



Office of the City Clerk

City Hall
121 N. LaSalle St.
Room 107
Chicago, IL 60602
www.chicityclerk.com

Legislation Details (With Text)

File #: O2015-7390
Type: Ordinance **Status:** Passed
File created: 10/14/2015 **In control:** City Council
Final action: 10/28/2015

Title: Amendment of Municipal Code Titles 1, 2, 3, 4, 7, 9, 10, 11, 13 and 15 regarding organization, reorganization and jurisdiction of various departments (2016 Management Ordinance)

Sponsors: Emanuel, Rahm

Indexes: Ch. 4 Bureau of Fire Prevention, Ch. 4 Code Adoption-Organization, Ch. 4 General Licensing Provisions, Ch. 4 Traffic Definitions & General Provisions, Ch. 6 Regulated Business License, Ch. 8 Food Establishments, Ch. 8 Traffic Control Devices & Signals, Ch. 12 Animal Care & Control, Ch. 12 Water Supply & Service, Ch. 14 Dept. of Administrative Hearings, Ch. 20 Building Inspection, Ch. 20 Work On & Under Public Ways, Ch. 24 Flammable Liquids, Ch. 28 Drain Layers, Ch. 28 Structures On & Under Public Ways, Ch. 32 Dept. of Finance, Ch. 32 Trees, Plants & Shrubs, Ch. 36 Licensing of General Contractors, Ch. 36 Parks, Playgrounds & Airports, Ch. 38 Food Establishments-Sanitary Operating Requirements, Ch. 40 Chicago Harbor, Ch. 51 Commissioner of Fleet & Facility Management, Ch. 56 Classification of Buildings by Occupancy, Ch. 56 Wheel Tax Licenses, Ch. 60 Liquor Dealers, Ch. 64 Parking Regulations, Ch. 64 Tobacco Dealers, Ch. 68 Ambulances, Ch. 68 Dept. of Management Information Systems, Ch. 68 Restricted Parking-Permits & Regulations, Ch. 72 Size & Weight Limits, Ch. 75 Childrens Services Facility, Ch. 76 Vehicle Equipment, Ch. 8 Use Of Public Ways & Places, Ch. 80 Miscellaneous Rules, Ch. 83 Heliports, Ch. 92 Dept. of Purchases, Contracts & Supplies, Ch. 92 Impounding & Relocation of Vehicles, Ch. 100 Admin. Adjudication of Parking or Compliance Violations, Ch. 102 Dept. of Transportation, Ch. 108 Horse-Drawn Carriages, Ch. 110 Pedicabs, Ch. 112 Public Passenger Vehicles, Ch. 114 Public Passenger Vehicles other than Taxicabs, Ch. 115 Transportation Network Providers, Ch. 152 Officers & Employees, Ch. 156 Amusements, Ch. 232 Motor Vehicle Storage & Sales, Ch. 8 - Solicitations, Miscellaneous, Miscellaneous

Attachments: 1. O2015-7390.pdf

Date	Ver.	Action By	Action	Result
11/2/2015	1	City Council	Signed by Mayor	
10/28/2015		City Council	Passed	Pass
10/21/2015	1	City Council	Deferred and Published	
10/19/2015	1	Committee on Budget and Government Operations	Recommended to Pass	Pass
10/14/2015	1	City Council	Referred	

OFFICE OF THE MAYOR
CITY OF CHICAGO

RAHM EMANUEL
MAYOR

October 14,2015

TO THE HONORABLE, THE CITY COUNCIL OF THE CITY
OF CHICAGO

Ladies and Gentlemen:

At the request of the Budget Director, I transmit herewith the Management Ordinance for Fiscal Year 2016.

Your favorable consideration of this ordinance will be appreciated.

Mayor

Very truly yours,

MANAGEMENT ORDINANCE

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 into twelve Articles, as follows:

- Article I. Electronic Filing and Related Traffic Matters
- Article II. Loading Zones
- Article III. Booting, Impoundment and Early Payment Plans
- Article IV. Debt Relief
- Article V. Tobacco Licensees
- Article VI. Insurance and Indemnification

- Article VII. Snow Removal
- Article VIII. Riverwalk
- Article IX. LoopLink
- Article X. Miscellaneous Code Amendments and Corrections
- Article XI. Severability, Repealer
- Article XII. Effective Dates

**ARTICLE I.
ELECTRONIC FILING AND RELATED TRAFFIC MATTERS**

SECTION 1. Section 2-92-380 of the Municipal Code of Chicago is hereby amended by deleting the language stricken through, as follows:

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

1

(a) Whenever used in this section, the following words and phrases shall have the following meanings:

(Omitted text is unaffected by this ordinance)

~~"Outstanding parking violation complaint" means a parking ticket, notice of parking violation, or parking violation complaint on which no payment has been made or appearance filed in the Circuit Court of Cook County within the time specified on the complaint.~~

b) Every city contract shall contain a provision that entitles the city to set off a portion of the contract price equal to the amount of ~~the fines and penalties for each outstanding parking violation complaint~~ and any debt owed by the contracting party to the city.

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:

(Omitted text is unaffected by this ordinance)

SECTION 2. Section 2-152-150 of the Municipal Code of Chicago is hereby amended by deleting the language stricken through, as follows:

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

a) Whenever used in this section, the following words and phrases shall have the following meanings:

"Debt" means a specified sum of money owed to the city for which the period granted for payment has expired.

~~"Outstanding parking violation complaint" means a parking ticket, notice of parking violation, or parking violation complaint on which no payment has been made or appearance filed in the Circuit Court of Cook County within the time specified on the complaint.~~

b) Every person who is given an offer of employment with the city shall file an affidavit with the department of human resources disclosing any debt owed by the applicant to the city ~~and any outstanding parking violation complaint issued to any vehicle owned by the applicant prior to his appointment.~~

(Omitted text is unaffected by this ordinance)

~~violation complaints shall be hired by the city unless payment of the fines for the violations has~~

2

~~been made-er until an appearance is filed with the Circuit Court of Cook County to contest the parking violation alleged in each complaint.~~

(Omitted text is unaffected by this ordinance)

SECTION 3. Section 9-4-010 of the Municipal Code of Chicago is hereby amended by deleting the language stricken through and by inserting the language underscored, as follows:

9-4-010 Definitions.

Whenever the following words and phrases are used in Chapter 9-4 through 9-103, they shall have the meanings respectively ascribed to them in this section:

(Omitted text is unaffected by this ordinance)

~~"Adjudication by mail" means an administrative process by which a registered owner of a vehicle or his attorney may submit documentary evidence by mail to an administrative law officer in order to contest liability for a parking or compliance violation.~~

~~ii "Administrative hearing" means a hearing in person before an administrative law officer at which a registered owner of a vehicle or his attorney may contest liability for a parking or compliance violation.~~

"Administrative correspondence hearing" means a hearing by which a registered owner of a vehicle or his attorney, who does not wish to appear in-person before an administrative law officer, may contest liability for a parking, compliance, automated traffic law enforcement system or automated speed enforcement system violation based on the administrative law officer's review of documentary evidence submitted by the owner or

his attorney.

"Administrative in-person hearing" means a hearing before an administrative law officer at which a registered owner of a vehicle or his attorney appears in-person to contest liability for a parking, compliance, automated traffic law enforcement system or automated speed enforcement system violation.

"Administrative adjudication" means an administrative in-person hearing or an administrative correspondence hearing, whichever is applicable.

(Omitted text is unaffected by this ordinance)

~~"Termination of parking or compliance violation liability or nonliability" means the officer after consideration of documentary evidence submitted for adjudication by mail, after an~~

.3

~~administrative hearing at which the registered owner or his attorney appears to contest liability for a parking or compliance violation, or after the registered owner has failed to appear at a requested administrative hearing or respond to a second notice of violation.~~

(Omitted text is unaffected by this ordinance)

~~"Final determination" means: a determination of parking or compliance liability becomes a final determination for purposes of the Administrative Review Law of Illinois upon the timely exhaustion of procedures for administrative or judicial review, or failure to exhaust those procedures within the time prescribed by law.~~

(Omitted text is unaffected by this ordinance)

~~"Outstanding parking or compliance violation" means a parking violation complaint on which no payment has been made or appearance filed in the Circuit Court of Cook County within the time specified on the complaint or a parking or compliance violation notice which has resulted in a final determination of parking or compliance violation liability for which payment in full has not been made.~~

(Omitted text is unaffected by this ordinance)

~~"Parking or compliance violation notice" means a handwritten or computer-generated notice either (a) placed on a vehicle that exhibits a compliance violation or is parked or standing in violation of the traffic code, or (b) given to the driver of the vehicle, which may be challenged and enforced in accordance with the process of administrative adjudication.~~

~~"Parking or compliance violation notice copy" means any duplicate, photocopy or reproduction, including any computer stored or computer-generated representation of an original parking or compliance violation~~

(Omitted text is unaffected by this ordinance)

~~"Second notice of parking or compliance violation" means the notice, mailed to the address supplied to the Secretary of State by the registered owner of a vehicle, sent after the registered owner has failed to respond within the time allotted by ordinance to a parking or compliance violation notice placed on or given to the driver of such vehicle.~~

(Omitted text is unaffected by this ordinance)

SECTION 4. Section 9-100-030 of the Municipal Code of Chicago is hereby amended by deleting the language stricken through and by inserting the language underscored, as follows:

4

9-100-030 Prima facie responsibility for violation and penalty - Parking, standing or compliance violation issuance and removal.

a) Whenever any vehicle exhibits a parking, standing or compliance violation ~~ens~~ parked in violation of any provision of the traffic code prohibiting or restricting vehicular parking or standing, any person in whose name the vehicle is registered with the Secretary of State of Illinois or such other state's registry of motor vehicles shall be prima facie responsible for the violation and subject to the penalty therefor. The city and the ticketing agent shall accurately record the state registration number of the ticketed vehicle. A prima facie case shall not be established when:

1) the ticketing agent has failed to specify the proper state registration number of the cited vehicle on the notice;

2) the city has failed to accurately record the specified state registration number;
or

3) for the purposes of Section 9-64-125, the registered owner was not a resident of the city ~~City of Chicago~~ City of Chicago on the day the violation was issued.

b) Whenever any vehicle exhibits a parking, standing or compliance violation ~~during operation or is parked in violation of any provision of the traffic code prohibiting or restricting vehicular parking or standing or regulating the condition of a parked or standing vehicle~~, 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 observing such violation may issue a ~~parking, or compliance~~ parking, or compliance violation notice, as provided for in Section 9-100-040 and serve the notice on the owner of the vehicle by handing it to the operator of the vehicle, if he is present, or by affixing it to the vehicle in a conspicuous place. The issuer of the notice shall specify on the notice his identification number, the particular ~~parking or compliance~~ ordinance allegedly violated, the make and state registration number of the cited vehicle, and the place, date, time and nature of the alleged violation and shall certify the correctness of the specified information by signing his name

as provided in Section 11-208.3 of the Illinois Vehicle Code, as amended.

c) The city traffic compliance administrator shall withdraw a violation notice when said notice fails to establish a prima facie case as described in this section; provided, however, that a violation notice shall not be withdrawn if the administrator reasonably determines that (1) a state registration number was properly recorded by the city and its ticketing agent, and (2) any discrepancy between the vehicle make or model and the vehicle registration number as set forth in the violation notice is the result of the illegal exchange of registration plates. A final determination of liability that has been issued for a violation required to be withdrawn under this subsection (c) shall be vacated by the city. The city shall extinguish any lien which has been

5

recorded for any debt due and owing as a result of the vacated determination and refund any fines and/or penalties paid pursuant to the vacated determination.

d) It shall be unlawful for any person, other than the owner of the vehicle or his designee, to remove from a vehicle a parking or compliance violation notice affixed pursuant to this chapter.

~~e) The city traffic compliance administrator shall withdraw a notice of violation when a registered owner of a vehicle issued a notice of violation for expiration of the time designated on the ticket, token or display device pursuant to Section 9-6-1-190 shows evidence that: (1) a ticket, token or display device issued or activated by the parking meter was purchased and displayed; and (2) the notice of violation was issued within five minutes of the expiration time on the ticket, token or display device; provided that only one such notice of violation shall be withdrawn per calendar year per vehicle. A final determination of liability that has been issued for a violation required to be withdrawn under this subsection (c) shall be vacated by the city. The city shall extinguish any lien which has been recorded for any debt due and owing as a result of the vacated determination.~~

~~The provisions of this subsection shall apply to any notice of violation issued on or after January 1, 2010.~~

~~This subsection (c) shall expire at midnight on April 1, 2011; provided that this subsection shall still be applicable to any person who shows evidence for withdrawal of the violation prior to the expiration of this subsection.~~

SECTION 5. Section 9-100-040 of the Municipal Code of Chicago is hereby amended by deleting the language stricken through and by inserting the language underscored, as follows:

9-100-040 Violation notices - Contents, distribution and recordkeeping.

a) Parking, standing and compliance violation notices shall contain the information required under Section 9-100-030. In addition, the notices shall state the applicable fine as provided in Section 9-100-020, the monetary penalty which shall be automatically assessed for late payment, the vehicle immobilization and

driver's license suspension (if applicable) may be imposed if fines and penalties are not paid in full, that payment of the indicated fine, and of any applicable penalty for late payment, shall operate as a final disposition of the violation, and information as to the availability of an administrative hearing in which the violation may be contested on its merits and the time and manner in which such hearing may be had.

b) The city traffic compliance administrator shall distribute parking, standing and compliance violation notices to parking enforcement aides, other persons authorized to issue

6

~~parking and compliance~~ such violation ~~violating~~ notices, and the department of police for issuance pursuant to Section 9-100-030. The superintendent of police shall be responsible for the distribution of the notice forms within the department of police, shall maintain a record of each set of notices issued to individual members of the department and shall retain a receipt for every set so issued.

~~(c) The city traffic compliance administrator shall compile and maintain complete and accurate records relating to all parking violation notices issued pursuant to Section 9-100-030 and the dispositions thereof. In addition, the city traffic compliance administrator shall make certified reports to the Secretary of State pursuant to Section 6-306.5 of the Illinois Vehicle Code.~~

SECTION 6. Section 9-100-045 of the Municipal Code of Chicago is hereby amended by deleting the language stricken through and by inserting the language underscored, as follows:

9-100-045 Notice of violation - Automated speed enforcement system and automated traffic law enforcement system violations.

a) Subject to subsection (b) of this section, for each violation of Section 9-101-020 or Section 9-102-020, the department of finance shall mail a violation notice to the address of the registered owner of the vehicle as recorded with the Secretary of State within 30 days after the Secretary of State notifies the traffic compliance administrator of the owner of such vehicle, but in no event later than 90 days after the violation; provided that if the vehicle is leased and the lessor has provided the name and address of the lessee in compliance with Section 9-100-140(c), the department of finance shall mail a violation notice to the lessee of the vehicle within 30 days after the lessor notifies the traffic compliance administrator of the name and address of lessee, but in no event later than 210 days after the violation. The notice shall include all applicable information required in Sections 11-208.3, 11-208.6 and 11-208.8 of the Illinois Vehicle Code, 625 ILCS 5/11-208.3, 5/11-208.6 and 5/11-208.8.

b) (1) No citation for a violation of Section 9-101-020 shall be issued until after the expiration of 30 days after the installation of a new automated speed enforcement system on a roadway. For any violation of Section 9-101-020 occurring during such 30-day period, the department of finance shall, within 30 days after receiving information about the registered owner of the vehicle from the Secretary of State, mail a warning notice to the registered owner of the vehicle used in the commission of the violation; provided that if the

vehicle is leased and the lessor has provided the name and address of the lessee pursuant to Section 9-100-140 (c), the department of finance shall mail a warning notice to the lessee of the vehicle within 30 days after the lessor notifies the traffic compliance administrator of the name and address of the lessee. The warning shall advise such owner or lessee that the vehicle was used in the

7

commission of a violation of Section 9-101-020 and any further violations of the section will result in the issuance of a citation.

(2) In addition to the warning notice provided in subsection (b)(1), for the first violation of Section 9-101-020, the department of finance shall, within 30 days after receiving information about the registered owner of the vehicle from the Secretary of State, mail a warning notice to the registered owner of the vehicle used in the commission of the violation; provided that if the vehicle is leased and the lessor has provided the name and address of the lessee in compliance with Section 9-100-140(c), the department of finance shall mail a warning to the lessee of the vehicle within 30 days after the lessor notifies the traffic compliance administrator of the name and address of lessee. The warning notice shall advise such owner or lessee that the vehicle was used in the commission of a violation of Section 9-101-020 and any further violations of the section will result in the issuance of a citation. After the first warning notice issued to the owner or lessee pursuant to this subsection (b)(2), the department of finance shall issue a notice of violation in compliance with subsection (a).

(Omitted text is unaffected by this ordinance)

SECTION 7. Chapter 9-100 of the Municipal Code of Chicago is hereby amended by inserting a new Section 9-100-055, underscored as follows:

9-100-055 Requests for administrative adjudication.

a) A person may request an administrative adjudication under section 9-100-070 or 9-100-080 to contest a violation based on one or more of the applicable grounds by timely:

- 1) mailing the request;
- 2) delivering the request in-person; or
- 3) filing an electronic request.

b) A request shall be deemed timely if the request is filed or delivered, in the form and format prescribed in rules, to the address or electronic location, whichever is applicable, indicated on the notice and:

- 1) if filed by mail, the request is postmarked within seven or twenty-one days, whichever is applicable, of the notice of violation; or

2) if filed electronically or in-person, the request is electronically submitted or delivered in-person within seven or twenty-one days, whichever is applicable, of the notice of violation.

8

SECTION 8. Section 9-100-060 of the Municipal Code of Chicago is hereby amended by deleting the language stricken through and by inserting the language underscored, as follows:

9-100-060 Grounds for contesting a violation adjudication ~~by mail or administrative~~

ItvM1 III g.

(a) Except as otherwise provided in subsection (d) of this section, a person charged with a parking, standing or compliance violation may contest the charge through an administrative 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 relevant signs prohibiting or restricting parking or standing were missing or obscured;

4) that the relevant parking meter was inoperable or malfunctioned through no fault of the respondent;'

5) that the facts alleged in the ~~parking or compliance~~ violation notice are inconsistent or do not support a finding that the specified regulation was violated;

(Omitted text is unaffected by this ordinance)

(b) A person charged with violating Section 9-101-020 or Section 9-102-020 may contest the charge through an administrative adjudication ~~by mail or at an administrative hearing~~ limited to one or more of the following applicable grounds with appropriate evidence to support:

(Omitted text is unaffected by this ordinance)

~~(d) Compliance violations involving the use of mobile, cellular, analog wireless or digital telephones under Section 9-76-230 may not be contested through an adjudication by mail.~~

SECTION 9. Section 9-100-070 of the Municipal Code of Chicago is hereby amended by deleting the language stricken through and by inserting the language underscored, as follows:

9-100-070 Administrative Correspondence Hearing ~~Adjudication by mail~~ - Procedure.

(a) ~~Administrative hearings~~ An administrative correspondence hearing to review the materials submitted by the respondent and the city ~~for the adjudication by mail~~ shall be held by

9

an administrative law officer appointed by the city traffic compliance administrator and conducted in accordance with this section.

b) The respondent may contest a violation based on one or more of the applicable grounds ~~provided in Section 9-100-060~~, by-submitting a request for an administrative correspondence hearing in compliance with this chapter, ~~mailing the request at the to the department of finance~~. The request shall include 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~~ copy of any documentary evidence submitted by any party shall be accepted as the equivalent of the original document.

c) No violation may be established except upon proof by a preponderance of the evidence; provided, however, that a ~~parking or compliance~~ violation notice, or a copy thereof, issued in accordance with Section 9-100-030, or a notice of violation ~~of an automated speed enforcement system or of an automated traffic law enforcement system~~ issued in accordance with Section 9-100-045 shall be prima facie evidence of the correctness of the facts specified therein.

d) Upon review of the materials submitted ~~in accordance with subsection (b) herein~~, the administrative law officer shall enter a determination of no liability or of liability in the amount of the fine for the relevant violation as provided in Section 9-100-020. Upon issuance, such determination shall constitute a final determination for purposes of judicial review under the Administrative Review Law of Illinois.

SECTION 10. Section 9-100-080 of the Municipal Code of Chicago is hereby amended by deleting the language stricken through and by inserting the language underscored, as follows:

9-100-080 Administrative in-person hearings - Procedure.

a) The respondent may request an administrative in-person hearing to contest a violation. ~~Administrative hearings~~ The administrative in-person hearing ~~for the adjudication of parking, compliance, automated speed enforcement system or automated traffic law enforcement system violations~~ shall be held before an administrative law officer appointed by the city traffic compliance administrator and conducted in accordance

with this section.

b) The respondent may ~~appear pro se~~ or, at his own expense, be represented by an attorney. An attorney who appears on behalf of any person respondent shall file with the

10

administrative law officer a written appearance on a form provided by the city traffic compliance administrator for such purpose.

(Omitted text is unaffected by this ordinance)

(e) No violation may be established except upon proof by a preponderance of the evidence; provided, however, that a ~~parking or compliance~~ violation notice, or a copy thereof, issued and signed in accordance with Section 9-100-030 or a notice of violation ~~of an automated speed enforcement system or an automated traffic law enforcement system~~ issued in accordance with Section 9-100-045 shall be prima facie evidence of the correctness of the facts specified therein.

(Omitted text is unaffected by this ordinance)

(g) The city traffic compliance administrator shall cause a record to be made of each hearing and recording devices may be used for such purpose.

SECTION 11. Section 9-100-090 of the Municipal Code of Chicago is hereby amended by deleting the language stricken through and by inserting the language underscored, as follows:

9-100-090 Hearing - Determination of liability or of no liability - Petition.

