which such person shall continue or permit any such violation.

4-276-230 Ice.

Every person selling ice or offering ice for sale shall, at time of delivery of any ice sold, weigh the quantity of ice delivered, and for that purpose will be provided with a steelyard balance or other apparatus for weighing such ice which shall have been duly adjusted and sealed by the ~~inspector of weights and measures~~ commissioner in accordance with the provisions of this chapter. All ice sold within the city shall be sold by avoirdupois weight unless it is otherwise specifically agreed upon between the buyer and seller.

4-276-240 Food items to be sold by net weight - Exceptions.

It shall be unlawful for any person to advertise for sale, keep for the purpose of sale, offer or expose for sale, or sell, except for immediate consumption on the premises, or when sold as one of several elements comprising a ready-to-eat meal, whether cooked or uncooked, any fruit or fruit products, vegetables or vegetable products, live and dressed poultry, poultry products, meat, meat products, nonliquid animal products, fish and fish products, butter, cheese and other similar dairy products, except eggs, otherwise than by standard avoirdupois net weight delivered to the purchaser or prospective purchaser; provided, however, that any fresh produce may be sold by the bunch, each or weight subject to restrictions as may be contained in the rules and regulations of the commissioner; and provided, that any of the said products, when sold in package form, shall comply with this Code's requirements for packages.

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~~For the purpose of this section the following shall be deemed to be a ready-to-eat meal: a meal comprised of meat, fish, or poultry as the main portion with vegetables and a starch product included.~~

Any person violating any of the provisions of this section shall be fined not less than \$25.00 nor more than \$200.00 for each offense. Each violation of this section shall be considered a separate and distinct offense and shall be regarded as being committed on each day on which such person shall continue or permit any such violation.

4-276-260 Food packaging - Weight and price marking.

All packages of meat, meat products, poultry, poultry products, fish, fish products, nonliquid animal products, cheese, fruits and vegetables prepared and wrapped by the retailer in advance of being exposed or offered for

sale by the retailer shall be accurately weighed and, in addition to the net weight marked thereon, shall be marked with the a unit price per pound, and the total selling price. The unit price shall be calculated using the same unit of weight for all similar packaged products.

Provided however, that fresh produce items such as heads of lettuce, cabbage or items as specified by the rules of the commissioner, wrapped in transparent material, shall not be considered packaged as defined in this section.

Any person violating any of the provisions of this section shall be fined not less than \$25.00 nor more than \$200.00 for each offense. Each violation of this section shall be considered a separate and distinct offense and shall be regarded as being committed on each day on which such person shall continue or permit any such violation.

4-276-265 Country of origin.

Any retailer that offers for sale or sells any covered commodity shall inform consumers of the country of origin of the covered commodity in accordance with Subtitle D of the Agricultural Marketing Act of 1946, codified at 7 U.S.C. 1638 et seq., as amended, (for purposes of this section, "Act") and regulations promulgated thereto.

Provided, however, the requirement of this section shall not apply to any retailer that is not required to inform consumers of the country of origin of covered commodities under the Act. For purposes of this section, the term "covered commodity" shall have the meaning ascribed to it in Section 1638 of Title 7 of the United States Code.

4-276-280 USDA requirements for grade mark required on meat or poultry.

It shall be unlawful to advertise, offer for sale, or sell any perishable meat or poultry prepackaged or otherwise, except processed meats and poultry such as sausage, luncheon meat, smoked or cooked meat, poultry rolls or canned poultry, unless it has one of the grade marks complies with standards established by the United States Department of Agriculture official grading standards as follows:

At for beef, veal or calf:

4r U.S. Prime,

2t U.S. Choice,

3t U.S. Good,

4t U.S. Standard,

5: U.S. Commercial,

6t U.S. Utility; Br for lamb, yearling and mutton:

47 U.S. Prime,

2t U.S. Choice,

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3t U.S. Good,

4t U.S. Utility,

5r U.S. Cull; Gr for Poultry:

4t UGDA Grade A,

2t UGDA Grade D,

3t UGDA Grade G. Failure to comply with United States Department of Agriculture standards have such grade marks in the advertisement of or and on the product or package offered for sale: or on a sign so located as to be clearly identifiable as the grade designation of describing the meat or poultry being offered for sale; is prima facie evidence of a violation of this section. Grade marks shall be plain and conspicuous and as prominent as the trade or brand denoting quality.