(Omitted text is unaffected by this ordinance)

b) If a person fails to respond to the violation notice or any second notice of violation required by section 9-100-050(d)(1), a determination of liability shall be entered against the respondent ~~pursuant to Section 9-100-050(d)~~ and shall be served upon the respondent in accordance with Section 9-100-050(f). Such determination shall become final for purposes of judicial review under the Administrative Review Law of Illinois upon the denial of, or the expiration of the time in which to file, a timely petition to set aside the determination as provided in subsection (c) of this section.

c) Within 21 days from the issuance of a determination of liability pursuant to subsection (b) herein, the person against whom the determination was entered may petition the city traffic compliance administrator by appearing in-person, at the location specified in the determination, to set aside the determination; provided, however, the grounds for the petition shall be limited to: (1) the person petitioner not having been the owner or lessee of the cited vehicle on the date the parking violation occurred notice was first issued; (2) the person petitioner having already paid the fine or penalty for the parking violation in question; or (3) if the traffic compliance administrator determines that the petitioner's failure to appear was for good cause; provided that a

determination of liability shall be set aside at any time if the person establishes that the

11

petitioner was not provided with proper service of process, ~~excusable failure, based upon criteria established by the city traffic compliance administrator, to appear at or request a new date for a hearing.~~ The petitioner shall appear with appropriate evidence, pursuant to Section 9-100-060, so that if the petition is granted, he is prepared to proceed immediately with a hearing on the merits.

SECTION 12. Section 9-100-130 of the Municipal Code of Chicago is hereby amended by deleting the language stricken through and by inserting the language underscored, as follows:

9-100-130 Driver's license suspension.

a) When a person has failed to pay any fine or penalty due and owing pursuant to this chapter on ten or more parking, standing, or compliance violations, or five or more automated traffic law enforcement system or automated speed enforcement system violations, or combination thereof, the city traffic compliance administrator shall cause a notice of impending driver's license suspension to be sent, in accordance with Section 9-100-050(f). The notice shall state that failure to pay the amount owing within 45 days of the date of the notice will result in the city's city notifying the Secretary of State that the person is eligible for initiation of suspension proceedings pursuant to Section 6-306.5 of the Illinois Vehicle Code.

b) If a person sent a notice pursuant to subsection (a) fails to pay the amount owing within the time stated on the notice, the city traffic compliance administrator may file with the Secretary of State a certified report, in accordance with Section 6-306.5(c) of the Illinois Vehicle Code, that the person is eligible for initiation of suspension proceedings. The city traffic compliance administrator shall assess a \$20.00 filing fee against the person named in the certified report to reimburse the city for the expense of preparing and filing the certified report with the Secretary of State.

c) A person named in a certified report filed pursuant to subsection (b) may, within 21 days of the date of the notice sent by the Secretary of State pursuant to Section 6-306.5(b) of the Illinois Vehicle Code, file with the city traffic compliance administrator a written statement and supporting documentation to challenge the report; provided, however, the grounds for such challenge shall be limited to; (1) the person ~~not having been~~ was not the owner or lessee of the vehicle or vehicles receiving ~~ten or more parking or compliance violation notices or five or more automated red light~~ the prerequisite number of violations on the date or dates such notices were issued; or (2) the person ~~having~~ already paid the fine and penalty for the ~~ten or more violations or five or more automated red light~~ the prerequisite number of violations indicated on the report. The city traffic compliance administrator shall send notice of the decision on the challenge of the report after receipt thereof.

12

(d) If a person named in a certified report has paid the previously reported fine or penalty or if the report is determined by the city traffic compliance administrator to be in error, or if the person has entered into a payment plan pursuant to which the City has agreed to terminate the suspension, the city traffic compliance administrator shall notify the Secretary of State in accordance with Section 6-306.5(d) of the Illinois Vehicle Code. A certified copy of such notification shall be given, upon request and at no charge, to the person named therein. Whenever any person is more than 14 days in default of a payment plan pursuant to which a suspension has been terminated, the city traffic compliance administrator shall send a certified report to the Secretary of State in accordance with Section 6-306.5 of the Illinois Vehicle Code.

SECTION 13. Section 9-100-150 of the Municipal Code of Chicago is hereby amended by deleting the language stricken through and by inserting the language underscored, as follows:

9-100-150 Owner of vehicle not liable for violations when in custody of valet.

a) ~~In accordance with Section 4-232-080(b) of this Code, no~~ No person who is the owner of a vehicle shall be liable for ~~a violation of~~ any parking, standing or compliance, automated traffic law enforcement system, or automated speed enforcement system violation ~~regulation of this chapter~~ involving such vehicle during the period that such vehicle was in the custody of a valet parking service, if upon receipt of a notice of violation sent within 120 days of the violation he shall, within 60 days thereafter, provide to the city traffic compliance administrator the valet parking receipt required by Section 4-232-080(d) of this Code or a clearly legible copy thereof.

b) ~~Upon receipt of the valet parking receipt or copy and upon being satisfied that it is genuine and not altered and that the violation took place while the vehicle was in the custody of the valet parking service, as shown by the times indicated on the receipt, the city traffic compliance administrator shall cause a notice of violation to be sent to the valet parking service as provided for in Section 9-100-050(d).~~

**ARTICLE II. LOADING
ZONES**

SECTION 1. Section 9-64-160 of the Municipal Code of Chicago is hereby amended by deleting the language stricken through and by inserting the language underscored, as follows:

9-64-160 Curb loading zones.

(a) IL) The commissioner is authorized to determine the location of a permanent or temporary curb loading zone upon an application by an owner, agent or lessee of any building or

parcel of property seeking a designation for a curb loading zone, and shall place and maintain appropriate signage indicating the zones and the hours during which standing, stopping or parking is restricted. In making the determination, the commissioner shall consider: whether the location of the proposed curb loading zone would (i) interfere with or impede the flow of pedestrian or vehicular traffic, or ingress or egress from any surrounding building or property; or ("ii) further public convenience or safety. The application shall be in a form and format prescribed by the commissioner. The applicant shall pay a non-refundable application fee of \$55.00 at the time the application is submitted. Prior to the approval or disapproval of an application, the commissioner shall notify the affected alderman and solicit a recommendation based on the alderman's analysis of any relevant factors.

(2) ~~The commissioner of transportation is authorized, subject to the approval of the city council,~~ to determine, upon the commissioner's initiative, the location of permanent or temporary curb loading zones, and shall place and maintain appropriate signs signage indicating the zones and the hours during which standing, stopping or parking is restricted. In making the determination, the commissioner shall consider whether the location of a proposed curb loading zone would further public convenience or necessity. ~~The commissioner of transportation is authorized to modify the duration of parking restrictions for curb loading zones located within the central business district, south of the south line of West Kinzie Street between Halsted Street and the Chicago River, and south of the south bank of the Chicago River between West Kinzie Street and Lake Michigan, to limit the restriction on standing or parking to Mondays through Fridays or Mondays through Saturdays, upon 20 day prior notice to the alderman of the affected ward. No such modification shall take effect until the commissioner has erected appropriate signs indicating the days of the week or hours of the day during which parking in such zone is restricted.~~

(b) It shall be unlawful to park, stand or stop any vehicle in any place designated as a curb loading zone during the days of the week or hours of the day when the restrictions applicable to such zones are in effect except^

- (i) for the expeditious loading and pick-up or unloading and delivery of materials from commercial vehicles;
- (ii) and then for a period not to exceed the time limitation posted on the signage thirty minutes; and
- (iii) while the vehicle's hazard indicator lights are flashing-

~~provided~~ Provided that, ~~however,~~ the operator of a motor vehicle of the first division may stand in a curb loading zone for the purpose of and while actually engaged in the expeditious loading or unloading of passengers when such standing does not interfere with any vehicle used for the transportation of materials which is waiting to enter or about to enter such zone.

c) The commissioner of transportation is authorized to issue special permits to allow the backing of a vehicle to the curb for the purpose of loading or unloading merchandise or materials subject to the terms and conditions of such permits. Such permit may be issued to the owner of the vehicle and shall grant to such person the privileges as therein stated and authorized therein, provided that such permit shall be either in the possession of the operator or on the vehicle at the time such vehicle is backed against the curb to take on or discharge a load. It shall be unlawful for any permittee or other person to violate any of the special terms or conditions of any such permit.

d) The comptroller may issue a curb 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~~ such permit shall be made to the comptroller 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 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 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.

(e) (1) The commissioner is authorized to: (T) modify the duration of parking, standing or stopping restrictions, provided that no such modification shall take effect until the commissioner has installed appropriate signage indicating the modified parking restrictions; (ii) amend the length of or hours of operation of a curb loading zone; or (iii) remove the designation as a curb loading zone.

(2) Any curb loading zone previously established by ordinance pursuant to this section shall be subject to this section.

(f) Not less than annually, the commissioner shall make a report to the city council on all new installations, modifications, and removals of curb loading zones during the period.

SECTION 2. Section 9-68-030 of the Municipal Code of Chicago is hereby amended by deleting the language stricken through and by inserting the language underscored, as follows:

9-68-030 Loading zones and prohibited parking spaces.

(a) No sign signage shall be ~~erected~~ installed by the commissioner ~~of transportation~~ upon the ~~special~~ request of the owner, agent or lessee of any building or parcel of property for the ~~specific purpose of designating~~ designation of a loading zone or prohibited parking space in front of the entrance to such building, ~~or in front of the property upon which such building is located~~, until the owner, agent or lessee has paid to the comptroller the following:

1) For a loading zone or prohibited parking space located in the central business district ~~as that term is defined in section 9-1-010~~: (i) an annual fee of \$500.00 for up to 20 linear feet of curb space used, which fee shall include the ~~erection~~ installation of the signage; and (ii) an annual fee of \$50.00 per linear foot of each foot of curb space used in excess of 20 feet; and (iii) any other direct cost incurred by the city for the installation of the signage.

2) For a loading zone or prohibited parking space located outside of the central business district: (i) an annual fee of \$110.00 for up to 20 linear feet of curb space used, which fee shall include the ~~erection~~ installation of the signage; and (ii) an annual fee of \$50.00 per linear foot of each foot of curb space used in excess of 20 fee; and (iii) any other direct cost incurred by the city for the installation of the signage.

3) No fee shall be charged for a loading zone or prohibited parking, space in front of any public building including, but not limited to, any Chicago Public School or City College of Chicago.

b) If the owner, agent or lessee does not desire to continue maintenance of the a-sign signage ~~erected~~ installed under this section, he shall notify the commissioner ~~of transportation~~ in writing at least 30 days prior to the last day of the current annual period. If the owner, agent or lessee fails either to give such notice or to remit the appropriate fees for the next annual period prior to the termination of the current annual period, the commissioner ~~of transportation~~ shall remove such sign signage subject to the procedures contained in subsection (c) herein.

c) The commissioner ~~of transportation~~ shall cause a notice to be sent to the owner, agent or lessee informing such person that the sign ~~or signs~~ signage will be removed unless the annual maintenance fee is paid within 30 days from the date the notice is mailed. The commissioner shall not authorize the ~~erection~~ installation of a new sign signage at a location for ~~a period of three years~~ after the removal of any sign signage pursuant to this subsection unless payment of the fee for ~~erection~~ installation, annual surcharge and any prior unpaid maintenance fees owed to the city is paid ~~by such owner, agent or lessee~~ has been made prior to or at the time of application for ~~erection~~ installation of a new-sign signage.

(d) The commissioner of ~~transportation~~ may temporarily or permanently remove any-s+gn signage erected installed pursuant to this section whenever public convenience or necessity warrants after providing 15 days notice to the owner, agent or lessee, if any, who is paying annual fees for the-sign signage.

(e) (1) The fees set forth in subsection (a) of this section^ and the term "prohibited parking space" as used in this section, shall not apply to parking spaces for persons with disabilities. The fees applicable to disability-related parking are set forth in Section 9-64-050.

(2) For purposes of this section, the term "loading zone" means a curb loading zone established pursuant to section 9-64-160

(f) When in the judgment of the comptroller and commissioner, it would be more appropriate and expeditious for the comptroller to collect the fees provided in this section, the commissioner may delegate the collection of such fees to the comptroller.

SECTION 3. Section 10-20-420 of the Municipal Code of Chicago is hereby amended by deleting the language stricken through and by inserting the language underscored, as follows:

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) (d) For a

driveway located:

(H in the central business district (T) \$500.00 for signage installation plus
any additional direct cost incurred by the city for the
installation; and

(ii) \$500.00 annual maintenance fee.

(2) outside of the central business district

(T) \$110.00 for signage installation plus any additional direct cost incurred by the city for the
installation; and

(ii) \$110.00 annual maintenance fee.

(d e) 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.

17

(e 0 Driveway permit fees shall be paid and driveway permits shall be renewed as provided by rules and regulations promulgated by the comptroller.

ARTICLE III.
BOOTING, IMPOUNDMENT AND EARLY PAYMENT PLANS

SECTION 1. Section 2-14-132 of the Municipal Code of Chicago is hereby amended by deleting the language stricken through and by inserting the language underscored, as follows:

2 14-132 Impoundment.

(a) (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, 9-32-040, 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.

2) ~~If the vehicle is also subject to immobilization for unpaid parking and/or compliance violations?~~ In addition to any amount due under subsection (a)(1), prior to the release of a vehicle, the owner of the vehicle ~~must~~ shall also pay the all amounts due for all such outstanding ~~violations~~ final determinations for parking, standing, compliance, automated traffic law enforcement system or automated speed enforcement system violations incurred by the owner, including all related collection costs and attorney's fees authorized under section 1-19-020 ~~prior to the release of the vehicle.~~

3) 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.

(b 2) (JJ Within ten days after a vehicle is seized and impounded the department of streets and sanitation or other appropriate department shall notify by certified mail the owner of record (other than a lessee who does not hold title to the vehicle), the person who was found to be in control of the vehicle at the time of the alleged violation, and any lienholder of record, of the owner's right to request a hearing before the department of administrative hearings to challenge whether a violation of this Code for which seizure and impoundment applies has occurred or, if the impoundment is pursuant to Section 9-92-035, whether the subject vehicle is eligible for impoundment under that section. In the case where an owner of record is a lessee who does not hold title to the vehicle, the notice shall be mailed to such lessee within ten days after the department of streets and sanitation receives a ~~photocopy~~ copy or other satisfactory evidence of the vehicle lease or rental agreement, indicating the name, address, and driver's license number of the lessee pursuant to subsection (i 9). However, no such notice need be sent to the owner of record if the owner is personally served with the notice within ten days after the vehicle is seized and impounded, and the owner acknowledges receipt of the notice in writing. A copy of the notice shall be forwarded to the department of administrative hearings. The notice shall state the penalties that may be imposed if no hearing is requested, including that a vehicle not released by payment of the penalty and fees and remaining in the city pound may be sold or disposed of by the city in accordance with applicable law.

£2} The owner of record seeking a hearing must file a written request for a hearing with the department of administrative hearings no later than 15 days after notice was mailed or otherwise given under this subsection. The hearing date must be no more than 30 days after a request for a hearing has been filed.

(3) (A) If, after the hearing, the administrative law officer determines by a preponderance of the evidence that the vehicle was used in the violation, or, if the impoundment is pursuant to Section 9-92-035, that the subject vehicle was properly impounded under that section, the administrative law officer shall enter an order finding the owner of record liable to the city for the amount of the administrative penalty prescribed for the violation, plus towing and storage fees.

(B) If, after a hearing, the administrative law officer does not determine by a preponderance of the evidence that the vehicle was used in such a violation, or, if the impoundment is pursuant to Section 9-92-035, that the subject vehicle was not eligible for impoundment under that section, the administrative law officer shall enter an order finding for the owner and for the return of the vehicle or previously paid penalty and fees; provided that if the vehicle was seized and impounded pursuant to Section 7-24-225, the vehicle shall not be returned unless and until the city receives notice from the appropriate state, or where applicable, federal officials that (i) forfeiture proceedings will not be instituted; or (ii) forfeiture proceedings have concluded and there is a settlement or a court order providing that the vehicle shall be returned to the owner of record.

4) If the owner of record requests a hearing but fails to appear at the hearing or fails to request a hearing in a timely manner, the owner of record shall be deemed to have waived his or her right to a hearing

and an administrative law officer of the department of administrative hearings shall enter a default order in favor of the city in the amount of the administrative penalty prescribed for the violation, plus towing and storage fees. However, if the owner: (i) redeemed the vehicle by payment of the appropriate penalty and fees, and (ii) was notified of the owner's right to request a hearing, and (iii) failed to timely request a hearing, then the payment shall be deemed an acknowledgment of liability and no adjudication shall be required.

5) For the purposes of this section and those sections of this Code referenced in subsection (a 4-) of this section, the terms "seizure and impoundment" and "seized and impounded" shall be deemed to also refer to a vehicle that a police officer or other authorized city agent or employee determines is subject to impoundment because there is probable cause to believe it was used in violation of one or more of those sections of the code listed in subsection (a +) of this section, regardless of whether the vehicle is actually towed to and held at a city facility.

(c 3-) LD An administrative penalty, plus towing and storage fees, imposed pursuant to this section shall constitute a debt due and owing to the city which may be enforced pursuant to Section 2-14-103 or in any other manner provided by law. Any amounts paid pursuant to this section shall be applied to the penalty. Except as provided otherwise in this section, a vehicle shall continue to be impounded until;

- (4- A) the payment of the administrative penalty, plus any applicable towing and storage fees, plus all amounts due for outstanding final determinations of parking, standing and/or compliance, automated traffic law enforcement system or automated speed enforcement system violations (if the vehicle is also subject to immobilization for unpaid final determinations of parking and/or compliance violations) incurred by the owner, including all related collection costs and attorney's fees authorized under section 1 -19-020. ^ paid to the city. Upon payment, in which case possession of the vehicle shall be given to the person who is legally entitled to possess the vehicle; or
- (2 B) the vehicle is sold or otherwise disposed of to satisfy a judgment or enforce a lien as provided by law.

(2) Notwithstanding any other provision of this section, whenever a person with a lien of record against a vehicle impounded under this section has commenced foreclosure proceedings, possession of the vehicle shall be given to that person if he or she pays the applicable towing and storage fees and agrees in writing to refund to the city the net proceeds of any foreclosure sale, less any amounts necessary to pay all lien holders of record, up to the total amount of penalties imposed under this section.

20

(3) Notwithstanding any other provision of this section, no vehicle that was seized and impounded pursuant to Section 7-24-225 shall be returned to the record owner unless and until the city has received notice from the appropriate state, or where applicable, federal officials that (i) forfeiture proceedings will not be instituted; or (ii) forfeiture proceedings have concluded and there is a settlement or a court order providing that the vehicle shall be returned to the owner of record.

(d 4) Any motor vehicle that is not reclaimed within ten days after the expiration of the time during which the owner of record may seek judicial review of the city's action under this section, or, if judicial review is sought, the time at which a final judgment is rendered in favor of the city, or the time a final administrative

decision is rendered against any owner of record who is in default may be disposed of as an unclaimed vehicle as provided by law; provided that, if the vehicle was seized and impounded pursuant to Section 7-24-225 and proceedings have been instituted under state or federal drug asset forfeiture laws, the vehicle may not be disposed of by the city except as consistent with those proceedings.

(e &) As used in this section, the "owner of record" of a vehicle means the record title holder and includes, for purposes of enforcing Section 3-46-076, the "license holder of a ground transportation vehicle" as that term is defined in Chapter 3-46. For purposes of this section and the sections of the Municipal Code of Chicago enumerated in subsection (4- a) of this section, "owner of record" also includes the lessee of the vehicle.

(f 6) Fees for towing and storage of a vehicle under this section shall be the same as those charged pursuant to Chapter 9-92 of this Code.

(g 7) In a hearing on the propriety of impoundment under Section 7-24-226, any sworn or affirmed report, including a report prepared in compliance with Section 11-501.1 of the Illinois Vehicle Code, that (a i) is prepared in the performance of a law enforcement officer's duties and (h 2) sufficiently describes the circumstances leading to the impoundment, shall be admissible evidence of the vehicle owner's liability under Section 7-24-226 of this Code, and shall support a finding of the vehicle owner's liability under Section 7-24-226, unless rebutted by clear and convincing evidence.

(h &) For purposes of the section, a vehicle is not considered to have been used in a violation that would render the vehicle eligible for towing if: (1) the vehicle used in the violation was stolen at the time and the theft was reported to the appropriate police authorities within 24 hours after the theft was discovered or reasonably should have been discovered; (2) the vehicle was operating as a common carrier and the violation occurred without the knowledge of the person in control of the vehicle; or (3) the alleged owner provides adequate proof that the vehicle had been sold to another person prior to the violation.

(i 9) (i A) Notwithstanding any provision of this section to the contrary, a lessor (except where the lessee holds title to the vehicle) asserting his or her right to possession of a vehicle impounded pursuant to one or more of the use-related offense sections set forth in paragraph (1) subsection (a) may obtain immediate release of such vehicle by paying the

21

applicable towing and storage fees provided in subsection (6 f) of this section and agreeing in writing to refund to the city the net proceeds of any sale, less any amounts necessary to pay all lien holders of record, up to the total amount of any outstanding penalties imposed under subsection (c)(1); and submitting a photocopy or other satisfactory evidence of the vehicle lease or rental agreement, indicating the lessee's name, address and driver's license number. The requirements of subsection (c) of this section regarding the payment of final determinations of parking, standing, and/or compliance, automated traffic law enforcement system or automated speed enforcement system violations shall apply to such a lessor only to the extent of if the lessor is liable for such outstanding final determinations of parking and/or compliance violations for which the lessor is legally liable with respect to such impounded vehicle. The city shall refund the towing and storage fees to such lessor if the city recovers such fees from the lessee, or if the towing is ultimately determined to be improper or erroneous, or if the lessee is otherwise determined not to be liable for such fees.

(2 B) No person who is the lessor of a vehicle pursuant to a written vehicle lease or rental

agreement shall be liable for administrative penalties and fines set forth in one or more of the use-related offense sections set forth in ~~paragraph~~ subsection (a)(1) involving such vehicle during the period of the lease or rental agreement, if the lessor provides to the department of streets and sanitation or police, either prior to or within 30 days of the receipt of a notice of impoundment, a ~~photocopy~~ copy or other evidence of the vehicle lease or rental agreement, indicating the name, address, and driver's license number of the lessee. If such penalty, fine or fee has already been imposed on the lessor, it shall be abated by the city upon receipt of such ~~photocopy~~ copy or other evidence within the time frame provided herein.

(j 4/0) When an authorized employee or agent of the city ~~City of Chicago~~ has probable cause to believe that a vehicle is subject to seizure and impoundment pursuant to any one or more of the code sections set forth in subsection (a)(1) of this section, he shall affix a notice to the vehicle in a conspicuous place. Such notice shall warn that the vehicle is subject to seizure for purposes of impoundment. The notice shall also provide a warning that removal or relocation of the vehicle by any person other than the city ~~City of Chicago~~ or its authorized agents is unlawful.

It shall be unlawful for anyone other than an authorized agent of the city to remove or relocate any vehicle that has been determined to be subject to impoundment and which bears a warning notice that the vehicle is subject to seizure for purposes of impoundment. The owner of record of such vehicle, and any person who removes or relocates such vehicle in violation of this subsection, shall be subject to a penalty of no less than \$1,000.00 and no more than \$2,000.00 for such violation. This offense shall be a strict liability offense as to the vehicle's owner of record. Anyone who removes a vehicle sticker affixed to a vehicle pursuant to this section before such vehicle is relocated to a city facility shall be subject to a fine of no less than \$500.00 and no more than \$1,000.00.

(k 44) Notwithstanding any other provision of this section, no impounded vehicle shall be released and operated on the public ways of the city without a current state registration plate registered to the impounded vehicle and unless the vehicle is covered by a liability insurance

22

policy. In addition, if an impounded vehicle is required to be licensed under Chapter 3-56 of this Code, no such vehicle shall be released without a valid City of Chicago wheel tax license emblem. The owner of an impounded rental or commercial motor vehicle may meet the wheel tax license emblem requirement of this subsection by presenting proof of ownership of the impounded rental or commercial motor vehicle and a receipt issued by the office of the city clerk showing that the owner has purchased wheel tax license emblems for the owner's rental or commercial motor vehicles in accordance with Chapter 3-56 of this Code.

SECTION 2. Section 3-56-155 of the Municipal Code of Chicago is hereby amended by deleting the language stricken through and by inserting the language underscored, as follows:

3-56-155 Counterfeit wheel tax license emblems - Impoundment.

>

(Omitted text is unaffected by this ordinance)

(c) The notice provisions of subsection (2 b) of Section 2-14-132 shall apply whenever a motor vehicle is seized and impounded pursuant to this section.

SECTION 3. Section 9-80-220 of the Municipal Code of Chicago is hereby amended by adding the language underscored and by deleting the language struck through, as follows:

9-80-220 False, stolen or altered temporary registration permits.

(Omitted text is unaffected by this ordinance)

The notice provisions of subsection (2 b) of Section 2-14-132 shall apply whenever a motor vehicle is seized and impounded pursuant to this section.

SECTION 4. Section 9-92-080 of the Municipal Code of Chicago is hereby amended by adding the language underscored and by deleting the language struck through, as follows:

9-92-080 Release procedure for impounded vehicles.

(a) Unless a vehicle is held pursuant to applicable state, federal or any other law, or a court order or warrant that authorizes the continued impoundment of the vehicle, the owner or other person entitled to possession of a vehicle impounded pursuant to Section 9-92-030 may obtain immediate release of the vehicle by paying the full amount of the applicable towing and storage fees, as provided in subsection (b), plus all amounts due for outstanding final determinations of parking, standing, and/or compliance, automated traffic law enforcement system or automated speed enforcement system violations incurred by the owner, including all

23

~~related collection costs and attorney's fees authorized under section 1-19-020 (if the vehicle is also subject to immobilization for unpaid final determinations of parking and/or compliance violations).~~ Regardless of whether the owner or other person entitled to possession obtains immediate release of the vehicle through making full payment, such person may request a hearing before the department of administrative hearings to be held in accordance with Section 2-14-135 of this Code.

b) The owner or other person entitled to possession of a vehicle lawfully impounded pursuant to Section 9-92-030 or Section 9-100-120 shall pay a fee of \$150.00, or \$250.00 if the vehicle has a gross weight of 8,000 pounds or more, to cover the cost of the towing and a fee of \$20.00 per day for the first five days and \$35.00 per day thereafter, or \$60.00 per day for the first five days and \$100.00 per day thereafter if the vehicle has a gross weight of 8,000 pounds or more, to cover the cost of storage, provided that no fees shall be assessed for any tow or storage with respect to a tow which has been determined to be erroneous.

~~c) In addition to paying the applicable towing and storage fees provided in subsection (b) of this section, the owner or other person entitled to possession of a lawfully impounded vehicle shall also pay all fines and penalties remaining due on each final determination of parking violation liability issued to such person prior to the release of the impounded vehicle, plus all amounts due for outstanding final determinations of parking and/or compliance violations (if the vehicle is also subject to immobilization for unpaid final determinations of parking and/or compliance violations).~~

(d c) A lienholder asserting its right to possession of an impounded vehicle pursuant to its conditional sales agreement may obtain immediate release of such vehicle by: (1) paying the applicable towing and storage fees provided in subsection (b) of this section and agreeing in writing to refund to the city the net proceeds of any foreclosure sale, less any amounts necessary to pay all lien holders of record, up to the total amount of any outstanding penalties imposed under subsection (a); and (2) submitting a ~~photocopy~~ copy of the conditional sales agreement and title certificate; (3) submitting an affidavit stating that the purchaser is in default of the agreement; and (4) submitting an indemnification certificate executed by an authorized agent of the lienholder. ~~The requirements of subsection (e) of this section shall not apply to a lienholder asserting its right to possession of an impounded vehicle as provided herein.~~

(e d) The requirements of subsection (e a) ~~of this section~~ shall apply to a lessor referred to in Section 2-14-132 (9 i) of this Code only to the extent of such outstanding final determinations of parking, standing or ~~ane~~Ver compliance, automated traffic law enforcement system or automated speed enforcement system violations for which the lessor is legally liable with respect to such impounded vehicle.

(f e) Notwithstanding any other provision of this section, no impounded vehicle shall be released and operated on the public ways of the city without a current state registration plate registered to the impounded vehicle and unless the vehicle is covered by a liability insurance policy. In addition, if an impounded vehicle is required to be licensed under Chapter 3-56 of this Code, no such vehicle shall be released without a valid City of Chicago wheel tax license

24

emblem. The owner of an impounded rental or commercial motor vehicle may meet the wheel tax license emblem requirement of this subsection by presenting proof of ownership of the impounded rental or commercial motor vehicle and a receipt issued by the office of the city clerk showing that the owner has purchased wheel tax license emblems for the owner's rental or commercial motor vehicles in accordance with Chapter 3-56 of this Code.

SECTION 5. Section 9-100-010 of the Municipal Code of Chicago is hereby amended by deleting the language stricken through and by inserting the language underscored, as follows:

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

a) The purpose of this chapter is to provide for the administrative adjudication of violations of ordinances defining parking, standing, compliance, automated speed enforcement system, and automated traffic law enforcement system violations ~~and regulating vehicular standing and parking within the city~~, and to establish a fair and efficient system for the enforcement of such ordinances. The administrative adjudication system set forth in this chapter is established pursuant to Division 2.1 of the Illinois Municipal Code and Sections 11-208.3, 11-208.6 and 11-208.8 of the Illinois Vehicle Code.

b) The comptroller 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, standing, compliance and automated traffic law enforcement system and automated speed enforcement system violation notices and additional notices, collect

money paid as fines and penalties for ~~violations of~~ parking, compliance and automated red-light traffic law enforcement system, and automated speed enforcement system violations ~~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~~ administrative adjudication 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, standing, compliance! and automated red-light traffic law enforcement system, and automated speed enforcement system violations ~~program~~.

c) The traffic compliance administrator may delegate to the department of administrative hearings his ~~or her~~ authority to appoint administrative law officers, to adopt rules and regulations pertaining to administrative ~~hearing~~ adjudication proceedings and to conduct administrative adjudication ~~hearing~~ proceedings, including the functions of the traffic compliance administrator set forth in Sections 9-100-070(a); 9-100-080(a), (b) and (g); 9-100-090(c); 9-100-130(c); and subsection (b)(iii) of this section.

25

(d) Subject to the availability of duly appropriated funds, the traffic compliance administrator is authorized to enter into service contracts with vendors to be selected by the traffic compliance administrator for the purpose of receiving self-release immobilization devices lawfully removed pursuant to approval by the traffic compliance administrator. Such vendors may receive the lawfully removed self-release immobilization devices directly or through subcontractors to be selected by the contractors, subject to the approval of the traffic compliance administrator. The services contract may contain such terms as the traffic compliance administrator deems necessary to effectuate the purpose of this subsection.

The traffic compliance administrator is authorized to adopt rules for the proper administration and enforcement of this subsection.

SECTION 6. Section 9-100-050 of the Municipal Code of Chicago is hereby amended by deleting the language stricken through and by inserting the language underscored, as follows:

9-100-050 Determination of liability.

a) A person on whom a violation notice has been served pursuant to Section 9-100-030 or Section 9-100-045 shall within seven days from the date of a parking, standing or compliance violation notice, or within 21 days of an automated speed enforcement system or automated traffic law enforcement system violation notice: (1) pay the indicated fine; or ~~T~~ (2) in the manner indicated on the notice, ~~either (2) submit the materials set forth in Section 9-100-070 to obtain an adjudication by mail; or (3) request an administrative hearing~~ adjudication as set forth in Section 9-100-070 or Section 9-100-080 to contest the charged violation. ~~A response by mail shall be deemed timely if postmarked within seven or 21 days, whichever is applicable, of the issuance of~~

b) If the respondent submits documentary evidence to obtain an adjudication by mail administrative correspondence hearing pursuant to in compliance with Section 9-100-070, the city traffic compliance administrator shall send the respondent a copy of the administrative law officer's determination in accordance with subsection (f) herein.

c) If the respondent requests an administrative in-person hearing to contest the cited violation pursuant to Section 9-100-080, the city traffic compliance administrator shall notify the respondent in writing of the location and time available for a hearing in accordance with subsection (f) herein.

Where a respondent who has requested an administrative in-person hearing either fails to pay the indicated fine prior to the hearing or appear at a hearing, a determination of liability shall be entered in the amount of the fine indicated on the notice of violation. Failure to pay the fine within 25 days of issuance of a determination of liability will result in the imposition of a late

of liability, any unpaid fine or penalty will constitute a debt due and owing the city. The city

26

traffic compliance administrator will cause a notice of hearing providing this information to be sent to the respondent in accordance with subsection (f) herein.

(d) (1) If no response is made to a parking, standing or compliance violation notice in accordance with subsection (a) of this section, the city traffic compliance administrator shall cause a second notice of a parking, standing or compliance violation to be sent to the respondent in accordance with subsection (f) herein; provided however, in those instances where an eligible participant pays the fine indicated under an early payment installment pursuant to section 9-100-105 prior to a second notice being sent, the traffic administrator shall still send the second notice in compliance with this subsection. The notice shall specify the date and location of the violation, the make and state registration number of the cited vehicle, the code provision violated, the applicable fine, and the time and manner in which the respondent may obtain an administrative adjudication by mail to contest the violation. If the respondent requests an administrative in-person hearing to contest the cited violation, the city traffic compliance administrator will cause a notice of hearing to be sent to the respondent as provided in subsection (c) herein.

If; Subject to subsection (d)(3), if, within 14 days from the date of the violation notice required by this subsection (d)(1). the respondent fails to: (i) pay the indicated fine TLsubmit documentary evidence to obtain, (ii) request an administrative adjudication by mail, or request a hearing to contest the charged violation within 14 days from the date of the violation notice required by this subsection (d)(1)?; or (iii) prove compliance as provided in subsection (a)(7) of Section 9-100-060, a determination of liability shall be entered in the amount of the fine indicated on the notice of violation. Failure to pay the fine within 25 days of issuance of the determination of liability will result in the imposition of a late payment penalty pursuant to subsection (c) herein. Upon the occurrence of a final determination of liability, any unpaid fine or penalty will constitute a debt due and owing the city. The second notice of violation shall provide the above information.

2) If Subject to subsection (d)(3), if a respondent issued an automated traffic law enforcement system or automated speed enforcement system violation notice pursuant to subsection (a) fails to pay the indicated fine, submit documentary evidence to obtain an adjudication by mail, or request an administrative adjudication h

~~earing to contest the charged violation within 21 days from the date of the violation notice, a determination of liability shall be entered in the amount of the fine indicated on the notice of violation. Failure to pay the fine within 25 days of issuance of the determination of liability will result in the imposition of a late payment penalty pursuant to subsection (c) herein. Upon the occurrence of a final determination of liability, any unpaid fine or penalty will constitute a debt due and owing the city.~~

3) A determination of liability shall not be entered against any eligible participant paying the indicated fine under an early payment installment pursuant to section 9-100-105 unless the eligible participant defaults on the early payment installment plan. In the event of such a default, a determination of liability shall be entered against the eligible participant in accordance with this section.

27

(e) Failure by any respondent to pay the fine within 25 days of issuance of a determination of liability for a violation will automatically subject the respondent to a penalty for late payment: provided that an eligible participant paying the indicated fine under an early payment installment plan pursuant to section 9-100-105 shall not be subject to the late payment, unless the eligible participant defaults on the early payment installment plan. In the event of such a default, the eligible participant shall be subject to the late payment in accordance with this section.

The penalty for late payment shall be an amount equal to the amount of the fine for the relevant violation.

(Omitted text is unaffected by this ordinance)

SECTION 7. Section 9-100-100 of the Municipal Code of Chicago is hereby amended by deleting the language stricken through and by inserting the language underscored, as follows:

9-100-100 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 city traffic compliance administrator shall cause a notice of final determination of liability to be sent to the respondent in accordance with Section 9-100-050(f); provided that the traffic compliance administrator shall not send a notice of final determination to an eligible participant paying the indicated fine under an early payment installment plan pursuant to section 9-100-105, unless the eligible participant defaults on the early payment installment plan. In the event of a default, the traffic compliance administrator shall send a notice of final determination to the eligible participant in accordance with this section.

b) Any fine and penalty, if applicable, remaining unpaid after the notice of final determination of liability is sent shall constitute a debt due and owing the city which may be enforced in the manner set forth in Section 2-14-103 of this Code. Failure of the respondent to pay such fine or penalty within 14 days of the date of the notice may result in, if applicable: (1) the immobilization of the person's vehicle for failure to pay fines or penalties pursuant to section 9-100-120 ~~for three or more parking or compliance violations~~ and or (2) the suspension of the person's driver's license for failure to pay fines or penalties pursuant to section 9-100-130 ~~for~~

~~ten or more parking violations.~~

~~c) The city shall withdraw a violation notice, following reasonable collection efforts, when such notice was issued to a scale registered owner who is deceased at the time collection efforts are undertaken.~~

28

SECTION 8. Section 9-100-101 of the Municipal Code of Chicago is hereby amended by deleting the language stricken through and by inserting the language underscored, as follows:

9-100-101 Installment payment plans.

(a) The traffic compliance administrator may establish a program allowing the payment of parking, standing, compliance, or automated speed enforcement system or automated traffic law enforcement system 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)

(2) (A) Except as provided in paragraph (B) of this subsection, an installment plan may not have a scheduled duration of more than 6 months, and shall require one payment due per month on a day specified in the executed plan.

(B) (I) Except as otherwise provided in subparagraphs (II) and (III) of this paragraph (a)(2)(B), the duration may exceed 6 months but may not exceed 12 months for installment plans negotiated and executed for: (i) vehicle owners whose maximum amount of combined liability for fines and penalties ~~parkings~~ compliance, administrative fees, and any related collection costs and attorney's fees pursuant to Section 1-19-020 or Section 1-19-030 exceeds \$500.00; or (ii) vehicle owners who are qualifying hardship participants.

(Omitted text is unaffected by this ordinance)

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

A) For vehicle owners prior to: (i) the vehicle being immobilized or impounded; or (ii) the vehicle owner's driver's license being suspended pursuant to Sec. 5/6-306.5 of the Illinois Vehicle Code, ~~25 percent~~ 25 percent of an amount which the traffic compliance administrator deems appropriate for the vehicle owner's combined liability for ~~parking, compliance, and automated speed enforcement system or automated traffic law enforcement system~~ fines and penalties, plus accrued penalties and fees under Section 9-100-120(h) and for immobilization, impoundment, : towing and storage to date. j

B) For all other vehicle owners after vehicle immobilization or impoundment, or after the owner's driver's license has been suspended pursuant to Sec. 5/6-306.5 of the Illinois | Vehicle Code, 50 percent of the vehicle owner's combined liability for ~~parking, compliance, and , automated speed enforcement system or automated traffic law enforcement system~~ fines and penalties, plus accrued penalties and fees under Section 9-100-120(h) and for immobilization, impoundment, towing and storage to date.

(Omitted text is unaffected by this ordinance)

(6) Every installment plan shall be in a form prescribed by the traffic compliance administrator, and shall state the total indebtedness, the amount of the initial installment, the amount of each subsequent installment and the date each is due, the penalty for delinquency under the installment plan, and such other provisions as the traffic compliance administrator may determine. The installment plan shall also require the vehicle owner to pay every parking, standing, violation fine, every compliance fine, and automated traffic law enforcement system and automated speed enforcement system camera fine that becomes final during the term of the installment plan. The initial installment shall be paid when the plan is executed. Upon execution of the agreement and payment of the initial installment, and as long as the vehicle owner is in compliance with the installment plan, the vehicle owner's vehicles shall not be subject to immobilization and impoundment for failure to pay the parking, compliance, and automated camera fines and penalties described in the installment.

(Omitted text is unaffected by this ordinance)

SECTION 9. Chapter 9-100 of the Municipal Code of Chicago is hereby amended by inserting a new Section 9-100-105 underscored, as follows:

9-100-105 Early Payment Installment Plans.

a) For purposes of this section, the following definitions apply:

"Default" means the non-payment or underpayment of a monthly amount due from an eligible participant under an early payment installment plan.

"Eligible participant" means a person who was issued a notice: (T) under section ' 9-100-030 or a second notice for a parking, standing or compliance violation under section 9-100-050(d)(1); or (ii) under section 9-100-045 for an automated speed enforcement system or automated traffic law enforcement system violation, but has not been issued a notice of final determination for such violation. ,

"Eligible violation" means a parking, standing, compliance, or automated speed . enforcement system or automated traffic law enforcement system violation. !

b) The traffic compliance administrator may establish a program in compliance with this¹ chapter for early payment installment plans for the payment of eligible violation fines by eligible; participants.

c) The early payment installment plan shall include the following conditions:

- 1) the plan has a scheduled duration of 90 days or less; !
- 2) the plan requires one payment per month on a day specified in the executed plan and the monthly payments are in equal amounts; and
- 3) the down payment is equal to the first monthly installment payment.

d) Upon defaulting on an early payment installment plan, the eligible participant shall not be eligible to enter into an early payment installment plan for any other eligible violation for a period of 12 months after the default.

e) In the event an eligible participant defaults on an early payment installment plan, including any underpayment of the monthly amount due, the traffic compliance shall, no earlier than 25 days after the default, issue a determination of liability or a notice of final determination, whichever is applicable, in accordance with this chapter.

(f) The traffic compliance administrator may promulgate rules to administer this section.

SECTION 10. Section 9-100-110 of the Municipal Code of Chicago is hereby amended by deleting the language stricken through and by inserting the language underscored, as follows:

9-100-110 ~~City -owned vehicles~~ Liability of city employees for certain violations.

(4- a) A city officer or employee ~~Officers and employees of the City of Chicago~~ shall be held personally liable for all amounts, including all fines, related collection costs and attorney's fees, due for final determinations of parking and standing violation notices served either upon city vehicles assigned to ~~their~~ his possession or use or upon his ~~or her~~ personally owned automobile authorized to be used in the performance of his ~~or her~~ official duties unless:

(a i) The officer or employee certifies that the vehicle was in use for the performance of official city business during an emergency or during an official investigation at the time of the alleged violation;

(b 2) The head of the respective city department, agency or office concludes that the statements contained in the certificate are accurate, and recommends to the budget director that the liability for the alleged violation be released; and

(e 3) The budget director approves the release of such officer or employee from personal liability for the alleged violation.

If the budget director approves the release of personal liability for the alleged violation, the ~~parking~~ violation notice shall be withdrawn. The budget director shall submit quarterly reports to the city council, detailing by department, agency or office, the number and nature of approved releases from personal liability for parking violation notices served upon city vehicles and privately owned vehicles authorized to be used in the performance of official city business.

To expedite enforcement of this section, where the registered owner or lessee of a vehicle served with a violation notice is the city ~~City of Chicago~~, the ~~e~~ty traffic compliance administrator shall notify the department, agency or office to which the vehicle is assigned.

(2- b) It shall not be a defense to a compliance violation involving the personal vehicle of an officer or employee of the city ~~City of Chicago~~ that the officer or employee was using the vehicle for official government business at the time of the alleged violation. A compliance violation issued pursuant to Section 9-64-125, 9-76-160 or 9-76-220 involving a city-owned vehicle may be withdrawn pursuant to this section, if:

(a 1) The officer or employee possessing or using the vehicle at the time of the alleged violation certifies that the vehicle was in use for the performance of official city business during an emergency or during an official investigation at the time of the alleged violation;

(b 2) The head of the respective city department, agency or office concludes that the statements contained in the certificate are accurate, and recommends to the budget director that the liability for the alleged violation be released; and

(e 3) The budget director approves the release of liability for the alleged violation.

If the budget director approves the release of liability for the alleged violation, the compliance violation notice shall be withdrawn. The budget director shall submit quarterly reports to the city council, detailing by department, agency or office, the number and nature of approved releases from liability for compliance violation notices served upon city vehicles used in the performance of official city business.

SECTION 11. Section 9-100-111 of the Municipal Code of Chicago is hereby amended by deleting the language stricken through and by inserting the language underscored, as follows:

9-100-111 Officers and employees of ~~federal, state and county~~ law enforcement agencies.

(4- a) Officers and employees of law enforcement agencies ~~of federal, state and county government~~ may request a release of liability for the alleged parking and standing violation subject to the following conditions:

(a 1) The officer or employee certifies that the vehicle was in use for the performance of official government or business during an emergency or during an official investigation at the time of the alleged violation;

(b 2) The head of the respective government agency, or a designee chosen by such person concludes that the statements contained in the certificate are accurate and submits a written request to the budget director that the liability for the alleged violation be released; and

(e 3) The budget director approves the release of liability for the alleged ~~parking~~ violation.

If the budget director approves the release of personal liability for the alleged violation, the ~~parking~~ violation notice shall be withdrawn. The budget director shall submit quarterly

reports to the city council, detailing by department, agency or office, the number and nature of approved releases from personal liability for parking violation notices served upon city vehicles and privately owned vehicles authorized to be used in the performance of official city business.

To expedite enforcement of this section, where the registered owner or lessee of a vehicle served with a violation notice is the City of Chicago, the city traffic compliance administrator shall notify the department, agency or office to which the vehicle is assigned.