Any person violating any of the provisions of this section shall be fined not less than \$25.00 nor more than \$200.00 for each offense. Each violation of this section shall be considered a separate and distinct offense and shall be regarded as being committed on each day on which such person shall continue or permit any such violation.

4-276-290 Fresh berries and small fruits.

All fresh berries, cherries, currants and other small fruits sold or offered for sale in the city shall, in the absence of a special agreement in writing signed by the parties thereto to the contrary, be sold, if in bulk, by standard avoirdupois net weight, or by numerical count, or in uniform size baskets, boxes, or other receptacles containing one quart or one pint standard dry measure or multiples thereof, and in no other way. The said receptacles shall be uniformly and evenly filled throughout. Said baskets, boxes or other receptacles in which,

or out of which, such small fruits are sold or offered for sale shall not be required to be tested and sealed, but the ~~inspector of weights and measures commissioner, or any of his deputies,~~ may at any time test the capacity of the basket, box or other receptacle in which, or out of which, said berries, cherries, currants or other small fruits are sold or offered for sale.

Any person selling or offering for sale any such small fruits in any basket, box or other receptacle that is of a capacity different from that hereinbefore provided, or in any basket, box or other receptacle that is not uniformly and evenly filled throughout, shall be fined not less than \$25.00 nor more than \$100.00 for each offense.

4-276-300 Net quantity on packages - Required.

It shall be unlawful to keep for the purpose of sale or to offer or expose for sale, or sell, any commodity in package form unless the net quantity of the contents is plainly and conspicuously marked on the outside of the package, in terms of weight, measure or numerical count; provided, however, that reasonable variations or tolerances shall be permitted, and that these reasonable variations or tolerances and exemptions shall be those established by rules and regulations made and promulgated by the Director of Agriculture of the State of Illinois; and provided, further, that this section shall not be construed to apply to those commodities in package form the manner of sale of which is specifically regulated by other provisions of this Code.

~~The words "in package form" as used in this section shall be construed to include a commodity in a package, carton, case, can, box, barrel, bottle, phial or other receptacle, or in coverings or wrappings of any kind, put up by the manufacturer, or when put up prior to the order of the commodity, by the vendor, which may be labeled, branded or stenciled, or otherwise marked, or which may be suitable for labeling, branding or stenciling, or marking otherwise, making one complete package of the commodity. The words "in package form" shall be construed to include~~

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both the wholesale and the retail package. "Package", as used in this section, does not include any container in which are packed or contained packages of a smaller size of a commodity, but this section applies only to the container directly enclosing the commodity.

4-276-320 Milk or cream in bottles.

No person shall sell or offer for sale within the city any milk or cream in bottles, or in glass jars, unless each of said bottles or glass jars in which said milk or cream is sold or offered for sale shall have blown into it or otherwise indelibly and permanently indicated thereon in a legible and conspicuous manner the capacity thereof; and the ~~inspector of weights and measures commissioner~~ shall have the right at any time to examine any bottle or glass jar in which milk or cream is sold or offered for sale in the city, or which is used by any person for the purpose of containing milk or cream to be sold or offered for sale, in order to ascertain whether such bottle or jar is of a capacity not less than that which it purports to be; provided, that the test of 48 bottles or glass jars to be used for milk or cream sold or offered for sale containing milk by any person shall be taken by said inspector, and this section shall be construed as having been complied with if such number of bottles or glass jars contain the full capacity herein required; provided further, however, that bottles or jars marked "quarter pint" shall contain not less than 30 drams, "half pint", not less than 62 drams, "pint", not less than 125 drams, "quart", not less than 252 drams, "three pints", not less than 379 drams, "two quarts", not less than 506 drams; and provided, further, that no bottle or glass jar shall be considered a legal measure except for the distribution of milk or cream to consumers.

Any person violating any of the provisions of this section shall be fined not less than \$25.00 nor more than \$100.00 for each offense, and the possession of each bottle or glass jar not so marked as provided in this section or of a lesser capacity than marked thereon and used or to be used, or which has been used by such person for the purpose of containing milk or cream to be sold or offered for sale in the city, shall constitute a separate and distinct offense.

4-276-350 Scales required when.

Every person selling or offering for sale any service, commodity, produce or article of merchandise, sold by weight, shall keep and maintain in a conspicuous place on his premises, scales suitable for weighing such commodity, produce or article of merchandise, and shall, whenever requested by the buyer and in the buyer's presence, weigh the commodity, produce or article of merchandise sold or offered for sale.