(2- b) A compliance violation issued pursuant to Section 9-64-125, 9-76-160 or 9-76-220 involving a vehicle owned by a law enforcement agency ~~of federal, state or county government~~ may be withdrawn pursuant to this section, if:

(a i) The officer or employee possessing or using the vehicle at the time of the alleged violation certifies that the vehicle was in use for the performance of official government business during an emergency or during an official investigation at the time of the alleged violation;

(b 2) The head of the respective government agency, or a designee, chosen by such person concludes that the statements contained in the certificate are accurate and submits a written request to the budget director that the liability for the alleged violation be released; and

(e 3) The budget director approves the release of liability for the alleged violation.

If the budget director approves the release of liability for the alleged violation, the ~~compliance~~ violation notice shall be withdrawn. The budget director shall submit quarterly reports to the city council, detailing by department, agency or office, the number and nature of approved releases from liability for compliance violation notices served upon city vehicles used in the performance of official city business.

For the purposes of this section "law enforcement agency" means an agency that is vested by federal, state or local law or ordinance with police powers.

SECTION 12. Section 9-100-120 of the Municipal Code of Chicago is hereby amended by deleting the language stricken through and by inserting the language underscored, as follows:

9-100-120 Immobilization program.

(a) The city traffic compliance administrator is hereby authorized to direct and supervise a program of vehicle immobilization for the purpose of enforcing the parking, standing, compliance, and automated traffic law enforcement system, or automated speed enforcement system ordinances of the traffic code. The program of vehicle immobilization shall provide for immobilizing any eligible vehicle located on the public way or any city-owned property by placement of a restraint in such a manner as to prevent its operation or if the eligible vehicle is parked or left in violation of any provision of the traffic code for which such vehicle is subject to

an immediate tow pursuant to Section 9-92-030, or in any place where it constitutes an obstruction or hazard, or where it impedes city workers during such operations as snow removal, the city traffic compliance administrator may cause the eligible vehicle to be towed to a city vehicle pound or relocated to a legal parking place and there restrained. As part of the immobilization program, the traffic compliance administrator may also establish a procedure for a self-release immobilization device which may be removed by the registered owner, or his designee, in compliance with any applicable rule promulgated by the traffic compliance administrator.

b) When the registered owner of a vehicle has accumulated (i) three or more final determinations of liability or (ii) two ~~notices~~ final determinations which are more than one year past the date of issuance, for parking, standing, compliance, ~~a violation of an~~ automated traffic law enforcement system, or ~~a violation of an~~ automated speed enforcement system violation, or a violation of Section 9-105-020, in any combination, for which the fines, penalties, administrative fees provided for in Section 9-100-101, or related collection costs and attorney's fees pursuant to Section 1-19-020 or Section 1-19-030, if applicable, have not been paid in full, the city traffic compliance administrator shall cause a notice of impending vehicle immobilization to be sent, in accordance with Section 9-100-050(0). The notice of impending vehicle immobilization shall state the name and address of the registered owner, the state registration number of the vehicle or vehicles registered to such owner, and the serial numbers of parking, standing, compliance, ~~er~~ automated traffic law enforcement system or automated speed enforcement system ~~camera~~ violation notices which have resulted in final determination of liability or which are more than one year past the date of issuance for which the fines or penalties remain unpaid. Failure to pay the fines and penalties owed within 21 days from the date of the notice will result in the inclusion of the state registration number of the vehicle or vehicles of such owner on an immobilization list. A person may challenge the validity of the notice of impending vehicle immobilization by requesting a hearing and appearing in-person to submit evidence which would conclusively disprove liability within 21 days of the date of the notice. Documentary evidence which would conclusively disprove liability shall be based on the following grounds:

- 1) That all fines and penalties for the violations cited in the notice have been paid in full;
 - 2) That the registered owner has not accumulated three or more final determinations, or two notices which are more than one year past the date of issuance, of parking, standing, compliance, automated speed enforcement system violation, or automated traffic law enforcement system violation liability which were unpaid at the time the notice of impending vehicle immobilization was issued; or
 - 3) In the case of a violation of Section 9-102-020, Section 9-101 -020, or Section 9-105-020, that the registered owner has not been issued a final determination of liability under Section 9-100-100 or Section 9-105-060.
- c) Upon immobilization of an eligible vehicle, a notice shall be affixed to the vehicle in a conspicuous space. Such notice shall (i) warn that the vehicle is immobilized and that any

attempt to remove the vehicle may result in its damage; (ii) state that the unauthorized removal • of or damage to the immobilizing ~~restraint~~ device is a violation of Sections 16-1 and 21-1 of the Illinois Criminal Code; (iii) provide information specifying how release of the immobilizing ~~restraint~~ device may be had; (iv) state how the registered owner may obtain an immobilization hearing; (v) state that if the ~~restraint~~ immobilizing device has

not been released within 24 hours of its placement, the ~~restraint~~ device shall be released and the vehicle towed and impounded, and (vi) provide information specifying how the registered owner may request an additional 15 days to retrieve his ~~or her~~ vehicle if impounded.

d) The owner of an immobilized vehicle or other authorized person may secure the release of the vehicle by paying the applicable immobilization, towing and storage fees ~~provided in subsection (g) herein~~, and all amounts, including any fines, penalties, administrative fees provided for in Section 9-100-101, and related collection costs and attorney's fees pursuant to Section 1-19-020 or Section 1-19-030, remaining due on each final determination for liability issued to the owner ~~such person~~.

e) The owner of an immobilized vehicle shall have the right to a hearing to determine whether the immobilization or any subsequent towing was erroneous, if the owner files a written request for a hearing with the city traffic compliance administrator within 21 days after immobilization or within 21 days of the date of the notice sent pursuant to subsection (f) herein, whichever is later. Hearings requested pursuant to this subsection shall be conducted by an administrative law officer upon receipt of a written request for a hearing. The determination of the administrative law officer regarding the validity of the immobilization shall become final for the purpose of judicial review under the Administrative Review Law of Illinois upon issuance.

f) Within ten days after a vehicle has been impounded, a notice of impoundment shall be sent by certified mail to the address of the registered owner as listed with the Secretary of State, and to any lienholder of record. The notice shall state ~~(+)~~ that: (i) the owner has the right to request a ~~post- mobilization~~ post-immobilization and post-towing hearing as provided in subsection (e) herein; and (ii) that if the vehicle is not claimed within 21 days from the date of notice, the vehicle may be sold or otherwise disposed of in the manner prescribed by Section 4-208 of the Illinois Vehicle Code; provided, however, that the registered owner may request from the department of streets and sanitation one extension of 15 days before a vehicle is sold or otherwise disposed of. The department of streets and sanitation shall honor such a request and shall not sell or otherwise dispose of a vehicle during the 15-day extension period.

g) The fee for immobilization shall be \$400.00 for a truck tractor, semi-trailer or trailer, and ~~\$60.00~~ 100.00 for any other type of vehicle, and the fee for towing subsequent to immobilization shall be as set forth in Section 9-92-080(b), provided that no fees shall be assessed for any immobilization or tow which has been determined to be erroneous.

h) LD ¹¹ ~~shall be~~ is unlawful to remove, disable or damage any vehicle immobilization device, or to relocate or tow any vehicle restrained by an immobilization device without the approval of the ~~e+~~ty traffic compliance administrator. The registered owner of the immobilized vehicle and any person who relocates an immobilized vehicle or removes, disables or damages

35

an immobilization device in violation of this subsection shall each be subject to a penalty of \$1,000.00 for such violation for a truck tractor, semitrailer or trailer, and \$750.00 for such violation for any other type of vehicle.

2) The owner of the immobilized vehicle and any person authorized by the traffic compliance administrator to remove any self-release immobilization device who fails to return such device to a location designated by the traffic compliance administrator within seven days shall be fined \$50.00 for each day the person fails to return such device; provided that the total fine under this subsection shall not exceed \$1,000 if the vehicle immobilized was a truck tractor, semitrailer or trailer, and \$750.00 for any other type of vehicle.

3) No person shall be found liable for violating both subsections ("hid) and (h)(2) for the same incident.

4) ~~As to the registered owner, the~~ The offenses described in this subsection (h) shall be strict liability offenses as to the owner.

ARTICLE IV. DEBT RELIEF

SECTION 1. This ordinance shall be known and may be cited as the "City of Chicago Debt Relief Ordinance of 2015."

SECTION 2. As used in this ordinance:

"Administrative hearing violation" means a violation of the Code, other than for a tax or eligible vehicle violation, for which a fine, and related interest, penalties, costs, and fees, excluding restitution, have been imposed by the Department of Administrative Hearings.

"City" means the City of Chicago, Illinois.

"Code" means the Municipal Code of Chicago.

"Collection costs" means the expenses and time incurred by the City or its agents to collect any debt.

"Comptroller" means the comptroller for the City.

"Debt Relief Period" means the period from November 15, 2015 up to and including December 31, 2015.

"Department" means the Department of Finance of the City.

36

"Eligible vehicle violation" means a parking, standing, compliance, automated speed enforcement system, or automated traffic law enforcement system violation for which a fine was imposed on or before December 31, 2011 by the Department of Administrative Hearings.

"Pay," when referring to payments to the City specifically required to qualify for debt relief, means to make payment affirmatively by cash, credit card, check or other means, but does not include payment made by garnishment or pursuant to other legal process.

"Tax" means any sum, other than interest, penalties or fines, payable pursuant to a revenue measure imposed under any of the chapters of the Code or under any other ordinance passed by the city council and paid or remitted directly to the Department. The term "tax" shall not include regulatory, compensation or franchise

fees, or special assessments, and shall not include the cigarette tax, the automatic amusement device tax, wheel tax license fees, the Chicago Transit Authority portion of the real property transfer tax, or the Metropolitan Pier and Exposition Authority airport departure tax.

"Taxpayer" means any person required to pay any tax and upon whom the legal incidence of the tax is placed.

"Tax collector" means any person required to collect and remit any tax, or any person who collects a tax, whether or not required to do so.

"Taxable period" means any period of time for which any tax is imposed by and owed to the City.

"Unregistered taxpayer or unregistered tax collector" means any taxpayer or tax collector who is not registered with the Department for a tax.

SECTION 3. The Department shall establish a debt relief program pursuant to this ordinance. The debt relief program shall provide for relief as provided in this ordinance only if the taxpayer, tax collector or other debtor complies with the applicable requirements of the program during the debt relief period. The Department may promulgate such rules and regulations as are necessary to implement the provisions of this ordinance.

SECTION 4. The debt relief program shall be comprised of the following components:

A. Unregistered taxpayer or unregistered tax collector relief. Whenever any eligible unregistered taxpayer or unregistered tax collector applies for relief and pays during the debt relief period all taxes owed for taxable periods ending on or before December 31, 2011: (1) the Department shall not seek to collect any interest or penalties on those taxes; and (2) the City shall not seek criminal prosecution for any taxes owed prior to the debt relief period. Relief

37

under this subsection is not available with respect to any tax: (i) at issue in a case currently pending at the Department of Administrative Hearings or a court of competent jurisdiction; or (ii) as to which the City has obtained an order from the Department of Administrative Hearings or a judgment from a court of competent jurisdiction.

B. Final tax assessment relief. Whenever an eligible taxpayer or tax collector applies for relief and pays during the debt relief period the entire amount of the tax portion of an assessment that was issued by the Department for taxable periods ending on or before December 31, 2011 and that has become final: (1) the Department shall not seek to collect any interest or penalties on those taxes; and (2) the City shall not seek criminal prosecution for the failure to have paid those taxes. Relief under this subsection is not available with respect to any tax: (i) at issue in a case currently pending at the Department of Administrative Hearings or a court of competent jurisdiction; or (ii) as to which the City has obtained an order from the Department of Administrative Hearings or a judgment from a court of competent jurisdiction.

C. Real property transfer tax relief. Whenever an eligible transferor, transferee, or other party who has

acquired or accepted liability for the City's real property transfer tax due to the act or omission of that party or another, applies for relief and pays during the debt relief period the balance due of real property transfer tax owed to the City for any transfer occurring on or before December 31, 2011: (1) the Department shall not seek to collect any interest or penalties on those taxes; and (2) the City shall not seek criminal prosecution for the failure to have paid those taxes. Relief under this subsection is not available with respect to any tax: (i) at issue in a case currently pending at the Department of Administrative Hearings or a court of competent jurisdiction; or (ii) as to which the City has obtained an order from the Department of Administrative Hearings or a judgment from a court of competent jurisdiction.

D. Administrative hearing violation relief. Whenever any person pays during the debt relief period the full amount of a fine imposed on or before December 31, 2011 for an administrative hearing violation: (1) the Department shall waive all applicable late penalties, interest and collection costs for that violation; and (2) the City shall not seek civil or criminal prosecution for the failure to have paid any fines, interest or penalties for that violation. Relief under this subsection is not available:

(a) to any debt for an administrative hearing violation which the City has: (i) commenced a case in a court of competent jurisdiction or administrative proceedings for the collection of the debt; or (ii) obtained an order from the Department of Administrative Hearings or a judgment from a court of competent jurisdiction for the collection of the debt; or

(b) to any debt for any specific administrative hearing violation fine or penalty for which a person, as of November 15, 2015, is paying such fine in installments.

E. Eligible vehicle violation relief. Whenever any person pays during the debt relief period the full amount of a fine imposed on or before December 31, 2011 for an eligible vehicle violation: (1) the Department shall waive all applicable late penalties, interest and collection costs for that violation; and (2) the City shall not seek civil or criminal prosecution for the

38

failure to have paid any fines, interest or penalties for that violation; provided that for any eligible vehicle violation which is a parking violation, if the fine for such violation was imposed between the period of February 13, 2009 and December 31, 2011, the minimum amount of the debt to be paid shall be \$25.00. Relief under this subsection is not available:

a) to any debt for an eligible vehicle violation which the City has: (i) commenced a case in a court of competent jurisdiction or administrative proceedings for the collection of the debt; or (ii) has obtained an order from the Department of Administrative Hearings or a judgment from a court of competent jurisdiction for collection of the debt; or

b) to any vehicle owner who, as of November 15, 2015, is paying fines for an eligible violation in installments pursuant to section 9-100-101 of the Code.

SECTION 5. Relief shall be granted only if all of the applicable relief conditions set forth in this ordinance are satisfied by the taxpayer, tax collector or other debtor, including the accurate reporting of all taxes to be paid under the debt relief; provided, however, that tax returns filed under a good-faith interpretation

of the applicable tax ordinance, which are not clearly inconsistent with the ordinance, shall not constitute a failure to report and pay all taxes within the meaning of this, ordinance.

SECTION 6. Relief under this program shall not be available to any person who is a party to any criminal investigation or to any civil or criminal litigation which is pending in any circuit court, appellate court or the Supreme Court of the State of Illinois, or the Department of Administrative Hearings, concerning fraudulent conduct in relation to any debt owed to the City.

ARTICLE V. TOBACCO LICENSEES

SECTION 1. Section 4-64-180 of the Municipal Code of Chicago is hereby amended by deleting the language stricken through and inserting the language underscored, as follows:

4-64-180 Prohibited locations.

(a) No person shall sell, give away, barter, exchange or otherwise deal in tobacco products, tobacco product samples or tobacco accessories ~~at any place located within 100 feet~~ at any location that has a property line within 100 feet of the property line of any building or other location used primarily as a school, child care facility, or for the education or recreation of children under 18 years of age.

39

(b) No person shall sell, give away, barter, exchange, or otherwise deal in flavored tobacco products, samples of such products, or accessories for such products at any location that has a property line within 500 feet of the property line of any public, private, or parochial elementary, middle, or secondary school located in the City of Chicago. This subsection does not apply to retail tobacco stores. For purposes of this subsection, "retail tobacco store" has the meaning ascribed to the term in Section 7-32-010.

SECTION 2. Section 4-64-191 of the Municipal Code of Chicago is hereby amended by deleting the language stricken through and inserting the language underscored, as follows:

4-64-191 Certain transactions prohibited.

No person shall sell, offer for sale, barter or expose for sale any tobacco product except in its original factory-wrapped package. No person shall sell, offer for sale, barter, or expose for sale any cigarettes in a package containing fewer than 20 cigarettes.

Violations of this section ~~involving 40 or fewer cigarettes, or any amount of any tobacco product other~~

~~than cigarettes, shall be punishable by a fine of \$1,000.00 not less than \$1,000.00 nor more than \$2,500.00 for the first offense! and \$2,500.00 not less than \$2,500.00 nor more than \$5,000.00 for each subsequent offense occurring within a period of 24 months. Violations of this section involving more than 40 cigarettes shall be punishable by a fine of \$25.00 per cigarette for the first offense and \$50.00 per cigarette for each subsequent offense.~~

SECTION 3. Section 4-64-240 of the Municipal Code of Chicago is hereby amended by deleting the language stricken through and inserting the language underscored, as follows:

4-64-240 ~~Suspension, revocation and nonrenewal~~ Revocation of licenses.

(a) ~~Knowing or repeated~~ If a person commits any combination of three or more violations within any 24-month period of any provision of Sections 4-64-100, 4-64-101, 3-42-020, 3-42-025, 3-42-060, 3-42-100, 4-64-132, 4-64-150, 4-64-180, 4-64-181, 4-64-190, 4-64-191, 4-64-200, 4-64-205, 4-64-210., and 4-64-220 by a license e shall be grounds for revocation or suspension of such license, the commissioner shall revoke that person's licenses. For purposes of this section?: (1) "licenses" includes any and all licenses issued by any officer, department, or agency of the City of Chicago required for retail or other business operations at the location at which the offense violations occurred, and includes, but is not limited to, retail tobacco licenses; (2) multiple violations occurring on the same date shall be deemed a single violation; and (3) the term "violation" means any final disposition against the licensee on a charge brought pursuant to

40

one of the Code provisions listed above, including, but not limited to, any finding of liability after adjudication on the merits, any default finding of liability, any uncontested finding of liability, any negotiated pre-hearing settlement of the charge, and any voluntary payment of the fine corresponding to the charge. A person subject to revocation pursuant to this subsection shall be entitled to the process described in Section 4-4-280, with the condition that any revocation • hearing shall be limited to the issue of whether the licensee's record accurately reflects the existence of a sufficient number of violations to support the revocation decision; the licensee shall not be permitted to challenge the violations themselves, nor any underlying facts asserted or determined therein.

b) When any license issued pursuant to this chapter shall have been is revoked for any cause, no retail tobacco dealer's license or tobacco product sampler's license shall be granted to such person for any premises for a period of one-four years thereafter. In the case of a legal entity, all owners, officers and directors of the entity persons who have a substantial ownership or controlling interest in the entity shall be subject to the prohibition ef-in_ this subsection. For purpose of this subsection, "substantial ownership or controlling interest" shall have the meaning ascribed to that phrase in subsection 4-4-289(b) of this Code.

c) When any license issued pursuant to this chapter shall have been is revoked for any cause, no license shall be granted to any person for the period of one year thereafter for conducting the business of selling tobacco in the premises described in such revoked license unless the revocation order was entered as to the licensee only.

SECTION 4. Chapter 4-64 of the Municipal Code of Chicago is hereby amended by inserting a new Section 4-64-245, as follows:

4-64-245 Nonrenewal of licenses.

a) If a retail tobacco licensee commits any combination of three or more violations within any 24-month period of Sections 3-42-020, 3-42-025, 3-42-060, 3-42-100, 4-64-132, 4-64-150, 4-64-180, 4-64-190, 4-64-191, 4-64-210, and 4-64-220, the licensee shall be subject to nonrenewal of the license. The commissioner may decline to renew such license, subject to the procedure described in subsection 4-64-245fb). For purposes of this section, multiple violations occurring on the same date shall be deemed a single violation, and the term "violation" means any final disposition against the licensee on a charge brought pursuant to one of the Code provisions listed above, including, but not limited to, any finding of liability after adjudication on the merits of the charge, any default finding of liability, any uncontested finding of liability, any negotiated pre-hearing settlement of the charge, and any voluntary payment of the fine corresponding to the charge.

b) In the event of a nonrenewal decision pursuant to subsection 4-64-245(a), the commissioner shall notify the licensee in writing of the basis for that decision. The commissioner

41

shall send such notice to the licensee no later than 45 days before the date the license is scheduled to expire. Within 10 days after such notice is mailed, the licensee may make a written request to the commissioner for a hearing. A notice of hearing shall be mailed within 10 days of receipt of the request for hearing, providing at least 5 days' notice before the hearing date. The hearing shall be limited to the issue of whether the licensee's record accurately reflects the existence of a sufficient number of violations to support nonrenewal; the licensee shall not be permitted to challenge the violations themselves, nor any underlying facts asserted or determined therein. The commissioner shall issue a ruling in a timely manner following the hearing, which shall constitute a final determination for purposes of judicial review. If the commissioner does not provide notice of nonrenewal at least 45 days prior to the date the license is scheduled to expire, and has not issued a ruling by that date, the expiration of the license shall be stayed pending the ruling.

SECTION 5. Chapter 4-64 of the Municipal Code of Chicago is hereby amended by inserting a new Section 4-64-246, as follows:

4-64-246 Effect of nonrenewal.

a) Any person whose retail tobacco license is not renewed pursuant to Section 4-64-245 shall, for a period of one year following the expiration date of such license, be ineligible for the issuance of a new retail tobacco license at the same location.

b) Any person who has a substantial ownership or controlling interest in an entity whose retail tobacco license is not renewed pursuant to Section 4-64-245 shall, for a period of one year following the

expiration date of such license, be ineligible for the issuance of a new retail tobacco license at the same location. This ineligibility shall also apply to the issuance of a new retail tobacco license to any other entity in which the disqualified person has a substantial ownership or controlling interest. As used in this section, "substantial ownership or controlling interest" means: (1) ownership of 25% or more of the entity, or, if the entity is a corporation, ownership of 25% or more voting shares of stock; or (2) occupation as a principal officer, member of the board of directors, or manager of the entity.

c) The parent, child, sibling, spouse, or domestic partner of a person who is ineligible for the issuance of a retail tobacco license under subsection (a) or (b) of this section shall, during that period of ineligibility, be ineligible for the issuance of a new retail tobacco license at the same location as the licensed premises that was subject to the nonrenewal causing the ineligibility under subsection (a) or (b).

42

SECTION 6. Section 4-64-330 of the Municipal Code of Chicago is hereby amended by deleting the language stricken through and inserting the language underscored, as follows:

4-64-330 ~~In general~~ Fines.

a) Alleged violations of the provisions of Sections ~~3-42-060, 3-42-100, 4-64-100, 4-64-101, 4-64-131, 4-64-132, 4-64-140, 4-64-150, 4-64-160, 4-64-170, 4-64-180, 4-64-181, 4-64-200.1, 64-205, and 4-64-220,~~ and Sections 3-12-060 and 3-12-100 shall be adjudicated by the eCircuit eCourt of Cook County-^{er} the department of administrative hearings ~~pursuant to citation~~, or the commissioner. Penalties shall be as prescribed in this section, notwithstanding any other general penalty provision in this Code.

b) In addition to any other penalty provided by law, any person convicted of a first offense for violating any of the Code provisions referenced in subsection (a) of this section shall be ~~punishable~~ punished by a fine of not less than ~~\$-100.00 and not~~ \$200.00 nor more than ~~\$500.00~~ \$1,000.00. Any person convicted of a second offense within a ~~two-year~~ 24-month period ~~under the foregoing section~~ for violating any of the Code provisions referenced in subsection 4-64-330(a) shall be punished for such offense by a fine of not less than \$250.00 and ~~net-nor~~ more than \$~~00t0Q-~~\$ 1,000.00. Any person convicted of more than two offenses within a ~~two-year~~ 24-month period ~~under the foregoing sections~~ for violating any of the Code provisions referenced in subsection 4-34-330(a) shall be punished for such offense by a fine of not less than \$500.00 ~~and not~~ nor more than \$1,000.00 for each additional offense.

SECTION 7. Section 4-64-331 of the Municipal Code of Chicago is hereby amended by deleting the language stricken through and inserting the language underscored, as follows:

4-64-331 Underage tobacco violations - Civil penalty.

a) The commissioner of business affairs and consumer protection may institute an action with the

department of administrative hearings in order to determine liability and seek penalties for violations of the provisions of Sections 4-64-190 and 4-64-210 of this chapter (which shall hereinafter be referred to collectively as "underage tobacco violations").

b) Every act or omission which constitutes an underage tobacco violation by an officer, director, manager or other agent or employee of any person licensed pursuant to this chapter shall be deemed to be the act of such licensee and such licensee shall be liable for all penalties and sanctions provided by this section in the same manner as if such act or omission had been done or omitted by the licensee personally.

c) Any person who commits an underage tobacco violation under violates Section 4-64-190 shall be liable for a civil penalty of not less than \$1,000.00 nor more than \$2,000.00 for the first violation? \$2,000.00 . and not less than \$2,500.00 nor more than \$5,000.00 for the second and each subsequent violations violation that occurs within two years; and the person's

43

retail tobacco license shall be revoked for the third offense within two years 24 months after the first violation. A person who commits any other underage tobacco violation Any person who violates Section 4-64-210 shall be liable for a civil penalty of \$200.00.

d) Any civil penalty remaining unpaid after the determination of underage tobacco violation liability has become final for purposes of judicial review shall constitute a debt due and owing the city.

e) If any person commits three or more violations of Section 4 64 210 within a two-year period, the department of business affairs and consumer protection shall have the discretion to revoke or suspend any license issued to that person pursuant to this chapter.

ARTICLE VI. INSURANCE AND INDEMNIFICATION

SECTION 1. Section 4-6-060 of the Municipal Code of Chicago is hereby amended by deleting the language stricken through and by inserting the language underscored, as follows:

4-6-060 Tattooing, body piercing and tanning facilities.

(Omitted text is unaffected by this ordinance)

b) Application - Additional information required. In addition to the requirements set forth in Section 4-4-050, an application for, and, if requested, a renewal of, a regulated business license to engage in the business of tattooing, body piercing or tanning facility shall be accompanied by the following information:

(1) a certificate proof of insurance, as required under subsection (c)(1) of this section.

c) Legal duties. Each licensee engaged in the business of tattooing, body piercing or tanning facility shall have a duty to:

(1) obtain commercial general liability insurance, with limits of not less than \$300,000.00 per occurrence, for bodily injury and property damage arising in any way from the issuance of the license. The policy of insurance required under this section shall (i) be issued by an insurer authorized to insure in Illinois; (ii) name the City of Chicago as additional insured on a primary, noncontributory basis for any liability arising directly or indirectly from the licensee's operations; and (iii) include a provision requiring 30 days' advance notice to the commissioner of health prior to cancellation or lapse of the policy. The licensee shall maintain the insurance required under this subsection in full force and effect throughout the duration of the license period. A ~~copy of such certificate~~ Proof of insurance shall be kept on the licensed premises, and, upon request by any authorized city official, shall be made available for inspection by such

44

authorized city official. A single violation of this subsection may result in license revocation in accordance with the requirements set forth in Section 4-4-280;

(Omitted text is unaffected by this ordinance)

SECTION 2. Section 4-6-080 of the Municipal Code of Chicago is hereby amended by deleting the language stricken through and by inserting the language underscored, as follows:

4-6-080 Adult family care center.

(Omitted text is unaffected by this ordinance)

(c) Legal duties. Each licensee engaged in the business of adult family care center shall have a duty to:

(Omitted text is unaffected by this ordinance)

(2) obtain commercial general liability insurance, with limits of not less than \$300,000.00 per occurrence, for bodily injury and property damage arising in any way from the issuance of the license. The policy of insurance required under this section shall (i) be issued by an insurer authorized to insure in Illinois; (ii) name the City of Chicago as additional insured on a primary, noncontributory basis for any liability arising directly or indirectly from the licensee's operations; and (iii) include a provision requiring 30 days' advance notice to the commissioner prior to cancellation or lapse of the policy. The licensee shall maintain the insurance required under this subsection in full force and effect throughout the duration of the license period. A ~~copy of such certificate~~ Proof of insurance shall be kept on the licensed premises, and, upon request by any authorized city official, shall be made available for inspection by such authorized city official. A single violation of this subsection may result in license revocation in accordance with the requirements set forth in Section 4-4-280;

(Omitted text is unaffected by this ordinance) ■

SECTION 3. Section 4-6-190 of the Municipal Code of Chicago is hereby amended by deleting the language stricken through and by inserting the language underscored, as follows:

4-6-190 Board-up company.

(Omitted text is unaffected by this ordinance)

(b) Application - Additional information required. In addition to the requirements set forth in Section 4-4-050, an application for, and, if requested, renewal of, a regulated business

45

license to engage in the business of board-up company shall be accompanied by the following information:

(Omitted text is unaffected by this ordinance) (4) ~~a certificate~~ proof of insurance,

as required by subsection (e)(1) of this section.

(Omitted text is unaffected by this ordinance)

(e) Legal duties. Each licensee engaged in the business of board-up company shall have a duty to:

(1) maintain in full force and effect at all times throughout the duration of the license period commercial general liability insurance with limits of not less than \$300,000.00 per occurrence, combined single limit, for bodily injury and property damage arising in any way from the issuance of the license. The policy of insurance required under this section shall (i) be issued by an insurer authorized to insure in Illinois; (ii) name the City of Chicago as an additional insured on a primary, noncontributory basis for any liability arising directly or indirectly from the licensee's operations; and (iii) include a provision requiring 30 days' advance notice to the commissioner prior to cancellation or lapse of the policy. Proof of insurance shall be kept on the licensed premises, and, upon request by any authorized city official, shall be made available for inspection by such authorized city official. A single violation of this subsection shall result in suspension or revocation of the board-up company regulated business license in accordance with Section 4-4-280;

(Omitted text is unaffected by this ordinance)

SECTION 4. Section 4-6-230 of the Municipal Code of Chicago is hereby amended by deleting the language stricken through and by inserting the language underscored, as follows:

4-6-230 Booting of motor vehicles.

(Omitted text is unaffected by this ordinance)

(f) Legal duties. Each licensee engaged in the business of booting of motor vehicles shall have a duty to:

(1) maintain in full force and effect at all times throughout the duration of the license period commercial general liability insurance, with limits of not less than \$500,000.00 per person and not less than \$1,000,000.00 per incident, arising in any way from the issuance of a license. The policy of insurance required under this subsection shall (i) be issued by an insurer

46

authorized to insure in the State of Illinois; (ii) name the City of Chicago as additional insured on a primary; noncontributory basis for any liability arising directly or indirectly from the licensee's operations; and (iii) include a provision requiring 30 days' advance notice to the commissioner prior to cancellation or lapse of the policy'. ~~A copy of such certificate~~ Proof of insurance shall be kept on the licensed premises, and, upon request by any authorized city official, shall be made available for inspection by such authorized city official;

(Omitted text is unaffected by this ordinance)

SECTION 5. Section 4-6-250 of the Municipal Code of Chicago is hereby amended by inserting the language underscored, as follows:

4-6-250 Expediter company.

(Omitted text is unaffected by this ordinance)

(d) Legal duties. Each licensee engaged in the business of expediter company shall have a duty to:

(Omitted text is unaffected by (his ordinance)

(3) obtain commercial general liability insurance with limits of not less than \$300,000.00, per occurrence, for bodily injury and property damage arising in any way from the issuance of the license. Each policy of insurance required under this section shall: (1) be issued by an insurer authorized to insure in Illinois; (2) name the City of Chicago as additional insured insured on a primary, noncontributory basis for any liability arising directly or indirectly from the licensee's operations; and (3) include a provision requiring 30 days' advance notice to the commissioner prior to cancellation or lapse of the policy. The licensee shall maintain the insurance required under this section in full force and effect for the duration of the license period;

(Omitted text is unaffected by this ordinance)

SECTION 6. Section 4-6-260 of the Municipal Code of Chicago is hereby amended by inserting the language underscored, as follows:

4-6-260 Expediter/natural person.

(Omitted text is unaffected by this ordinance)

(d) Legal duties. Each licensee engaged in the business of expediter shall have a duty to:

(Omitted text is unaffected by this ordinance)

(3) if the expediter is a sole proprietor, obtain commercial general liability insurance with limits of not less than \$300,000.00, per occurrence, for bodily injury and property damage arising in any way from the issuance of the license. Each policy of insurance required under this section shall: (1) be issued by an insurer authorized to insure in Illinois; (2) name the City of Chicago as additional insured on a primary, noncontributory basis for any liability arising directly or indirectly from the licensee's operations; and (3) include a provision requiring 30 days' advance notice to the commissioner prior to cancellation or lapse of the policy. The licensee shall maintain the insurance required under this section in full force and effect for the duration of the license period;

(Omitted text is unaffected by this ordinance)

SECTION 7. Section 4-6-280 of the Municipal Code of Chicago is hereby amended by deleting the language stricken through and by inserting the language underscored, as follows:

4-6-280 Home repair.

(Omitted text is unaffected by this ordinance) (d) Legal duties. Any licensee

engaged in the business of home repair shall have a duty to:

(1) obtain commercial general liability insurance, with limits of not less than \$300,000.00 per occurrence, for bodily injury and property damage arising in any way from the issuance of the license. The policy of insurance required under this subsection shall (i) be issued by an insurer authorized to insure in the State of Illinois; (ii) name the City of Chicago as an additional insured on a primary, noncontributory basis for any liability arising directly or indirectly from the licensee's operations; and (iii) include a provision requiring 30 days' advance notice to the commissioner prior to cancellation or lapse of the policy. The licensee shall maintain the insurance required under this subsection in full force and effect throughout the duration of the license period. ~~A copy of such certificate~~ Proof of insurance shall be kept on the licensed premises, and, upon request by any authorized city official, shall be made available for inspection by such authorized city official. A single violation of this subsection may result in license suspension or revocation in accordance with the requirements set forth in Section 4-4-280;

(Omitted text is unaffected by this ordinance)

SECTION 8. Section 4-6-290 of the Municipal Code of Chicago is hereby amended by inserting the language underscored, as follows:

4-6-290 Bed-and-breakfast establishment.

(Omitted text is unaffected by this ordinance)

(c) Application - Additional information required. In addition to the requirements set forth in Section 4-4-050, an application for, and, if requested, renewal of, a regulated business license to engage in the business of bed-and-breakfast establishment shall be accompanied by the following information:

- (1) ~~a certificate~~ a certificate proof of insurance, as required under subsection (f)(1) of this section;

(Omitted text is unaffected by this ordinance)

SECTION 9. Section 4-6-300 of the Municipal Code of Chicago is hereby amended by deleting the language stricken through and by inserting the language underscored, as follows:

4-6-300 Vacation rentals.

(Omitted text is unaffected by this ordinance)

(b) Application - Additional information required. In addition to the requirements set forth in Section 4-4-050, an application for, and, if requested, a renewal of, a regulated business license authorizing the owner of a dwelling unit to rent or lease such dwelling unit as a vacation rental shall be accompanied by the following information:

(Omitted text is unaffected by this ordinance) (8) a ~~certificate~~ certificate proof of insurance, as required under subsection (f)(1) of this section.

(Omitted text is unaffected by this ordinance) (f) Legal duties. Any licensee engaged in the business of vacation rental shall have a duty to:

- (1) obtain (i) homeowner's fire, hazard and liability insurance; and (ii) ~~general~~ general commercial general liability insurance, with limits of not less than \$1,000,000.00 per occurrence, combined single limit, for bodily injury, personal injury and property damage arising in any way from the issuance of the license or activities conducted pursuant to the license. The licensee

shall maintain the insurance required under this subsection (0(1) in full force and effect for the duration of the license period;

(Omitted text is unaffected by this ordinance)

SECTION 10. Section 4-8-036 of the Municipal Code of Chicago is hereby amended by deleting the language stricken through and by inserting the language underscored, as follows:

4-8-036 License - Application and category- Mobile food vendors.

(a) In addition to the general application requirements,

(Omitted text is unaffected by this ordinance)

(4) an applicant for a mobile food vendor license who will use a propane tank or natural gas in the mobile food vehicle shall produce proof to the commissioner of business affairs and consumer protection that he such applicant has obtained ~~general~~ commercial general liability insurance for liability arising in any way from the issuance of the license or activities conducted pursuant to the license with limits of not less than \$350,000.00 per occurrence, combined single limit, for bodily injury and property damage ~~arising in any way from the issuance of the license or activities conducted pursuant to the license~~. The insurance policy required under this subsection shall: (1) be issued by an insurer authorized to insure in Illinois; (2) name the City of Chicago as additional insured on a primary, noncontributory basis for any liability arising directly or indirectly from the licensee's operations; and (3) include a provision requiring 30 days' advance notice to the commissioner of business affairs and consumer protection prior to cancellation or lapse of the policy. If a mobile food vendor license is issued to such applicant, such licensee shall maintain the insurance required under this subsection in full force and effect for the duration of the license period. The licensee shall also keep proof of the required insurance in the mobile food vehicle at all times when the vehicle is in use and, upon demand, shall produce such proof for inspection by an authorized city official. Failure to comply with the requirements of this section shall be grounds for the suspension or revocation of the license.

(Omitted text is unaffected by this ordinance)

SECTION 11. Section 4-28-040 of the Municipal Code of Chicago is hereby amended by deleting the language stricken through and by inserting the language underscored, as follows:

4-28-040 License - Application.

An application for a drain layer's license shall be made to the commissioner on a form supplied by the department, and shall be accompanied by the following:

(Omitted text is unaffected by this ordinance) (4) ~~a certificate~~

proof of insurance as required by Section 4-28-060;

(Omitted text is unaffected by this ordinance)

SECTION 12. Section 4-28-060 of the Municipal Code of Chicago is hereby amended by deleting the language stricken through and by inserting the language underscored, as follows:

4-28-060 Insurance - Required.

Each applicant for a drain layer's license shall furnish ~~a certificate~~ proof of insurance evidencing ~~general~~ commercial general liability insurance with limits of not less than \$300,000.00 per occurrence, combined single limit, for bodily injury, personal injury, and property damage arising in any way from the issuance of the license or activities conducted pursuant to the license. Every insurance policy required by this section shall require 30 days advance notice to the commissioner prior to cancellation, and shall name the City of Chicago as an additional insured on a primary, noncontributory basis for any liability arising directly or indirectly from the licensee's operations.

(Omitted text is unaffected by this ordinance)

SECTION 13. Section 4-36-090 of the Municipal Code of Chicago is hereby amended by deleting the language stricken through and by inserting the language underscored, as follows:

4-36-090 Proof of insurance - Required.

Prior to the issuance of a general contractor license, each applicant shall furnish a ~~certificate~~ proof of insurance, issued by an insurer authorized to insure in Illinois with a credit rating of B+ or higher by A.M. Best Company, evidencing commercial general liability insurance, as follows:

(Omitted text is unaffected by this ordinance)

Each policy of insurance required under this section shall name the City of Chicago as an additional insured on a primary, noncontributory basis arising directly or indirectly from the licensee's operations.

SECTION 14. Section 4-36-120 of the Municipal Code of Chicago is hereby amended by deleting the language stricken through and by inserting the language underscored, as follows:

4-36-120 Duties.

A licensee under this chapter shall have the following duties:

(Omitted text is unaffected by this ordinance)

(F) To keep a copy of the ~~certificate~~ proof of insurance, as required under Section 4-36-090! at the following locations: (1) the licensee's principal office or place of business, as identified in the license application; and (2) each construction site within the city managed or controlled by the licensee. Upon request, ~~such copy of the certificate~~ proof of insurance shall be made available for inspection by any city inspector or other authorized city official.

(Omitted text is unaffected by this ordinance)

SECTION 15. Section 4-68-150 of the Municipal Code of Chicago is hereby amended by deleting the language stricken through and by inserting the language underscored, as follows:

4-68-150 Insurance.

Every ambulance owner shall maintain in full force and effect at all times throughout the duration of the license period ~~public~~ commercial general liability and commercial automobile liability ~~property damage~~ insurance and workmen's compensation insurance for employees with insurers approved by the Illinois Department of Insurance, authorized to transact insurance business in the State of Illinois, and qualified to assure the risks for amounts hereinafter set forth under the laws of the State of Illinois, to secure payments of any loss or damage resulting from an occurrence arising out of or caused by the operation or use of any of the ambulances belonging to the licensee. The ~~public~~-commercial general liability insurance policy ~~or contract~~ may cover one or more ambulance vehicles, but each ambulance shall be insured for the sum of at least \$350,000.00 combined single limit coverage per occurrence. Every insurance policy ~~e? contract~~ for such insurance shall name the City of Chicago as an additional insured on a primary, noncontributory basis for any liability arising directly or indirectly from the licensee's operations, and shall provide for the payment and satisfaction of any final judgment rendered against the owner, or any person driving any insured vehicle, and that suit may be brought in any court of competent jurisdiction upon such policy or contract by any person having claims arising from the operation or use of such ambulances; it shall contain a description of each ambulance vehicle insured, manufacturer's name and serial number, the State license number, and the ambulance-operating license number.

~~In lieu of an insurance policy or contract, a surety bond or bonds with a corporate surety or sureties authorized to do business under the laws of the State of Illinois may be accepted by the department of business affairs and consumer protection, for all or any part of such insurance, provided that each bond shall be conditioned for the payment and satisfaction of any final judgment, in conformity with the provisions of an insurance policy required by this section.~~

All insurance policies, ~~contracts or surety bonds~~ required by this section or copies thereof certified by the insurers ~~or sureties~~ shall be filed with the department of business affairs and consumer protection, and no insurance ~~or bond~~ shall be subject to cancellation or lapse, except on 30 days previous notice to the department of business affairs and consumer protection. If any insurance ~~or bond~~ is canceled or permitted to lapse for any reason, the department of business affairs and consumer protection shall suspend the license for the ambulance affected for a period not to exceed 30 days, to permit the insurance ~~or bond~~ to be supplied in compliance with the provisions of this section. If such other insurance ~~or bond~~ is not supplied within the period of suspension of the license, the mayor shall revoke the certificate of inspection for such ambulance.

(Omitted text is unaffected by this ordinance)

SECTION 16. Section 4-75-080 of the Municipal Code of Chicago is hereby amended by deleting the language stricken through and by inserting the language underscored, as follows:

4-75-080 Insurance - Required.

Each licensee under this chapter shall furnish ~~a certificate~~ proof of insurance, evidencing commercial general liability insurance, with limits of not less than \$300,000.00 per occurrence, combined single limit, for bodily injury, personal injury, and property damage arising in any way from the issuance of a license under this chapter. Each policy of insurance required under this section shall be (1) issued by an insurer authorized to insure in the State of Illinois; (2) name the City of Chicago as an additional insured on a primary, noncontributory basis for any liability arising directly or indirectly from the licensee's operations; and (3) include a provision requiring 30 days' advance notice to the commissioner prior to cancellation or lapse of the policy. The licensee shall maintain the insurance required under this section in full force and effect throughout the duration of the license period. Upon request by any authorized city official, ~~a copy of such certificate~~ proof of insurance shall be made available for inspection by such city official.

SECTION 17. Section 4-83-070 of the Municipal Code of Chicago is hereby amended by deleting the language stricken through and by inserting the language underscored, as follows:

4-83-070 Insurance - Required.

a) Any person who owns or operates any heliport within the city, other than a heliport owned or operated by a governmental entity, shall carry or cause to be carried commercial general liability insurance, with limits of not less than \$5,000,000.00 per occurrence for bodily injury, personal injury and property damage, insuring against all liabilities, judgments, costs, damages and expenses which may accrue against, be charged to or be recovered from such owner or operator by reason of or on account of damage to the property of, injury to or the death of any person arising in any way from use and occupancy of and operations at such heliport by such owner, operator or other person. The insurance required under this section shall (1) be issued by an insurer authorized to do business in the State of Illinois, and (2) name the City of Chicago as an additional insured on a primary, noncontributory basis for any liability arising directly or indirectly from the licensee's operations ~~to apply with respect to use, occupancy or operations performed by or on behalf of such owner or operator of a heliport for which the City has issued a license under this chapter.~~

b) Any person who owns or operates any heliport within the city shall be required at all times to keep on site at such heliport current and valid proof of insurance meeting the requirements of subsection (a) of this section. Upon request by any city inspector or authorized city official, such person shall make ~~such certificate~~ proof of insurance available for inspection by such inspector or city official.

SECTION 18. Section 4-156-600 of the Municipal Code of Chicago is hereby amended by deleting the language stricken through and by inserting the language underscored, as follows:

4-156-600 License - Application - Deadline.

An application for an indoor special event license shall be made to the commissioner, on a form supplied by the department. For a Class B license, application must be made at least 60 days before the event is held.