¹ Wherever meat, poultry or other articles of merchandise sold by weight and prepared or wrapped in advance of being sold by the retailer, are being offered for sale, an accurate computing scale of adequate capacity shall be placed or set no more than 30 feet from the prepackaged display counter or service area. A prominent and conspicuous sign shall be placed on or adjacent to the computing scale, such sign shall read "for customer use", in a type size no less than two inches in height. Where the prepackaged merchandise is marked with weight expressed in the standard avoirdupois pound and decimal fractions thereof, a conversion chart showing the correlation between the decimal fractions and common fractions of the avoirdupois pound, in a type size no less than 12-point, shall be prominently and conspicuously displayed. Any person violating any of the provisions of this section shall be fined not less than \$25.00 nor more than \$200.00 for each offense. Each violation of this section shall be considered a separate and distinct offense and shall be regarded as being committed on each day on which such person shall continue or permit any such violation.

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4-276-360 Load lots.

Every load of solid fuel of more than 1,000 pounds, or of any other commodity, produce or other article of merchandise sold in load lots by weight, delivered by vehicle within the city, shall be weighed by a public weighmaster. A certificate of weight for each such load, issued by such public weighmaster, shall be delivered by the driver or person in charge of the vehicle to the purchaser or consignee of such load, or to his or their agent, at the time of the delivery and before any of the commodity, produce or article of merchandise is removed from the vehicle, or such certificates shall be delivered to the inspector of weights and measures commissioner, or any of his deputies upon his or their the commissioner's demand.

When delivery is made, in case no person is present to receive such commodity, produce, or other article of merchandise, and if the purchaser or consignee, or his or their agent, cannot be located, then the certificate of weight hereinbefore provided for shall be posted conspicuously at the place of delivery before any of the commodity, produce or article of merchandise is removed from the vehicle.

No person shall alter any certificate of weight or attempt to use the same for any other load than the one for which the same was given, or diminish the quantity of such load after the weighing and before the sale and delivery thereof.

The weight certificate shall remain at all times on the vehicle conveying the load until it is delivered by the driver to the purchaser or posted as provided above at the point of delivery.

Ice sold in load lots by weight is exempted from all of the requirements of this section.

4-276-370 Certificate of weight-Contents.

The certificate of weight shall show the date of weighing, the gross weight, the tare and the net weight, the kind and grade of such commodity, and the name and address of the seller and purchaser thereof, the number of the vehicle (if such vehicle be numbered), the license number of such vehicle, and the name of the person in charge of such vehicle.

The certificate of weight for each delivery of solid fuel shall also show the city of manufacture in the case of coke or manufactured fuel and the size of the solid fuel in one of the following terms only: Lump or block, the general size of which shall be not less than four inches in diameter.

Egg, the general size of which shall be not less than two inches in diameter.

Range, the general size of which shall be not less than one and one-half inches in diameter.

Nut or stove, the general size of which shall be not less than one inch in diameter.

Chestnut, the general size of which shall be not less than three-quarters inch in diameter.

Pea, buckwheat and small nut, the general size of which shall be not less than three-eighths inch in diameter.

Mine run, which shall be coal as received from the mine without any variation or sizing.

Slack and screening, which shall be such other sizes as are not heretofore specifically designated.

4-276-390 Delivery ticket - Required.

When solid fuel is sold or delivered in lots of less than 1,000 pounds or any commodity is weighed by a public weighmaster and sold in less than load lots, the seller shall give a delivery ticket to the purchaser, his agent, or

the person to whom the delivery is to be made, before the delivery of such commodity, or to the ~~inspector of weights and measures~~ commissioner upon hts-the commissioner's demand.

4-276-410 Weighing memorandum requirements.

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All railway companies and all persons operating elevators or warehouses which maintain in the city delivery team track yards equipped with scales shall, upon the delivery by them of any hay, straw, grain or millfeed to the consignee or to the person having an order from the consignee for the delivery thereof, where such commodity is removed from such yards in wagon- load lots or in amounts less than load lots, weigh the same and deliver to the person in charge of any vehicle furnished by the consignee or by the person having his order, a certificate of weight or delivery ticket, which shall comply with all the requirements of this chapter relating thereto, and which shall show the name or the initials of the railroad company or of the elevator or warehouse issuing such certificate of weight or delivery ticket, and the location of the scale upon which such hay, straw, grain or millfeed is weighed.