The application shall be accompanied by the following:

(Omitted text is unaffected by this ordinance) (f) ~~a certificate~~ proof of insurance, as required by Section 4-156-620;

(Omitted text is unaffected by this ordinance)

SECTION 19. Section 4-156-620 of the Municipal Code of Chicago is hereby amended by deleting the language stricken through and by inserting the language underscored, as follows:

4-156-620 Insurance - Required.

(a) Prior to the issuance of any indoor special event license, each applicant shall furnish ~~a certificate~~ proof of insurance, issued by an insurer authorized to insure in Illinois, evidencing commercial general liability

insurance, with limits of not less than \$300,000.00 per occurrence for bodily injury and property damage arising in any way from the issuance of the license. Each policy of insurance required under this section shall include a provision requiring 30 days advance notice to the commissioner prior to cancellation or lapse of the policy, and shall name the City of Chicago as additional insured on a primary, noncontributory basis for any liability arising directly or indirectly from the licensee's operations.

(Omitted text is unaffected by this ordinance)

SECTION 20. Section 4-232-070 of the Municipal Code of Chicago is hereby amended by deleting the language stricken through and by inserting the language underscored, as follows:

4-232-070 Issuance conditions.

(Omitted text is unaffected by this ordinance)

(b) No valet parking operator license, or renewal thereof, shall be issued unless the applicant provides proof to the commissioner that he has obtained commercial general liability insurance covering all locations at which he operates or seeks to operate in the minimum amounts of \$1,000,000.00 per occurrence for ~~public~~ liability, \$1,000,000.00 per occurrence for property damage, and \$1,000,000.00 per occurrence for garage keepers' legal liability.

(Omitted text is unaffected by this ordinance)

The applicant ~~must~~ shall provide a ~~certificate~~ proof of insurance to the commissioner. This certificate must be made available, by the commissioner, to the public for the duration of the license.

(Omitted text is unaffected by this ordinance)

SECTION 21. Section 9-72-070 of the Municipal Code of Chicago is hereby amended by deleting the language stricken through and by inserting the language underscored, as follows:

55

9-72-070 Special permits.

(Omitted text is unaffected by this ordinance)

(d) (1) The executive director shall not issue any permit unless the applicant has furnished a ~~certificate~~ proof of insurance naming the city as additional insured on a primary, noncontributory basis for any liability arising directly or indirectly from the permittee's operations for the amount of \$1,000,000.00 so as to save the city harmless from any claim, loss or damage that may result from the granting of the permit or that may arise from or on account of any work done thereunder.

(2) Apart from and separate from any insurance requirement under this section, the applicant

shall indemnify, defend and hold the City of Chicago and its assignees and employees harmless from all losses, damages, injuries, claims, demands and expenses arising from the granting of the permit or that may arise from or on account of any work done thereunder. As a condition of the permit the grantee shall: (i) ~~agree to~~ assume all responsibility for any injury to persons or damage to public or private property; (ii) ~~agree to~~ indemnify, defend and hold the city harmless from all suits, claims, damages, or proceeding of any kind for injury to persons or damage to public or private property caused, in whole or part, by the operation of the vehicle in violation of any term or condition of the permit; and (iii) restore at his own cost, to a condition satisfactory to the executive director, any pavement, subway, tunnel, sewer, pipe, conduits, public utility, or any other public property that may be injured by reason of the operation of the vehicle under such permit.

(Omitted text is unaffected by this ordinance)

SECTION 22. Section 9-72-090 of the Municipal Code of Chicago is hereby amended by deleting the language stricken through, as follows:

9-72-090 Deposits for compliance violations.

(Omitted text is unaffected by this ordinance)

(c) As a condition of any bond permitted under subsection (b), the owner and operator of the truck shall ~~agree to~~ indemnify and hold the city harmless from all suits, claims, damages, or proceedings of any kind for injury to persons or damage to public or private property caused, in whole or part, by the operation of the vehicle in violation of any weight limitations imposed by this chapter, or any term or condition of a permit issued under 9-72-070.

SECTION 23. Section 9-108-080 of the Municipal Code of Chicago is hereby amended by deleting the language stricken through and by inserting the language underscored, as follows:

9-108-080 Insurance-Required.

(Omitted text is unaffected by this ordinance)

(b) Each applicant for the issuance or renewal of a horse-drawn carriage license shall provide proof that the owner has public-commercial general liability and property damage insurance, issued by an insurer authorized to insure in Illinois, to secure payment by the owner of any final judgment or settlement of any claim against the owner, operators, employees, or lessees of the owner's horse-drawn carriage business resulting from any occurrence arising out of or caused by the operation or use of any of the owner's horse-drawn carriage(s). Every insurance policy or contract for such insurance shall name the city as an additional

insured on a primary, noncontributory basis for any liability arising directly or indirectly from the licensee's operations.

(Omitted text is unaffected by this ordinance)

SECTION 24. Section 9-110-080 of the Municipal Code of Chicago is hereby amended by deleting the language stricken through and by inserting the language underscored, as follows:

9-110-080 Insurance - Required.

(Omitted text is unaffected by this ordinance)

(b) Each applicant for the issuance or renewal of a pedicab license shall provide proof that the applicant has ~~public~~ commercial general liability and property damage insurance, issued by an insurer authorized to insure in Illinois, to secure payment by the applicant of any final judgment or settlement of any claim against the applicant, chauffeurs, employees, or lessees of the applicant's pedicab business resulting from any occurrence arising out of or caused by the operation or use of any of the applicant's pedicab(s). Every insurance policy or contract for such insurance shall name the city as an additional insured on a primary, noncontributory basis for any liability arising directly or indirectly from the licensee's operations.

(Omitted text is unaffected by this ordinance)

(e) A licensee's failure to comply with this section may result in the revocation or suspension of his pedicab license.

57

SECTION 25. Section 9-112-330 of the Municipal Code of Chicago is hereby amended by deleting the language stricken through and by inserting the language underscored, as follows:

9-112-330 Insurance.

(a) Every licensee must comply with all insurance requirements mandated by Federal, State and City laws. Licensees must shall carry ~~public~~ commercial general liability and property damage insurance and, where applicable, workers compensation insurance, from an insurance company authorized to do business in the State of Illinois, and qualified under the laws of Illinois to assume the risk in the amounts hereinafter set forth, to secure payment by the licensee, his agents, employees or lessees of any final judgment or settlement of any claim against them resulting from any occurrence caused by or arising out of the operation or use of any of the licensee's vehicles.

Every insurance policy issued shall list the City of Chicago as an additional insured on a primary,

noncontributory basis for any liability arising directly or indirectly from the licensee's operations.

(1) Liability insurance: Each public commercial general liability insurance policy shall provide at least the following minimum coverage for each taxicab: \$350,000.00 combined single limit coverage per occurrence.

(Omitted text is unaffected by this ordinance)

SECTION 26. Section 9-114-170 of the Municipal Code of Chicago is hereby amended by deleting the language stricken through and by inserting the language underscored, as follows:

9-114-170 Insurance.

(a) Every licensee ~~must~~ shall comply with all insurance requirements mandated by Federal, State and City law. Licensees must carry ~~public~~ commercial general liability and property damage insurance and, where applicable, workers compensation insurance, from an insurance company authorized to do business in the State of Illinois, and qualified under the laws of Illinois to assume the risk in the amounts hereinafter set forth, to secure payment by the licensee, or his agents, employees or lessees of any final judgment or settlement of any claim against them resulting from any occurrence caused by or arising out of the operation or use of any of the licensee's public passenger vehicles.

Every insurance policy issued shall list the City of Chicago as an additional insured on a primary, noncontributory basis for any liability arising directly or indirectly from the licensee's operations.

58

(Omitted text is unaffected by this ordinance)

(d) The insurance policies required in this section shall be (i) available to cover claims as specified in this section regardless of whether a driver maintains insurance adequate to cover any portion of the claim; (ii) disclosed on the licensee's Internet-enabled application and website in the form of ~~a certificate of insurance~~ endorsement pages from the insurance company, and (iii) maintained in force at all times that the transportation network provider offers or provides transportation network service.

(Omitted text is unaffected by this ordinance)

SECTION 27. Section 10-8-330 of the Municipal Code of Chicago is hereby amended by deleting the language stricken through and by inserting the language underscored, as follows:

10-8-330 Parade.

(Omitted text is unaffected by this ordinance)

(m) For large parades, the commissioner shall require, as a condition of the permit, that the parade organizer-(44 obtain a \$1,000,000.00 commercial general liability insurance policy, naming the city as an additional insured on a primary, noncontributory basis for any liability arising directly or indirectly from the permittee's operations?. (2) In addition to the requirements stated above, and apart from and separate from any insurance requirement under this section, the permittee shall indemnify, defend and hold harmless the City of Chicago and its assignees and employees against any additional or uncovered third party claims against the city arising out of or caused by the parade; and (3) agree to reimburse the city for any damage to the public way or to city property arising out of or caused by the parade.

(Omitted text is unaffected by this ordinance)

SECTION 28. Section 10-8-335 of the Municipal Code of Chicago is hereby amended by deleting the language stricken through and by inserting the language underscored, as follows:

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

59

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. Each application submitted by the sponsor of an outdoor special event 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)

(8) the proof of insurance and agreement to indemnify, defend and hold harmless required by subsections (n) and (o), respectively;

(Omitted text is unaffected by this ordinance)

(n) No permit shall be issued until the applicant has supplied to the department a ~~certificate~~ proof of insurance evidencing ~~general~~ commercial general liability insurance, with limits of not less than \$1,000,000, naming the city as an additional insured on a primary, noncontributory basis for any liability arising directly or indirectly from the permittee's operations.

(Omitted text is unaffected by this ordinance)

(o) In addition to the requirements stated above, and apart from and separate from any insurance requirement under this section, the applicant must shall agree in writing to indemnify, defend and hold the City of Chicago and its assignees and employees harmless from all losses, damages, injuries, claims, demands and expenses arising out of the operation of the special event or the condition, maintenance and use of public property.

(Omitted text is unaffected by this ordinance)

SECTION 29. Section 10-8-340 of the Municipal Code of Chicago, is hereby amended by deleting the language stricken through and by inserting the language underscored, as follows:

10-8-340 Donation of promotional decorative lightpole banners and decorations.

(Omitted text is unaffected by this ordinance)

c. No professional banner company may hang any banner or other decoration on any city lightpole until it has furnished the commissioner with ~~an original certificate~~ proof of insurance, which must evidence that the company has procured commercial liability insurance or the equivalent thereof with limits of not less than \$1,000,000.00 per occurrence ~~T-efflbned single~~ limit for bodily injury, personal injury, and property damage, which shall cover any damage caused by the hanging, maintenance or removal of the banners or other decoration on city

60

lightpoles. The City of Chicago shall be named as an additional insured; on a primary, non-contributory basis for any liability arising directly or indirectly from the permittee's operations ~~without recourse or right of contribution~~. Upon receipt of ~~the certificate~~ proof of insurance, the commissioner w4W shall transmit a copy of such proof to the department of finance risk manager.

d. T-he In addition to the requirements stated above, the donor shall indemnify! defend and hold the city, and its officers, agents, assignees an and employees, harmless from any and all claims arising out of the placement of, maintenance of, use of or removal of banners or other decoration, including without limitation any claims relating to banners (or structures upon which they are hung) falling on people or property.

(Omitted text is unaffected by this ordinance)

SECTION 30. Section 10-20-115 of the Municipal Code of Chicago is hereby amended by deleting the language stricken through and by inserting the language underscored, as follows:

10-20-115 Insurance required for license.

No public way work license shall be issued pursuant to this article until the applicant for such license

shall first have obtained commercial general liability insurance of any kind whatsoever which the city and has presented to the commissioner of transportation proof of such insurance against any liability, loss or claim arising out of the issuance of the license, or out of work performed pursuant to the license. Such insurance shall be issued by an insurer authorized to do business in Illinois, shall be in an amount no less than \$1,000,000.00 per occurrence and shall name the City of Chicago, its officers, employees and agents as additional insured on a primary, noncontributory basis for any liability arising directly or indirectly from the licensee's operations. The insurance policy shall provide for 30 days written notice to the commissioner of transportation prior to any lapse, cancellation or change in coverage. The insurance shall be maintained in effect at all times during the term of the license. In lieu of the insurance requirements stated above, and apart from and separate from any insurance requirement under this section, the commissioner of transportation in his or her discretion may require, instead of such insurance, any alternative form of indemnity, protection or security that he or she the commissioner deems necessary to accomplish the above-described purposes.

SECTION 31. Section 10-20-410 of the Municipal Code of Chicago is hereby amended by deleting the language stricken through and by inserting the language underscored, as follows:

10-20-410 Permit application - Insurance required.

61

No use of public way permit for a driveway shall be issued until a written application ~~therefor~~ for such permit has been made by the owner or, with the consent of the owner, by a long-term leaseholder of the property to which the proposed driveway is to be connected! ~~te~~ and such application ~~the commissioner and the certificate~~ proof of insurance ~~herein provided for~~ has been filed with the commissioner in conformity with section 10-20-415.

SECTION 32. Section 10-20-415 of the Municipal Code of Chicago is hereby amended by deleting the language stricken through and by inserting the language underscored, as follows:

10-20-415 Application - Insurance - Notice - Appeal.

(Omitted text is unaffected by this ordinance)

b) Plans and specifications of such driveway, in accordance with standard specifications established by the commissioner, shall be submitted to the commissioner and shall be accompanied by proof of insurance against any liability, loss or claim arising out of the issuance of the permit, or out of the permitted disturbance of the public way or part thereof. Such insurance shall be issued by an insurer authorized to do business in Illinois, shall name the city City of Chicago, its officers, employees and agents as additional insured on a primary,

noncontributory basis for any liability arising directly or indirectly from the permittee's operations and shall be in an amount no less than \$250,000.00 per occurrence for a Class A use of public way permit (as defined in Section 10-20-420), and in an amount no less than \$1,000,000.00 per occurrence for a Class B use of public way permit (as defined in Section 10-20-420). The insurance policy shall be kept in force throughout the life of said permit, and if at any time during the life of said permit said insurance shall not be in full force, then the authority and privileges herein granted shall thereupon cease. With respect to a Class B use of public way permit (as defined in Section 10-20-420), the insurance policy shall provide for written notice to the commissioner within 30 days of any lapse, cancellation or change in coverage. In lieu of the insurance requirements stated above, and apart from and separate from any insurance requirement under this section, The commissioner in his or her discretion may require, instead of such insurance, any alternative form of indemnity, protection or security that he or she the commissioner deems necessary to accomplish the above-described purposes.

c) In addition to the requirements stated above, and apart from and separate from any insurance requirement under this section, every ~~Every~~ application for a use of public way permit for a driveway shall provide that, as a condition for receiving the permit, the applicant shall indemnify, defend, and hold ~~keep and save~~ harmless the city against all liabilities, judgments, costs, damages and expenses which may in any way come against said city in consequence of the

62

granting of said permit, or which may accrue against, be charged to or recovered from said city from, or by reason, or on account of any act or thing done by the grantee by virtue of the authority given in said permit, or by reason or on account of any defect in the construction or design of said driveway or by reason or on account of the failure to maintain said driveway in good condition and repair and free and clear of snow, ice or obstruction of any kind.

(Omitted text is unaffected by this ordinance)

SECTION 33. Section 10-20-510 of the Municipal Code of Chicago is hereby amended by deleting the language stricken through and by inserting the language underscored, as follows:

10-20-510 Nonstandard surface material.

a) No part of the top or wearing surface of any sidewalk in any public way in the city shall be composed of any nonstandard surface; provided, however, that upon the filing with the commissioner of transportation of (+) proof of insurance against any liability, loss or claim arising by reason or on account of any defect in the construction or design of a sidewalk incorporating a nonstandard surface, or by reason or on account of the failure to maintain said sidewalk in good condition and repair, such insurance to be issued by an insurer authorized to do business in Illinois and in an amount no less than \$1,000,000.00 per occurrence, ~~and (2) a maintenance and indemnification agreement in a form satisfactory to the commissioner of transportation, such agreement to be conditioned to indemnify, keep and save harmless the city against all liabilities,~~

~~judgments, costs, damages and expenses which may in any way come against said city by reason or on account of such construction or of any defect in the construction of said sidewalk or by reason or on account of the failure to maintain said sidewalk in good condition and repair, nothing in this paragraph shall be held to apply to any nonstandard surface approved by the commissioner of transportation.~~ The above-described insurance (T) shall name the City of Chicago, its officers, employees and agents as additional insured? on a primary, noncontributory basis for any liability arising directly or indirectly from the permittee's operations, and (2) shall provide for written notice to the commissioner of transportation within 30 days of any lapse, cancellation or change in coverage! and (3) shall be kept in force as long as said sidewalk shall exist in the form described in this section; and-+f If at any time while said sidewalk exists in this form, such insurance shall not be in full force, then the authority and privileges herein granted shall thereupon cease.

b) In addition to the requirements stated above, and apart from and separate from any insurance requirement under this section, as a condition for permitting the installation of a non-standard sidewalk, the applicant shall indemnify, defend, and hold harmless the city against all liabilities, judgments, costs, damages and expenses which may in any way come against said city by reason or on account of such construction or of any defect in the construction of said

63

sidewalk or by reason or on account of the failure to maintain said sidewalk in good condition and repair; provided, however, that nothing in this paragraph shall be held to apply to any nonstandard surface approved by the commissioner of transportation. The commissioner of transportation in his or her discretion may require, instead of such insurance, any alternative form of indemnity, protection or security that ~~he or she~~ the commissioner deems necessary to accomplish the above-described purposes. '

c) In addition to, and apart from and separate from, the requirements stated above, the initial grantee, and the initial grantee's successors, of the right to install a non-standard sidewalk surface shall maintain the sidewalk in good condition and repair.

d) The initial grantee, and the initial grantee's successors, of the right to install a non-standard sidewalk surface shall inform the commissioner of transportation within 30 days of any transfer of the property adjacent to the non-standard sidewalk and shall further inform the commissioner of the name and contact information of the initial grantee's successor.

e) The initial grantee, and the initial grantee's successors, of the right to install a non-standard sidewalk surface shall inform, in writing with a copy to the commissioner of transportation, the purchaser of the property of the obligation to maintain and insure the nonstandard sidewalk consistent with the provisions of this section.

f) Any nonstandard surface as part of the top or wearing surface of any sidewalk in any 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 34. Section 10-28-015 of the Municipal Code of Chicago is hereby amended by deleting the language stricken through and by inserting the language underscored, as follows:

10-28-015 Public way use permits - Application and issuance.

(Omitted text is unaffected by this ordinance)

(e) All public way use permits shall be subject to the following:

(Omitted text is unaffected by this ordinance)

(5) The permittee shall furnish to the department, prior to issuance of the public way use permit, a certificate of insurance evidencing coverage in an amount not less than \$1,000,000.00, combined single limit, with the insurance covering all liability, both public liability and property damage, that may result from issuance of the permit or use of the public way. The certificate of insurance shall name the city and its agents and employees as additional insureds on a primary, non-contributory basis for any liability arising directly or indirectly from

64

the permittee's operations and shall also clearly indicate that the public way use being permitted is covered by the insurance policy. Every policy required shall require 30 days advance notice to the commissioner prior to cancellation. ~~Certificates renewing~~ Proof of renewal of such insurance coverage ~~must~~ shall be furnished to the department no later than 30 days prior to the expiration of the policy. The insurance coverage shall be maintained at all times by the permittee until: (i) the public way use authorized by the permit is removed; (ii) the public way is restored to the satisfaction of the commissioner of transportation; and (iii) all fees due the city have been paid.

(Omitted text is unaffected by this ordinance)

(6) T-he Apart from and separate from any insurance requirement under this section, the permittee shall indemnify, defend, keep and save harmless the city, its agents and employees against all claims, liabilities, judgments, costs, damages and other expenses which may in any way arise or accrue against, be charged to or recovered from the city, its agents or employees in consequence of the permission given by the public way use permit, or any act or thing done or omitted or neglected to be done by the permittee, its agents or employees in and about the construction, reconstruction, maintenance, operation, use or removal of the authorized public way uses and structures or appliances thereof, operation or restoration of the public way as required, including those arising from any personal injuries or deaths or damage or destruction of property.

(Omitted text is unaffected by this ordinance)

SECTION 35. Section 10-28-281.2 of the Municipal Code of Chicago is hereby amended by deleting

the language stricken through and by inserting the language underscored, as follows:

10-28-281.2 Permit required.

(Omitted text is unaffected by this ordinance)

(D) An application for a permit issued pursuant to this section shall contain (1) the name of the applicant; (2) the name, address and telephone number of the owner of the building requiring the obstruction and, if applicable, the provider of the construction canopy; (3) the location of the proposed obstruction; (4) the purpose of the obstruction; (5) whether the obstruction is (a) for the alteration, maintenance or repair of a building's exterior facade; (b) for exterior work conducted pursuant to the City's critical examination program, Sections 13-196-033 through 13-196-037; (c) for demolition; (d) for new construction; or (e) for any other type of construction or maintenance; (6) the proposed commencement date and the estimated duration of

65

the obstruction; and (7) evidence of a ~~public~~ commercial general liability insurance policy issued by an insurer authorized to transact business in Illinois, in an amount not less than \$1,000,000.00 and naming the City of Chicago as additional insured on a primary, noncontributory basis for any liability arising directly or indirectly from the permittee's operations.

(Omitted text is unaffected by this ordinance)

SECTION 36. Section 10-28-660 of the Municipal Code of Chicago is hereby amended by inserting the language underscored, as follows:

10-28-660 Permit - Application - Conditions.

(Omitted text is unaffected by this ordinance)

(c) Each contractor shall provide proof to the commissioner that he such contractor has obtained liability insurance in connection with all of his the contractor's advertising benches, naming the City of Chicago as additional insured on a primary, noncontributory basis for anv liability arising directly or indirectly from the permittee's operations. The aggregate amount of the insurance shall be an amount determined by the city comptroller, office of risk management, to be sufficient to cover all potential liability arising from the placement of the advertising benches.

(Omitted text is unaffected by this ordinance)

SECTION 37. Section 7-28-710 of the Municipal Code of Chicago is hereby amended by deleting the language stricken through and by inserting the language underscored, as follows:

10-28-710 Benches without advertising - Benches prohibited when.