No fee shall be charged Fof for such weighing and for the issuing of said memorandum-a fee of not exceeding \$0.25 for each load or part of a load so weighed may be charged and collected.

Any person violating any of the provisions of this section shall be fined not less than \$50.00 nor more than \$200.00 for each offense.

4-276-450 False certificates and delivery tickets.

No person shall sell and deliver, or attempt to deliver, any load lot of any commodity sold in load lot by weight and delivered by vehicle within the city, of a quantity less than that called for by the certificate of weight or delivery ticket; ~~nor shall any public weighmaster or deputy provide the driver or person in charge of the vehicle used in the delivery thereof, or the person attempting to deliver the same, with a certificate which does not correctly state the information required to be given in Section 4-276-370 of this Code.~~ No driver or person in charge of such delivery shall fail, neglect or refuse to deliver to the ~~inspector of weights and measures~~ commissioner or any of his deputies upon demand the aforesaid certificate or delivery ticket before any part of such load is removed from the vehicle, nor refuse to comply with his or their the commissioner's request to reweigh the same in order that the weights stated in such certificate or delivery ticket may be verified.

~~No person shall request any public weighmaster or any of his deputies to weigh any commodity falsely or incorrectly; nor shall any person request a false or incorrect certificate of weight or delivery ticket.~~

Any person violating any of the provisions of this section shall be fined not less than \$25.00 nor more than \$200.00 for each such offense. ~~The penalty provided herein shall be in addition to any penalty that may be imposed under Sections 4-368-060 and 4-368-070; provided, that whenever the reweighing is done on a scale other than the scale on which the weighing was originally done, a variance of one percent or less in the net weight of a load lot between the net weight as set forth in the certificate and the net weight as ascertained by reweighing such load shall not be considered a violation of this section.~~

No person selling, delivering or attempting to deliver any commodity in load lots or in amounts less than load lots within the city, shall provide the person in charge of the conveyance, or the person actually delivering or attempting to make said delivery, With a false or fraudulent certificate of weight or delivery ticket, nor provide a certificate of weight or delivery ticket which is not the result of the actual weighing of the commodity so sold, delivered or attempted to be delivered. Any person in charge of the conveyance or delivering of any commodity who shall have in his possession or who shall deliver any false or fraudulent certificate of weight or delivery ticket or any said ticket or certificate which is not the result of an actual weighing, shall be fined not less than \$50.00 nor more than \$200.00 for each offense.

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4-276-460 Illegal or false weights and measures.

No person shall sell, offer for sale or keep for the purpose of sale, any commodity in , quantities or enumeration of less weight or measure than that represented upon such sale or offer for sale by the vendor or his agent or employee; nor shall any person sell or offer for sale any commodity in any receptacle having a smaller capacity than is represented at the time of such offer or sale. No person shall sell or offer for sale articles of dry or liquid

~~measurement in other than the legal type of measured required therefor.~~

No person weighing or measuring any commodity for sale by dry, liquid, lineal or superficial measurement, or by any unit of enumeration used in determining or measuring quantity, or by weight, shall falsify the measure or weight of such commodity by representing the measure or weight of the same to be either more or less than the true measure of weight thereof.

It shall be unlawful for any person performing services upon any commodity who shall determine the charge for such services according to the measure or weight of the commodity upon which the services are performed, to falsify the measure or weight of the same by representing the measure or weight to be more than the true measure or weight thereof.

No person shall deliver to the purchaser or prospective purchaser any commodity in quantities or enumeration of less weight or measure than that offered for sale.

Any person violating any of the provisions of this section shall be fined not less than \$25.00 nor more than \$500.00 for each offense.

4-276-470 Deceptive practices - Prohibited.

fa) f4) It shall be ~~unlawful~~ a violation of this section for any person:

(1) to act, use or employ any deception, fraud, false pretense, false promise or misrepresentation, or to conceal, suppress or omit any material fact with intent that others rely upon such concealment, suppression or omission, in connection with the sale, for cash or on credit, or advertisement of any merchandise, whether or not any person has in fact been misled; provided, however, that nothing herein contained shall apply to the owner or publisher of newspapers, magazines, publications or printed matter wherein such advertisement appears, or to the owner or operator of a radio or television station which disseminates such advertisement when the owner, publisher or operator has no knowledge of the intent, design or purpose of the advertiser; and provided, further, that nothing herein contained shall apply to any advertisement which is subject to and complies with the rules and regulations of, and the statutes administered by, the Federal Trade Commission;

(2) ~~Representing~~ to represent that merchandise is new, if it is deteriorated, altered, reconditioned, reclaimed, used or secondhand ~~shall be considered a violation of this section;~~

(3) ~~Representing~~ to represent that merchandise or services are of a particular standard, grade or quality, or to represent that merchandise is ~~represented to be~~ of a particular style or model, if it is not, ~~shall be considered a violation of this section;~~

(4) ~~failing~~ to fail to deliver ordered merchandise within a period of 60 days from the date of order or contract, unless otherwise provided therein, unless the customer is notified in writing of the reason for the delay and such merchandise is delivered in less than a total of 90 days, or a refund is offered within 90 days of the date of the order or contract, ~~shall be considered a violation of this section;~~

(5) ~~Making~~ to make false or misleading statements of fact concerning the reasons for, existence of, or amounts of price reductions, or engaging in any other pricing conduct causing confusion or misunderstanding, ~~shall be considered a violation of this section;~~

(6) ~~Representing~~ to represent that merchandise or services are those of another, when in fact they are not, ~~shall be considered a violation of this section;~~

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(7) ~~Causing~~ to cause confusion or misunderstanding concerning the source, sponsorship, approval or certification of merchandise or services ~~shall be considered a violation of this section;~~

(8) ~~Causing~~ to cause confusion or misunderstanding or false or deceptive representation concerning affiliation, connection or association with, or certification by, another; ~~shall be considered a violation of this section;~~

(9) ~~Representing~~ to represent that merchandise or services have sponsorship approval concerning the source of or certification of merchandise or services when in fact they do not have such approval or sponsorship, ~~shall be considered a violation of this section;~~

(10) ~~failing~~ to fail to state a material fact, if such failure tends to deceive or mislead, ~~shall be considered a violation of this section;~~

(11) ~~Advertising~~ to advertise for sale at a stated price any items when sufficient quantities of said advertised

items are not readily available to be sold to purchasers at the advertised price during the effective period of the advertisement for sale, shall be considered a violation of this section. For the purposes of this subsection, "readily available" shall mean available to the customer in an area of the store normally used to display this type of merchandise, except in a case where the space available for the items is limited, a sample of the items may be placed in a prominent location, accompanied by a prominent, written notice clearly stating that the items are in stock and may be obtained upon request and "sufficient quantities" shall mean available in quantities sufficient to meet reasonably expected customer demand through medium response;-

(12) ~~Charging~~ to charge a higher amount of tax than the legal rate set forth by laws and regulations existing at the time of sale shall be considered a violation of this section;

(13) ~~Selling~~ to sell outdated merchandise, unless such merchandise is both physically separated from merchandise that is not outdated and clearly designated as outdated, shall constitute a violation of this section; "Outdated merchandise" means merchandise that is offered for sale beyond the date specified by the manufacturer of the merchandise. Such date may or may not be preceded by, but is not limited to, such terms as "last sale date", "use by", "best if used by", or "expires on".

(14) Selling to sell or offering for sale, or to keeping with intention of selling, infant formula that is outdated, shall constitute a violation of this section. Outdated formula shall be considered unsafe and unwholesome for human food, food; or

(15) to sell merchandise that has been recalled for any reason by the United States Food and Drug Administration, the United States Consumer Product Safety Commission, or any other governmental or regulatory body.

~~fb) r/B The term "advertisement" means and includes the attempt by publication, dissemination, solicitation or circulation to induce directly or indirectly any person to enter into any obligation or acquire any title or interest in any merchandise and includes every word device to disguise any form of business solicitation, by using such terms as "renewal", "invoice", "statement", or "reminder", to create an impression of existing obligation when there is none, or other language to mislead any person in relation to any sought after commercial transaction;~~

~~(2) The term "merchandise" means and includes any objects, wares, goods, commodities, intangibles, real estate or services;~~

~~(3) The term "person" means and includes any natural person or his legal representative, partnership, corporation (domestic and foreign), company, trust, business entity or association, and any agent, employee, salesman, partner, officer, collector, member, stockholder, associate, trustee or cestui que trust thereof;~~

~~(4) The term "sale" means and includes any sale, offer for sale, or attempt to sell any merchandise for cash or on credit.~~

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4-276-480 Deceptive practices - Penalty.