(a) Any governmental or private entity or other person, other than the City of Chicago or its agencies, which seeks to place or maintain on the public way any bench which does not contain advertisements, slogans or messages, shall apply to the commissioner for a permit for each such bench. The commissioner shall waive all application and permit fees, and all bond, license and insurance requirements. It shall be a condition for the issuance of any such permit that the entity or other person ~~agree to save and~~ hold the City of Chicago harmless, and defend and indemnify the city for any loss or expense in connection with any such benches placed, including any expense to remove or repaint any benches in violation of this section or in connection with the defense of any claim against the city arising from the presence of the bench upon the public way. No bench placed pursuant to this section may contain any advertisement, slogan or message, and any bench so placed which subsequently exhibits any advertisement,

.66

slogan or message is in violation of this ordinance. Any bench installed pursuant to this subsection shall comply with the provisions of Sections 10-28-670 and 10-28-680.

(Omitted text is unaffected by this ordinance)

SECTION 38. Section 10-28-794 of the Municipal Code of Chicago is hereby amended by deleting the language stricken through and by inserting the language underscored, as follows:

10-28-794 Permit - Liability insurance.

a) No permit for installment or erection of a refuse compactor or grease container on the public way shall be issued unless the applicant provides proof to the commissioner that the applicant has obtained liability insurance, naming the City of Chicago as an additional insured, on a primary, noncontributory basis for against any loss, claim, casualty or liability arising from the erection, maintenance or use of the refuse compactor. The insurance shall be in an amount determined by the city comptroller, office of risk management, to be sufficient to cover all such liabilities, and shall not be subject to cancellation except upon 30 days' advance written notice to the commissioner. The insurance shall commence from the erection of the refuse compactor and shall remain in effect as long as the refuse compactor or grease container remains on the public way.

b) As an additional condition, apart from and separate from any insurance requirement under this section, to the issuance of the permit, the owner of the building(s) or structure(s) served by a refuse compactor or grease container located on the public way ~~must also agree in writing to~~ shall indemnify, defend and hold the City of Chicago, its agents, officers and employees harmless from all losses, damages, injuries, claims, demands and expenses arising out of the erection, maintenance and use of the refuse compactor or grease container.

SECTION 39. Section 7-28-799 of the Municipal Code of Chicago is hereby amended by deleting the language stricken through and by inserting the language underscored, as follows:

10-28-799 Dumpsters/roll off boxes on the public way.

(Omitted text is unaffected by this ordinance)

(B) Permit required. It shall be unlawful for any provider to place or maintain a dumpster on the public way unless such provider shall first obtain a dumpster permit. The department of transportation shall send by facsimile transmission a copy of the dumpster permit

67

to the ward superintendent of the affected ward. A provider obtaining a valid dumpster permit pursuant to this section shall not be required to also obtain the permit required by ~~Section 13-32~~ 440 under Article V-A of Chapter 10-28 of the Code for such dumpster.

(Omitted text is unaffected by this ordinance)

(D) Insurance. No dumpster permit shall be issued until the applicant for such permit shall first have presented to the commissioner of transportation proof of insurance against any liability, loss or claim arising out of the issuance of dumpster permits, or out of the placement, presence, use, maintenance or removal of the dumpsters. Such insurance shall be issued by an insurer authorized to do business in Illinois, shall be in an amount no less than \$1,000,000.00 and shall name the City of Chicago, its officers, employees and agents as additional insured on a primary, noncontributory basis for any liability arising directly or indirectly from the permittee's operations. The insurance policy shall provide for 30 days written notice to the commissioner of transportation prior to any lapse, cancellation or change in coverage. The insurance shall be maintained in effect at all times that the dumpster remains on the public way.

(Omitted text is unaffected by this ordinance)

(F) Alternative form of indemnity, protection or security. In lieu of and apart from any insurance requirement under this section, upon good cause shown, the commissioner of transportation, in his or her discretion! may require, instead of such insurance and letter of credit, any alternative form of indemnity, protection or security that he or she the commissioner deems necessary to accomplish the above described purposes and that would indemnify, defend and hold the city, and its officers, agents and employees, harmless from any and all claims arising or related to the placement of the dumpster or the permittee's operations.

(Omitted text is unaffected by this ordinance)

SECTION 40. Section 10-28-815 of the Municipal Code of Chicago is hereby amended by deleting the language stricken through and by inserting the language underscored, as follows:

10-28-815 Insurance required.

Each applicant for a sidewalk cafe permit shall furnish ~~a certificate~~ proof of insurance evidencing commercial general liability insurance with limits of not less than \$500,000.00 per occurrence, \$1,000,000.00 in the aggregate combined single limit, for bodily injury, personal injury and property damage liability. The insurance shall provide for 30 days prior written notice to be given to the City of Chicago if coverage is substantially changed, canceled or non-renewed.

68

The City of Chicago shall be named as an additional insured on a primary, noncontributory basis for any liability arising directly or indirectly from the operations of a sidewalk cafe. ~~and~~ Apart from and separate from any insurance requirement under this section, the permittee shall indemnify, defend and hold the city harmless from any loss that results directly or indirectly from the permit issuance.

(Omitted text is unaffected by this ordinance)

Each sidewalk cafe permittee shall maintain the insurance coverage required under this section for the duration of the sidewalk cafe permit. ~~The certificate(s)~~ Proof of insurance shall be presented to the commissioner prior to the issuance of a permit under this article. Failure of the permittee to maintain the insurance required by this section shall result in the revocation of the sidewalk cafe permit.

SECTION 41. Section 10-32-080 of the Municipal Code of Chicago is hereby amended by deleting the language stricken through and by inserting the language underscored, as follows:

10-32-080 Issuance of permit.

No permit shall issue for any work on a parkway unless:

- a) The application therefor is complete;
- b) The applicant or permittee ~~agrees, in writing, to~~ shall indemnify, defend and hold harmless the City of Chicago, its officers, agents, attorneys and employees from any and all liability or claims arising from or relating to the granting of a permit and/or the performance of the work for which the permit is sought; and
- c) The person who is to perform the work presents to the commissioner ~~a certificate or other~~ proof of liability insurance in the minimum amount of \$50,000.00 for bodily injury and \$100,000.00 for property damage, naming the City of Chicago as additional insured.

SECTION 42. Section 10-40-091 of the Municipal Code of Chicago is hereby amended by deleting the

language stricken through and by inserting the language underscored, as follows:

10-40-091 Insurance requirements.

No person shall rent a vessel within the harbor, or provide fishing, entertainment or passenger services on a vessel within the harbor, for monetary or other consideration, without first (1) obtaining commercial general liability or equivalent insurance, issued by an insurer

69

authorized to insure risks in Illinois, in an amount and form approved by the risk manager in the department of finance; and (2) filing with the commissioner of transportation ~~an original certificate~~ proof of the required insurance.; and ~~(3) filing with the commissioner of transportation of Chicago, its officers, employees and agents from any and all claims, suits or damages arising from~~ In addition to the requirements stated above, and apart from and separate from any insurance requirement under this section, any person providing any of the services above-mentioned shall indemnify, defend and hold the City of Chicago and its assignees and employees harmless from all losses, damages, injuries, claims, demands and expenses arising out of the person's use of the harbor, rental of vessels and providing of services described in this section. The risk manager shall not approve any form of insurance under this section unless (1) the City of Chicago is named as an additional insured on a primary, noncontributory basis for against any liability or claim arising directly or indirectly from the person's use of the harbor, rental of vessels and providing of services described in this section; and (2) the policy of insurance requires at least 30 days prior notice of cancellation to every insured.

SECTION 43. Section 11-12-650 of the Municipal Code of Chicago is hereby amended by deleting the language stricken through and by inserting the language underscored, as follows:

11-12-650 Application.

Application for such service shall be made to the commissioner on a form prescribed by said commissioner. The application shall contain the name and address of the applicant, the location and description of the premises to be served, the quantity of water desired, and the period of time during which such service is desired, and the applicant shall in said application covenant and agree (1) to bear the entire cost of installing, operating, maintaining and repairing all connections and private supply pipes, shutoff rod or valve boxes and valve basins, roundway stopcock or valves, meter or meters and meter basins or vaults or other appliances deemed necessary by the commissioner in connection with supplying such water service; (2) to allow the city and its representatives to make at all reasonable times tests for tightness of piping in the applicant's mains and connections; (3) to comply with all sanitary regulations of the city to safeguard the water supply; (4) to prevent excess use and waste of water; (5) to use city water exclusively; (6) not to resell or furnish water to any other person, and not to permit any connection to be made to applicant's main; (7) to abide by and conform to all of the provisions of Chapter 11-8 of this Code as though the same had been incorporated into and made a part of said application and made applicable to the supplying of city water to private persons or corporations for

premises located beyond the corporate limits of the city, and to obey all rules and regulations regarding water service to the applicant's premises as are promulgated by the commissioner from time to time; (8) to install on the applicant's premises water mains and connections of the same

70

size, type and durability as in the judgment of the commissioner are required and are provided for by provisions of this Code applicable to users of city water within the city limits; (9) that all water mains and connections laid by applicant shall become the property of the city, without cost or expense to the city, in the event the territory within which applicant's premises are located should be annexed to the City of Chicago, so as to permit the use of such mains and connections by the city as part of its municipal water system; (10) to construct, maintain and operate such water storage facilities as may from time to time be required by the commissioner. Such application shall be signed by the applicant and acknowledged before a notary public or other officer authorized to administer oaths, and if the applicant is a corporation it shall be duly signed and acknowledged by the corporate officers authorized to execute the same; ~~and (11).~~ In addition to the requirements stated above, and apart from and separate from any insurance requirement under this section, the applicant shall indemnify, defend and hold the City of Chicago and its assignees and employees harmless from all losses, damages, injuries, claims, demands and expenses arising from or ~~to indemnify and hold the city harmless for failure of supply and for any and all damage~~ caused by the making of the connection and the furnishing of such water supply.

SECTION 44. Section 13-20-090 of the Municipal Code of Chicago is hereby amended by deleting the language stricken through and by inserting the language underscored, as follows:

13-20-090 Inspection of amusement park devices - Permits - Fees.

(Omitted text is unaffected by this ordinance)

Every permit application for a mechanical amusement riding device shall be accompanied by a ~~certificate~~ proof of comprehensive general liability and property damage insurance, which will name ~~as an additional insured~~ the City of Chicago, its officers and employees, as an additional insured on a primary, noncontributory basis in an amount of \$500,000.00 for any one person and \$1,000,000.00 for any one accident, which shall and be filed with the building commissioner and the city comptroller. The applicant or permittee shall maintain such insurance policy in full force and effect at all times during the permit period. Each policy shall include a provision to the effect that it shall not be subject to cancellation, reduction in the amounts of its liabilities, or other material change until notice thereof has been received in writing by the city comptroller, not less than 30 days prior to such action. Failure to maintain insurance coverage as required by this section shall result in the revocation of the mechanical amusement riding device permit.

(Omitted text is unaffected by this ordinance)

Every permit application for a mechanical amusement riding device shall be accompanied by a letter

from the organization sponsoring the carnival, a letter from the owners

71

of the property where the rides are to be located, an alderman's letter of permission, and a description of the toilet facilities.,; also a street permit when a mechanical amusement riding device is to be located upon a public way, as required in Sections 10-28 590 through 10-28 640 of this Code and, if applicable, a public way use permit for use of the public way.

(Omitted text is unaffected by this ordinance)

SECTION 45. Section 13-20-700 of the Municipal Code of Chicago is hereby amended by deleting the language stricken through and by inserting the language underscored, as follows:

13-20-700 Posting of bonds.

a) Bond required. Every person in the business of erecting, maintaining, or removing signs or structures shall submit to the building commissioner, a bond, with surety to be approved by the building commissioner in the penal sum of \$25,000.00 conditioned that such person shall faithfully comply with all provisions and requirements of this chapter with respect to the alteration, location and safety and for the payment of the original permit fees required by this article; and ~~conditioned further to~~ shall indemnify, ~~save and keep~~ defend and hold the City of Chicago, its officials, and employees harmless from any claims, damages, liabilities, losses, actions, suits, or judgments which may be presented, sustained, brought, or obtained against the City of Chicago, any of its officials, or employees because of the maintenance, alteration, or removal of any electric sign, signboards, or structure, or by reason of any accident, caused by or resulting therefrom.

b) Annual bond. An individual annual \$15,000.00 bond for each sign shall be required on subsections (8) and (9) of Section 18-27-600.28. (Roof signs and pole signs over 24 feet (610 mm) in height.) In lieu of such individual annual bond, any person, firm, or corporation owning, leasing, erecting, maintaining, or removing any sign or signs within the description of these subsections may file with the building commissioner ~~a certificate~~ proof of insurance issued by any casualty company authorized to do business in the State of Illinois ~~evidencing coverage in favor of~~ adding the City of Chicago, its officials, agents, or servants as an additional insured on a primary, noncontributory basis for any and all claims, demands, or suits for personal injury or property damage where the liability alleged against the City of Chicago for such injury or property damage arises out of the provisions of this article. Such ~~certificate~~ proof of insurance shall provide applicable bodily injury limits of not less than \$100,000.00 per person and \$300,000.00 per accident and property damage limits of not less than \$20,000.00 per accident and shall further provide that the building commissioner be given 30 days notice by the insurer prior to any cancellation of the coverage.

72

SECTION 46. Section 15-4-330 of the Municipal Code of Chicago is hereby amended by deleting the language stricken through and by inserting the language underscored, as follows:

15-4-330 Bonds.

(Omitted text is unaffected by this ordinance)

For all contractors or others now engaged in, or purporting hereafter to engage in, any activity involving explosives or blasting operations, general liability and property damage insurance shall be required in the amount of \$3,000,000.00 per person and \$10,000,000.00 per occurrence, for the payment of any loss, damage or injury resulting to persons or property by reason of the use, keeping, sale or transporting of explosives; the city shall be named as additional insured on a primary, non-contributory basis for any liability arising directly or indirectly from the contractor's operations.

SECTION 47. Section 15-4-550 of the Municipal Code of Chicago is hereby amended by inserting the language underscored, as follows:

15-4-550 Fireworks.

The deputy commissioner in charge of the bureau of fire prevention may, upon due application, issue a permit to a properly qualified person for giving a display of fireworks on privately owned property. The applicant shall give written notice to the alderman of the affected ward ten days prior to the date of application for such permit. The application shall be filed with the bureau of fire prevention, and must include: the written consent of the alderman of the affected ward; the written consent of the owner of the property where the applicant proposes to give the display; proof that the applicant is in compliance with all provisions of the Illinois Pyrotechnic Operator Licensing Act, as amended; proof that the applicant is in compliance with the Illinois Fireworks Use Act, as amended; and proof of general liability insurance, in an amount not less than \$1,000,000.00, issued by an insurer authorized to insure risks in Illinois. The City of Chicago and its officers and employees shall be named as additional insured on a primary, non-contributory basis for any liability arising directly or indirectly from the permittee's operations. The insurance policy shall provide for notice to the deputy fire commissioner no less than 72 hours prior to cancellation of coverage. If the proposed location of the display is licensed for the retail sale of alcoholic liquor for consumption on the premises, the applicant shall also include proof of the licensee's compliance with Section 6-32(a) of the Illinois Liquor Control Act, as amended. No display of fireworks shall be permitted between the hours of 11:00 P.M. and 6:00 A.M. In no case shall any display of fireworks be conducted unless the site

meets safety standards set by the fire department. The fire department shall promulgate such safety standards as needed to determine if a proposed site has the proper safety equipment, personnel and procedures necessary

to conduct a fireworks display. The safety standards shall be no less stringent than those adopted by the state fire ~~marshall~~ marshal. The deputy commissioner may impose additional specific conditions related to unique conditions of the property where an indoor display is proposed.

SECTION 48. Section 9-115-090 of the Municipal Code of Chicago is hereby amended by deleting the language stricken through and by inserting the language underscored, as follows:

9-115-090 Transportation network provider license - Insurance required.

(Omitted text is unaffected by this ordinance)

(b) Each applicant for the issuance or renewal of a transportation network provider license shall provide proof that the applicant has:

(i) commercial general liability insurance to secure payment by the applicant of any final judgment or settlement of any claim against the applicant or employees of the applicant's transportation network provider business. Such insurance shall be ~~primary and noncontributory~~; name the City of Chicago as an additional insured on a primary noncontributory basis for any liability arising, directly or indirectly, from the licensee's operations; and shall include a provision requiring 30 days' advance notice to the commissioner prior to cancellation or lapse, or any change of the policy.

(Omitted text is unaffected by this ordinance)

**ARTICLE VII. SNOW
REMOVAL**

SECTION 1. Section 4-4-310 of the Municipal Code of Chicago is hereby amended by deleting the language stricken through and by inserting the language underscored, as follows:

4-4-310 Public ways - Maintenance - Littering prohibited - Snow and ice removal.

(a) Except as otherwise provided in this Code, it shall be unlawful for any licensee to engage in any business on the public way or to use any part of a public way for or in connection with such licensee's business.

74

(b) It shall be unlawful for any licensee to litter or to permit the accumulation of any paper, rubbish or refuse upon that portion of the public way abutting the licensed premises.

c) (1) It shall be the duty of each licensee licensed under Title 4 to remove snow and ice, as provided in this section, from the sidewalk ~~in front of~~ abutting the licensed premises and any sidewalk ramps

intersecting such sidewalks, creating a clear path of at least five feet in width.

2) Snow which falls or accumulates between the hours of seven a.m. and seven p.m. shall be removed as soon as practicable, but no later than ten p.m. of the same day. Snow which falls or accumulates overnight between the hours of seven p.m. and seven a.m. shall be removed as soon as practicable, but no later than ten a.m. of the same day.

3) If snow on the sidewalk is frozen so hard that it cannot be removed without damage to the pavement, the licensee shall, within the time specified for removing the snow, strew, or cause to be strewn, the sidewalk with sand, abrasive material or other products made for the purpose of mitigating slipping hazards and preventing the accumulation of ice, and shall, as soon thereafter as the weather shall permit, thoroughly clean the sidewalk.

(24) Any licensee, whether individually or in cooperation with other persons or community groups, who removes snow or ice from the public sidewalk or street shall not, as a result of his acts or omissions in such removal, be liable for civil damages. Provided, however, that this subsection (c)(24) shall not apply to any person who violates Section 8-4-120 of this Code, or to acts or omissions amounting to wilful or wanton misconduct in removing such snow or ice.

d) Upon the issuance or renewal of any license issued under Title 4, the commissioner shall provide the applicant or licensee, as applicable, with information about the provisions of this Code regarding the applicant's or licensee's responsibility for maintaining the public way abutting each business.

SECTION 2. Section 10-8-180 of the Municipal Code of Chicago is hereby amended by deleting the language stricken through and by inserting the language underscored, as follows:

10-8-180 Snow and ice removal.

~~Every~~ owner, lessee, tenant, occupant or other person having charge of any building or lot of ground in the city abutting upon any public way or public place shall remove the snow and ice from the sidewalk in front of such building or lot of ground.

~~If the sidewalk is of greater width than five feet, it shall not be necessary for such person to remove snow and ice from the same or a space wider than five feet.~~

~~In case the snow and ice on the sidewalk shall be frozen so hard that it cannot be removed without injury to the pavement, the person having charge of any building or lot of ground as aforesaid shall, within the time specified, cause the sidewalk abutting on the said premises to be strewn with ashes, sand, sawdust, or some similar suitable material, and shall, as soon thereafter as the weather shall permit, thoroughly clean said sidewalk.~~

~~The snow which falls or accumulates during the day (excepting Sundays) before four p.m. shall be re~~

~~moved within three hours after the same has fallen or accumulated. The snow which falls or accumulates on Sunday or after four p.m. and during the night on other days shall be removed before ten a.m.~~

a) Every owner, lessee, tenant, occupant or other person in charge of any building or lot of ground in the city abutting upon any public way or public place shall be responsible for the following as pertains to such building or lot of ground:

- 1) Remove any snow and ice from any sidewalk abutting such building or lot of ground, and any sidewalk ramps intersecting such sidewalks, creating a clear path of at least 5 feet in width.
- 2) Snow which falls or accumulates between the hours of seven a.m. and seven p.m. shall be removed as soon as practicable, but no later than ten p.m. of the same day. Snow which falls or accumulates overnight between the hours of seven p.m. and seven a.m. shall be removed as soon as practicable, but no later than ten a.m. of the same day.
- 3) If snow on the sidewalk is frozen so hard that it cannot be removed without damage to the pavement, the person in charge of any building or lot of ground shall, within the time specified for removing the snow, strew, or cause to be strewn, the sidewalk abutting the building or lot of ground with sand, abrasive material or other products made for the purpose of mitigating slipping hazards and preventing the accumulation of ice, and shall, as soon thereafter as the weather shall permit, thoroughly clean the sidewalk.

b) Any person who violates this section shall be fined not less than \$50.00 nor more than \$500.00 for each offense, and each day such offense shall continue shall constitute a distinct and separate offense.

SECTION 3. Section 10-8-190 of the Municipal Code of Chicago is hereby amended by inserting the language underscored, as follows:

10-8-190 Liability for civil damages.

76

Any person who removes snow or ice from the public sidewalk or street, shall not, as a result of his acts or omissions in such removal, be liable for civil damages. This section does not apply to any person who violates Section 8-4-120 of this Code, or to acts or omissions amounting to wilful or wanton misconduct in such snow or ice removal.

SECTION 4. Section 10-20-545 of the Municipal Code of Chicago is hereby amended by deleting the language stricken through and by inserting the language underscored, as follows:

10-20-545 Sidewalk ramps.

In order to eliminate the barrier that curbs pose to the physically handicapped people with disabilities, all new curbs and sidewalks, and all existing curbs or sidewalks which are a part of any new construction or reconstruction at the intersections of sidewalks and streets, sidewalks and alleys, and at other points of major pedestrian flow, shall comply with the following requirement:

(Omitted text is unaffected by this ordinance)

SECTION 5. Section 10-28-030 of the Municipal Code of Chicago is hereby amended by deleting the language stricken through and by inserting the language underscored, as follows:

10-28-030 Unlawful to place ice and or snow on public way.

It shall be unlawful for any person to shovel or throw upon the public way any amount of ice or snow which is obstructive to the moving or parking of vehicular traffic and vehicle or the parking of any bicycle at a bicycle parking rack or the moving of any bicycle or which impedes the normal routing of pedestrian traffic, traffic, including access to any bicycle share station, bus stop or train station or building entrance. Any person found in violation of who violates this section shall be fined not less than ~~\$25.00~~ \$50.00 nor more than ~~\$100.00~~ \$500.00 for each, offense, and each day such offense shall continue shall constitute a distinct and separate offense.