Any person violating any of the provisions of Section 4-276-470 shall be fined not less than \$50.00 nor more than \$2,000.00 for each offense. Any violation of any of the provisions of Section 4-276-470, in addition to any fine provided for herein, may be grounds for revocation of any license issued by the City of Chicago to any such violator; provided, however, that nothing herein contained shall be construed so as to preclude the revocation of any license for violation of any other provision of the Municipal Code of Chicago. Each violation of this section shall be considered a separate and distinct offense and shall be regarded as being committed on each day on which such person shall continue or permit any such violation.

4-276-490 Labeling lead-based or heavy-metal- based paints.

. Effective July 1, 1972, no person shall sell, or hold for sale, any lead-based coatings or toxic heavy-metal-based coatings, as defined in Section 13-4-010 of this Code (including paint, lacquer or other applied liquid surface coatings, and putty), unless said lead-based or toxic heavy-metal-based coating is in a secure container bearing a label on its principal display panel on which appear the following statements:

WARNING CONTAINS.....

DRIED FILM OF THIS SUBSTANCE MAY BE HARMFUL IF EATEN OR CHEWED. Read Carefully Cautions on Instruction Panel. The following cautionary statement (or its practical equivalent) shall be placed on the label, but need not be part of the warning statement on the principal display panel: KEEP OUT OF REACH OF

CHILDREN.

Do not apply on toys and other children's articles, furniture, or interior surfaces of any dwelling or facility which may be occupied or used by children.

The blank space in the warning label which follows the word "contains" shall be filled with either the word "Lead" and/or toxic heavy metal substance which is present in the amount specified in the definitions contained in Section 13-4-010 of this Code.

The statements on labels required under the provisions of this section shall be made in conformance with the following requirements:

(a) The statements shall be presented in such a manner as to be generally parallel to the declaration of identity and to the base on which the package rests as it is designed to be displayed and shall be separated from other wording or designs.

(b) The word "WARNING" shall be in capital letters and of a size not less than 18-point type_A and the warning statements set forth above

~~CONTAINS.....~~

~~DRIED FILM OR TOXIC SUBSTANCE MAY BE HARMFUL IF EATEN OR INHALED. KEEP OUT OF REACH OF CHILDREN.~~ shall be in capital letters and of a size not less than 12-point type.

(c) The statement:

~~"Read Carefully Cautions on Instruction Panel" and the instructions (or their practical equivalent):~~

~~"Do not apply on toys and other children's articles, furniture, or interior surfaces of any dwelling or facility which may be occupied or used by children", shall be in a size not less than 10-point type.~~

fd) In a case where the size of the container is too small to accommodate a label of sufficient size to allow the use of the type size set forth herein, a reduced size of type which is consistent with other printing on the panel involved may be used, but in no case shall the size be less than 6-point 10-point type unless an exemption has been granted under Section 3(c) of the Federal Hazardous Substance Act and Section 191.63 of the regulations under the Federal

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Hazardous Substance Labeling Act.

Any person violating any of the provisions of this section shall be fined not less than \$50.00 nor more than \$500.00 each offense.

4-276-510 Price marking and display.

(a) It shall be unlawful for any person to display for sale any consumer commodity merchandise unless the selling price is accurately stated in a clear and conspicuous manner. On any prepackaged consumer commodity merchandise, except those sold through vending machines, the selling price shall be marked directly on the package.

On any consumer commodity merchandise which is not prepackaged, the selling price shall be stated on a sign contiguous to the point of display of the consumer commodity merchandise so priced; provided, that when consumer commodity merchandise is not prepackaged and is sold out-of-doors, the selling price numerals shall be not less than three inches in height and one and one-half inches in width and any fractional numerals shall be not less than one-half the height and width of the whole numerals. In every theater the price of each food item and each beverage item shall be listed on a sign located not more than eight feet from the front surface of the counter, table or display area where the food and beverage items are sold. A separate sign shall be posted for each 30 linear feet of counter, table or display space in a theater.

The commissioner is hereby authorized to permit the use of alternative price notification procedures which may be of benefit to the citizens of the city of Chicago and consumers. The commissioner may, in conjunction with such alternative procedures, exempt classes of persons from the individual pricing requirements of this section and shall, in such event, adopt rules and regulations consistent with the objectives of this section to ensure accurate notice to consumers of the actual selling price of consumer products merchandise. Such regulations shall ensure that:

1. The selling price of each consumer commodity merchandise is stated in a clear and conspicuous manner at the location where each such commodity is displayed for sale.
2. Each sale shall be documented by a receipt given to each purchaser which shall contain a record of the commodity merchandise purchased and the selling price of each such commodity merchandise.

3. The savings realized by reason of not requiring each individual prepackaged commodity merchandise to be price-marked shall be passed on to the consumer.

No person shall be deemed to comply with such regulations unless the person has received a certificate from the commissioner of business affairs and consumer protection stating that the person complies with the regulations. Application for such certificate shall be made in writing on a form prescribed by the commissioner. No certificate shall be issued under this section unless the department of business affairs and consumer protection conducts, and the applicant for the certificate passes, a certification inspection verifying that the applicant is in compliance with the regulations. If the applicant for the certificate passes the certification inspection, the certificate shall be issued upon payment by the applicant of the applicable certification fee identified in subsection (b) of this section. If the applicant for the certificate fails to pass the certification inspection, no certificate shall be issued under this section unless the applicant (i) requests and passes a reinspection by the department verifying that the applicant is in compliance with the regulations; and (ii) pays all required certification and reinspection fees.

(b) The commissioner is authorized to and shall assess a certification fee for any certificate issued under this section, and a reinspection fee for any reinspection conducted under this section. If a large store, as the term "large store" is defined in rules and regulations promulgated by the commissioner, is inspected under this section, the certification fee shall be

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\$500.00 for the first store location and \$100.00 for each additional location, and the reinspection fee shall be \$100.00. If a small store, as the term "small store" is defined in rules and regulations promulgated by the commissioner, is inspected under this section, the certification fee shall be \$250.00 for the first store location and \$50.00 for each additional location, and the reinspection fee shall be \$50.00. ~~for purposes of this subsection. The term "large store" means any store with three or more cash registers. The term "small store" means any store with two or fewer cash registers.~~

4-276-540 Reference price-Based on sale of identical article.

It shall be unlawful for any person to advertise a reference price based on sales of the identical article unless the reference price is the actual price at which the article was offered to the public by the advertiser or by principal competing persons in the advertiser's trade area for a reasonably substantial period of time in the recent regular course of business, honestly and in good faith as determined by regulations adopted by the commissioner of consumer affairs.

4-276-550 Reference price-Based on sale of comparable article.

It shall be unlawful for any person to advertise a reference price based on sales of a comparable article unless:

- a. The two articles are, in fact, substantially identical in all significant respects and such comparability can be established by reference to generally accepted standards of identity or performance or otherwise; and
- b. The reference price of such comparable article is the actual price at which the article was offered to the public by the advertiser or by principal competing persons in the advertiser's trade area for a reasonably substantial period of time in the recent regular course of business, honestly and in good faith as determined by regulations adopted by the commissioner of consumer affairs.

4-276-590 Consumer Commodity unit price standards.

It shall be unlawful for any person to offer for sale any ~~of the consumer commodities-Hated in subsection A of this section~~, except items advertised as "sale" items, unless the unit price information is provided in a clear and conspicuous manner on a sign or shelf tag which lists the identity and brand name of the consumer commodity, the quantity declaration of the packaged consumer commodity, the total retail sales price and the price per unit as set ~~in subsection A~~ forth in rules and regulations promulgated by the commissioner.

At ~~Commodities Unit Price Standard~~

~~Meat, poultry, and seafood—Price per pound~~

~~fruit and vegetables—Price per pound or per unit, or whole unit, or whole unit of dry measure~~

~~fruit and vegetable juices and drinks—Price per quart~~

~~Dry detergents, soap powders and cleaners and disinfectants—Price per pound~~

~~Relishes and condiments—Price per pound or quart~~

~~Liquid soups and condensed liquid soups—Price per pound or quart~~

~~Cereals—Price per pound~~

~~Candy—Price per pound~~

~~Sanitary paper products—Price per 50 sq. ft., or if by count per 50 units, including ply roll, film, and other rolls of wrapping—Price per 50 sq. ft.~~

~~Cooking oils and shortening—Price per quart or pound Jams, jellies, preserves and peanut butter—Price per pound~~

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~~Coffee, tea and cocoa—Price per pound~~

~~Syrups, table and topping—Price per pound or quart~~

~~Cheese, natural and processed—Price per pound~~

~~Rice—Price per pound~~

~~Pet food—Price per pound~~

~~Toothpaste—Price per ounce~~

~~Deodorants, personal—Price per ounce~~

~~Shaving preparations—Price per ounce~~

~~Toilet water and colognes—Price per ounce~~

~~Hair preparations—Price per ounce~~

~~The standard of reference for all categories listed above shall be the latest edition of the "Standard Industrial Classification Manual" published by the Executive Office of the President, Bureau of the Budget.~~

~~Any of the consumer commodities listed herein shall be exempt from these provisions when there is only one brand in only one size appearing in a retail establishment.~~

~~Br The unit price information shall be to the nearest tenth of one cent when less than one dollar and to the nearest cent when a dollar or more. All unit pricing shall be in United States dollars and cents. Where the unit price is less than one dollar per unit, the unit price shall be shown in at least to the tenth of a cent (for example, a unit price may be shown as 28.7 cents per ounce or 0.287 dollars per ounce) and shall be presented as follows:~~

~~(1) In any retail establishment in which unit price information is provided in accordance with the provisions of this ordinance chapter, that information shall be displayed by means of a sticker, stamp, sign, label or tag affixed to the shelf upon which the consumer commodity is displayed, or by means of a sticker, stamp, sign, label or tag affixed to the consumer commodity itself, stating the unit price of one or more brands and/or sizes of a given consumer commodity.~~

~~(2) Where a sign providing unit price information for one or more sizes or brands of a given consumer commodity is used, that sign shall be provided clearly and in a nondeceptive manner in a central location as close as practical to all items to which the sign refers.~~

~~(3) If a single sign or tag provides the unit price information for more than one brand or size of a consumer commodity, then the following information shall be provided:~~

~~(a) The identity and the brand name of the consumer commodity;~~

~~(b) The quantity declaration of the packaged commodity if more than one package size per brand is displayed;~~

~~(c) The total retail sales price;~~

~~(d) The unit price in accordance with subsection A rules and regulations promulgated by the commissioner.~~

4-276-600 Unit price standards - Exceptions.

Section 4-276-590 of this chapter shall not apply to sales at retail by means of vending machines, or by retail establishments that do not have their own computer warehouse operation, of whose annual sales of consumer commodities specified in Section 4-276-590(a) are less than ten percent of such establishments' total annual sales.

4-276-610 Rules and regulations.

The commissioner of business affairs and consumer protection is hereby empowered to adopt and to enforce rules and regulations relating to any matter pertaining to the administration and enforcement of the provisions of this chapter. The commissioner, or any agent or employee

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designated in writing by him, is hereby authorized to examine the books, papers and records of any person subject to this chapter during regular business hours, in order to insure that such person is in compliance with this chapter and with rules and regulations promulgated pursuant to this chapter. The commissioner is also authorized hereby, for good cause shown by affidavit, to grant extensions not in excess of 60 days in compliance with this chapter. The commissioner is also authorized to issue regulations exempting commodities subject to unit pricing and to add commodities subject to unit pricing on a showing of, respectively, hardship or good cause.

4-276-630 Penalty for violation of Sections 4-276-510 through 4-276-600.

Any person violating any of the provisions of Sections 4-276-510 through 4-276-600 shall be fined not less than \$50.00 nor more than \$500.00 for each offense. Any violation of any of the provisions of Sections 4-276-510 through 4-276-600, in addition to any fines provided for herein, may be grounds for revocation of any license issued by the City of Chicago to any such violator. Each violation shall be considered a separate and distinct offense and shall be regarded as being committed on each day on which such person shall continue or permit any such violation.

4-276-650 Penalty.

Any person, including any weighmaster or deputy weighmaster, that shall who violates any of the provisions of this chapter shall, when no other specific penalty is herein provided, be fined not less than \$10.00 nor more than \$200.00 for each offense. Each violation shall be considered a separate and distinct offense and shall be regarded as being committed on each day on which such person shall continue or permit any such violation.

SECTION II. Chapter 4-276 of the Municipal Code of Chicago is hereby amended by repealing sections 4-276-060, 4-276-100, 4-276-170, 4-276-250, 4-276-270, 4-276-330, 4-276-340, 4-276-380, 4-276-400, 4-276-420, 4-276-430, 4-276-440, 4-276-500, 4-276-560, 4-276-570, and 4-276-580, in their entirety.

Section III. This ordinance shall take effect thirty (30) days after passage and publication.

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