SECTION 6. Section 10-28-760 of the Municipal Code of Chicago is hereby amended by inserting the language underscored, as follows:

10-28-760 Newsracks - Installation; maintenance.

No newsrack shall be placed, installed or maintained:

(Omitted text is not affected by this ordinance)

Within five feet of a bicycle parking rack

77

On) Within five feet of a bicycle share station.

ARTICLE VIII. RIVERWALK

SECTION 1. Section 2-51-050 of the Municipal Code of Chicago is hereby amended by deleting the language stricken through and by inserting the language underscored, as follows:

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:

(Omitted text is unaffected by this ordinance)

1. Subject to the approval of the corporation counsel as to form and legality and except as otherwise provided in this subsection, 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 up to an additional ~~60-day period~~ 60 days. Provided, however, that no extension, renewal or continuation of such initial agreement shall extend beyond a totality of 90 days^a unless: (T) 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[^]; and (2) 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. Provided further, that through ~~Decoombor 31, 2015, unless otherwise provided by ordinance, the commissioner of fleet and facility managemen~~ nt shall have the authority, subject to the approval of the corporation counsel as to form and legality, and after publicly soliciting requests for proposals or qualifications, to negotiate and excecute coneession agreements on behalf of the city, for a term not to exceed 180 days, for food, beverages, goods and services within the Chicago Rivcrwalk as defined in Section 2 32 1300(a)"; Provided, however, that the power of the commissioner to negotiate and execute on behalf of the city anv lease, right-of-entry agreement or other agreement for the use and occupancy of real property within the Chicago Riverwalk, including concession agreements for food, beverages, goods and services within the Chicago Riverwalk, shall be governed by Section 10-36-145;

(Omitted text is unaffected by this ordinance)

78

SECTION 2. Chapter 10-36-145 of the Municipal Code of Chicago is hereby amended by deleting the language stricken through and by inserting the language underscored, as follows:

10-36-145 Chicago Riverwalk ~~Hours of operation.~~

(a) Definitions. For purposes of this section, the following definitions shall apply:

"Authorized concession stand" means anv concession stand authorized to operate within the Chicago Riverwalk.

"Chicago Riverwalk" has the meaning ascribed to the term in section 2-32-1300(a).

"Commissioner" means the commissioner of fleet and facility management.

(a)(b) Hours of operation. Except as otherwise provided by the commissioner, the Chicago Riverwalk shall be closed to the public between the hours of 11:00 P.M. and 6:00 A.M. The commissioner shall post and

maintain permanent signs designating the hours during which public access to the Chicago Riverwalk is prohibited.

fb)(c) Violation of hours of operation - Unlawful act - Exceptions. Except as otherwise provided by the commissioner, it shall be unlawful for any person or vehicle to be in any facility or on the grounds of any part of the Chicago Riverwalk between the hours of 11:00 P.M. and 6:00 A.M. Provided, however, that this prohibition shall not apply to: (i) persons disembarking from a commercial tour boat and passing through the Chicago Riverwalk, without stopping, to the exit nearest to their point of destination; (ii) persons doing work consistent with the operational needs of any licensed venue or authorized concession stand located in any part of the Chicago Riverwalk, or persons entering or exiting the Chicago Riverwalk in conjunction with or upon completion of such work, including, but not limited to, deliverymen, security personnel, repairmen and employees of a licensed venue or authorized concession stand acting within the scope of their employment; (iii) authorized city personnel acting within the scope of their lawful duties; (iv) vehicles doing work consistent with the operational needs of any licensed venue or authorized concession stand located in any part of the Chicago Riverwalk, or vehicles entering or exiting the Chicago Riverwalk in conjunction with or upon completion of such work, including, but not limited to, delivery vehicles and repair vehicles; and (v) police department vehicles, fire department vehicles, emergency vehicles and other vehicles clearly marked as the property of the city. Any person who violates this subsection shall be fined not less than \$50.00 nor more than \$500.00 for each offense. Each day that a violation continues shall constitute a separate and distinct offense to which a separate fine shall apply.

79

(e) ~~As used in this section:~~

~~"Authorized concession stand" means any concession stand authorized to operate on the Chicago Riverwalk.~~

~~"Chicago Riverwalk" has the meaning ascribed to the term in section 2-32-1300(a). "Commissioner" means the commissioner of fleet and facility management.~~

d) Concession agreements. Subject to the approval of the budget director, and of the corporation counsel as to form and legality, the commissioner is authorized, after publicly soliciting proposals, to negotiate and execute on behalf of the city concession agreements for food, beverages, goods and services within the Chicago Riverwalk for a term not to exceed 36 months. The commissioner may extend, renew or continue such initial agreement for two additional consecutive terms of up to 12 months each. Provided, however, that no extension, renewal or continuation of such initial agreement shall extend beyond a totality of 60 months, unless: (1) 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; and (2) the Chicago City Council approves an extension, renewal or continuation of such agreement beyond a totality of 60 months.

e) Temporary use agreements. The commissioner is authorized to enter into use agreements, subject to the approval of the corporation counsel as to form and legality, for the temporary use of space and facilities within the Chicago Riverwalk. The commissioner shall only enter into use agreements that the commissioner determines enhance and are consistent with the unique nature of the Chicago Riverwalk.

The term of any such use agreement shall not exceed 30 days; provided, however, that the commissioner may extend, renew or continue such initial agreement for up to 60 additional consecutive days. No such use agreement shall be for the sponsorship of an event, which shall be governed by subsection (g"). Nor shall any such use agreement be for a concession to sell food, beverages, goods or services, which shall be governed by subsection (d); provided, however, that notwithstanding this provision or subsection (d), a use agreement under this subsection may provide for the sale of food, beverages, goods or services that meet the following criteria:

(1) the food, beverages, goods or services must be connected to or promote the temporary use itself, including, but not limited to, the sale of flowers by the vendor during a flower show or the sale of t-shirts or compact disks by the vendor during a concert;

80

2) the sale of any food, beverages, goods or services must be incidental to the primary purpose of the use agreement;

3) the food, beverages, goods or services must not endanger the public health or safety; and

4) the sale of foods, beverages, goods and services must not conflict with any contractual obligation of the city.

The fees and conditions for use agreements shall be determined by the commissioner, giving consideration to the size and nature of the space, the duration of the event and the unique nature of the Chicago Riverwalk. The commissioner may adopt and enforce rules consistent with this subsection for awarding such use agreements.

f) Acceptance of grants and assets. Subject to the approval of the budget director, the commissioner is authorized to accept grants of funds and other tangible and intangible assets pertaining to the Chicago Riverwalk. In connection with the acceptance of such funds and ' assets, the commissioner is authorized, subject to the approval of the corporation counsel as to form and legality, to enter into and execute such ancillary agreements on behalf of the city, as may be necessary or appropriate, which agreements may include indemnification by the city and right of entry.

g) Agreements for sponsorship of events - Construction of section. Subject to the approval of the budget director, and of the corporation counsel as to form and legality, the commissioner is authorized to enter

into and execute agreements with persons, including, but not limited to, commercial or other business sponsors or media sponsors, for the sponsorship of events within the Chicago Riverwalk for a term not to exceed 36 months. Subject to the approval of the budget director, the commissioner may extend, renew or continue such initial agreement for up to 24 additional consecutive months. The terms and conditions of such agreements shall be determined by the commissioner, giving consideration to the duration and extent of the sponsorship and the nature of the event being sponsored. In those sponsorship agreements entered into directly with a sponsor in which the sponsor's participation in the event is limited to providing money to the city, and where the sponsor is only represented at the event by signage, or where the sponsor is a governmental entity, the commissioner may elect not to require the sponsor to indemnify the city. All sponsorship agreements shall provide the city the right, with or without cause, to terminate such agreements prior to their expiration date-Provided, however, that with respect to any special event designated as such in the city's special event ordinance for that year that will be held within the Chicago Riverwalk, the provisions of

81

the special event ordinance shall control the sponsorship and production of that special event within the Chicago Riverwalk, and nothing in this section shall be construed to limit or restrict any provision of the city's special events ordinance for the sponsorship and production of such special event.

(h) Rules. The commissioner is hereby authorized to adopt and enforce rules to implement this section. Such rules may include, but are not limited to, the following: (1) protecting the health and safety of Chicago Riverwalk patrons and facilities, (2) establishing hours of operation for the Riverwalk and for facilities or venues located within the Chicago Riverwalk, and (3) prohibiting or regulating activities that may unreasonably disrupt pedestrian traffic flow or the quiet enjoyment of Chicago Riverwalk resources. The commissioner may post signs within the Chicago Riverwalk setting forth these rules, as well as directional signs.

(Tj) Violation - Penalty. Except as otherwise provided in this section, and in addition to any other penalty provided by law, any person who violates this section or any rule promulgated thereunder shall be fined not less than \$50.00 nor more than \$500.00 for each offense. Each day that a violation continues shall constitute a separate and distinct offense.

0} Chicago Riverwalk - Revenue. All revenue received by the city from the sources identified in subsection (b) of Section 2-32-1300 shall be governed by Section 2-32-1300.

ARTICLE IX. LOOPLINK

PART A: PARKING METER REMOVAL AND INSTALLATION

SECTION 1. The Comptroller of the City of Chicago is directed to remove parking meters at:

- West Washington Street, north side of the street, from North Wacker Drive to North LaSalle Street
- West Madison Street, south side of the street, from Wacker Drive to Wells Street
- West Madison Street, south side of the street, from LaSalle Street to Clark Street
- West Madison Street, south side of the street, from Dearborn Street to State Street
- South Clinton Street, east side of the street, from West Jackson Street to West Adams Street

82

- South Clinton Street, west side of the street, from West Adams Street to west Monroe Street
- South Canal Street, east side of the street, from West Adams Street to West Madison Street
- North Clark Street, west side of the street, from West Madison Street to West Washington Street

SECTION 2. The Comptroller of the City of Chicago is directed to install parking meters at:

- West Randolph Street, north side of the street, from North Wells Street to North Michigan Avenue
- West Randolph Street, south side of the street, from North Wells Street to North LaSalle Street
- North Clinton Street, west side of the street, from West Madison Street to West Washington Street
- North Clinton Street, east side of the street, from West Madison Street to West Washington Street"
- North Canal Street, east side of the street, from West Washington Street to West Randolph Street
- West Monroe Street, south side of the street, from South Wacker Drive to South Franklin Street
- West Monroe Street, south side of the street, from South Wells Street to South Dearborn Street
- West Van Buren Street, north side of the street, from South Clinton Street to South Canal Street

PART B. BUS SHELTER REMOVAL AND INSTALLATION

WHEREAS, The City of Chicago (the "City") is a home rule unit of local government as defined in Section 6(a), Article VII of the 1970 Constitution of the State of Illinois, and, as such, may exercise any power and perform any function pertaining to its government and affairs;

WHEREAS, The City, through its Chicago Department of Transportation ("CDOT"), is responsible for

the transportation network that connects communities throughout the City; and

WHEREAS, On June 28, 2002, the City entered into that certain contract ("Agreement") with JCDecaux Chicago, LLC, an Illinois limited liability company (the "Contractor") with respect to the design, fabrication, installation, maintenance, operation, removal and dismantlement of various pieces of street furniture, at no cost to the City, in exchange for the City allowing the Contractor to place advertising on certain types and pieces of street furniture in accordance with an ordinance relating to street furniture which was passed by the City Council

83

of the City of Chicago on June 9, 1999, (Journal of Council Proceedings of the City Council of the City of Chicago; C.J.P., pp 5442-53; June 9, 1999) (See Exhibit 1); and

WHEREAS, Pursuant to the Agreement, street furniture includes bus stop shelters;

WHEREAS, The Contractor is responsible for the maintenance, operation and removal and dismantlement of the City's bus stop shelters installed pursuant to the Agreement, at no cost to the City; and

WHEREAS, The City has allowed the Contractor to place advertising on the bus stop shelters installed pursuant to the Agreement as a revenue generating means; and

WHEREAS, The Contractor's obligation to pay the fees to the City is independent of the Contractor's obligations under the Agreement with respect to the fabrication, installation, maintenance, operation, removal and dismantlement of the bus stop shelters; and

WHEREAS, The Contractor's obligation to pay such fees to the City is independent of the revenues, if any, that the Contractor generates from the sale of advertising on the bus stop shelters; and

WHEREAS, The Contractor has demonstrated that it has the necessary professional experience and expertise to provide the maintenance, operation, removal and dismantlement of the required bus stop shelters; and

WHEREAS, As part of its Central Loop East-West Corridor transportation plan, (commonly referred to as the LoopLink project) to improve traffic in the central business district, the City is reconfiguring certain street lanes to be used as a planned bus transit way; and

WHEREAS, As part of the LoopLink, the City is replacing thirteen (13) Contractor-owned bus shelters on Washington, Madison and Monroe Streets, with eight (8) City-owned bus shelters; and

WHEREAS, Pursuant to Section 4.7(a)(ii) of the Agreement, if the City desires to obtain additional bus stop shelters, the City must give the First Right of Refusal to the Contractor; and

WHEREAS, The Contractor wishes to exercise its First Right of Refusal for the additional bus and the City wishes to accept the Contractor's proposal pursuant to the terms of Exhibit 2; and

WHEREAS, The continued operation of the bus shelters by the Contractor will be a benefit to all the

citizens of Chicago.

SECTION 1. The above recitals are incorporated by reference as if fully set forth herein.

84

SECTION 2. The Mayor or his proxy, upon recommendation of the Commissioner of CDOT ("Commissioner"), is hereby authorized to execute a First Amendment to the Agreement in substantially the form attached hereto as Exhibit 2.

SECTION 3. The Commissioner is authorized to enter into and to execute all documents and perform any and all acts, including promulgation of any standards, rules or regulations, as shall be necessary or advisable to carry out the purpose and intent of this ordinance.

SECTION 4. To the extent that any ordinance, resolution, rule, order or provision of the City, or part thereof, is in conflict with the provisions of this ordinance, the provisions of this ordinance shall control. If any section, paragraph, clause or provision of this ordinance shall be held invalid, the invalidity of such section, paragraph, clause or provision shall not affect any of the other provisions of this ordinance.

EXHIBIT 2

FIRST AMENDMENT TO AGREEMENT

THIS FIRST AMENDMENT TO AGREEMENT (this "Amendment") is entered into as of this day of , 2015 by and between the CITY OF CHICAGO, a municipal corporation and home rule unit of local government existing under the Constitution of the State of Illinois, (the "City") and JCDecaux Chicago, LLC, and Illinois limited liability corporation, (the "Contractor").

RECITALS:

A. The City and the Contractor are parties to that certain Agreement dated as of June 28, 2002, entered into by and between the City and the Contractor with respect to the Coordinated Street Furniture Program Agreement.

B. The City and the Contractor wish to amend certain provisions of the Agreement on the terms and conditions set for below.

NOW, THEREFORE, the parties hereto hereby agree as follows:

C. Amendments.

1. Contractor will assume operation, maintenance, repair, removal, dismantlement and replacement of the eight (8) additional shelters listed in Exhibit 2A, subject to the terms below.
2. For the purposes of this Amendment, bus shelter means, "the entire bus platform, the entire canopy and supporting structures and fixtures, benches, lighting and ramp areas to the crosswalks, including

railings and other relevant structures.

85

The maintenance, repair, removal, dismantlement and replacement activities ("Maintenance Activities") will be the responsibility of the Contractor and will be performed in accordance with the Maintenance Standards contained in Exhibit ID to the Agreement.

The security cameras operated by the Office of Emergency Management & Communications ("OEMC") and the bus tracker components and fare equipment operated by the Chicago Transit Authority ("CTA") will continue to be maintained by these third parties.

The City will install a snow melt system within the base platform and sidewalk ramps of each shelter; however, the Contractor agrees to maintain clear passageways, regardless of the performance of the melt system.

- Contractor will immediately notify the City of any major defeats with the snow melt system, as soon as detected.
- The long-term maintenance and heating of the snow melt system will be the responsibility of the City.

The Contractor agrees to provide a credit towards Maintenance Activities for the eight (8) new City-owned shelters equivalent to the cost of maintaining thirteen (13) Contractor-owned shelters. This credit will be referred to as the Annual Maintenance Credit ("AMC"). The AMC will be credited to the City for the maintenance of the City-owned shelters and the City will pay any amounts over the AMC incurred by Contractor in maintaining the eight (8) City-owned shelters. When calculating the costs incurred in maintaining the eight(8) new City-owned shelters the Contractor will include all of its costs, including its internal labor and costs (including but not limited to items such as supplies and vans and all necessary parts for or components of the shelter) and all external subcontractors attributable to maintaining the eight (8) City-owned shelters.

- The AMC for the eight (8) City-owned shelters will initially be set at \$25,350 annually, and each year, beginning in January 2016, the AMC will be adjusted using the Consumer Price Index for All Urban Consumers (CPI-U) in the Chicago-Gary-Kenosha.; and the City will assume any maintenance costs for the City-owned shelters above the AMC;
- The City may retain an inventory of replacement parts for the City-owned shelters, and the Contractor will first use the City's inventory of parts at no cost to the City;

86

- The City will make every effort to help facilitate access for the Contractor to all suppliers of parts, components and materials that are part of the construction and fabrication of the City-owned shelters, throughout the term of this Agreement;
- The Contractor will notify and request approval from the City for any large part replacement

or maintenance activity that individually exceeds \$1,000 and the City will extend the time required under the Agreement for such repair, replacement or maintenance by the additional time that is required by the City to provide such approval.

- The Contractor will provide a quarterly notice to the City as to the cumulative amount of the AMC that has been used for the year.

7. The Contractor will supply, install and maintain four (4) double faced advertising boxes on each of the eight (8) City-owned shelters. For the new City-owned shelters on Washington and Madison streets, the Contractor will make available to the City for non-advertising uses of the City, two (2) faces of an advertising panel. The two (2) faces shall be on the two (2) interior advertising boxes, both facing the opposite direction of the street's traffic flow. The Contractor may utilize the remaining six (6) advertising faces.

D. Full Force and Effect: Except as amended by this Amendment, the Agreement shall continue in full force and effect.

E. Effect Limited. The amendments set forth above shall be limited precisely as written and shall not be deemed to be a waiver or modification of any other term or condition of the Agreement.

F. Counterparts. This Amendment may be executed in one or more counterparts, each of which shall constitute an original but all of which when taken together shall constitute but one agreement.

G. Governing Law: This Amendment shall be deemed to be a contract under, and for all purposes shall be governed by, and construed and interpreted in accordance with, the laws of the State of Illinois.

[Signature page immediately follows]

87

IN WITNESS WHEREOF, the parties hereto have caused this Amendment to be duly executed by their respective authorized officers as of the Amendment date referred to above.

CITY OF CHICAGO

By: _____, 2015

Title: Commissioner

JCDecaux Chicago, LLC

By: _____, 2015

Title:

By: _____, 2015

Title:

Exhibit 2A Location of the Additional Shelters

1. Washington Street, nearside of Franklin Street
2. Washington Street, nearside of LaSalle Street
3. Washington Street, between Clark Street and Dearborn Street
4. Washington Street, farside of State Street
5. Madison Street, nearside of Wabash Street
6. Madison Street, between State Street and Dearborn Street
7. Madison Street, farside of LaSalle Street

88

8. Madison Street, farside of Franklin Street

**ARTICLE X.
MISCELLANEOUS CODE AMENDMENTS AND CORRECTIONS**

SECTION 1. Section 1-4-090 of the Municipal Code of Chicago is hereby amended by inserting the language underscored, as follows:

1-4-090 Definitions for Code provisions.

(Omitted text is unaffected by this ordinance)

(1) "Rule" means the whole or part of any statement, communication, standard, procedure or requirement of general applicability, having the force of law, issued by a department or department head pursuant to authority delegated by law to such department or department head that (1) implements or applies law or policy, or (2) prescribes the procedural requirements of a department including an amendment, modification, suspension or repeal of any such statement, communication, standard, procedure or requirement. The term "rule" encompasses any and all references to "rules and regulations" set forth in this Code.

SECTION 2. Section 2-32-210 of the Municipal Code of Chicago is hereby amended by deleting the language stricken through and by inserting the language underscored, as follows:

2-32-210 Comptroller - Annual statement requirements.

The Each year, no later than October 1st, the comptroller shall ~~make out~~ prepare, and publish on the City of Chicago department of finance website, an annual statement, ~~on or before the first day of April, in each year,~~ giving a full and detailed statement of all receipts and expenditures during the preceding fiscal year. Such statement shall also detail the liabilities and resources of the city, and all other things necessary to exhibit its true financial condition. He The comptroller shall submit ~~the same~~ such annual statement to the city council, through the committee on finance, in ~~printed~~ a convenient form, accompanied by the certification of a public accountant, who shall not be connected with the city government[^] and who has been appointed by the finance committee.

(Omitted text is unaffected by this ordinance)

SECTION 3. Section 2-32-1300 of the Municipal Code of Chicago is hereby amended by deleting the language stricken through, as follows:

2-32-1300 Riverwalk Fund.

(Omitted text is unaffected by this ordinance)

(b) All revenues received by the city from the following sources shall be placed in a single appropriate fund designated by the budget director, in consultation with the comptroller, for the purposes set forth in the 2013 Series Ordinance and/or the General Ordinance:

(1) all revenues received by the city from any license agreement, regardless of nomenclature, executed pursuant to section 4-250-080(a) for the licensing of docks for tour boat operations at the following

two locations on the main branch of the Chicago River at Michigan Avenue:

(Omitted text is unaffected by this ordinance)

SECTION 4. Section 2-68-030 of the Municipal Code of Chicago is hereby amended by deleting the language stricken through and by inserting the language underscored, as follows:

2-68-030 Chief information officer - Powers and duties.

The chief information officer shall have the following duties and responsibilities:

- a. to assess the city's data and ~~processing and information processing~~ technology requirements;
- b. to advise the mayor and city departments on the effective use of data ~~processing~~ and information technology;
- c. to review and approve requests from city departments and agencies for the procurement of data ~~processing equipment~~ and technology goods and services, providedj however, that this provision shall not apply to procurement of such ~~equipment~~ goods or services required by the city council or any of its committees;
- d. to train and assist city departments and agencies in the use of data ~~processing equipment~~ and information technology;
- e. to operate the city's ~~data processing center and network~~ technology infrastructure for the efficient maintenance of municipal recordsT;
- f. to contract with information technology companies, at the request of the mayor's office, or of a using department or agency of city government, for the testing and pilot application of hardware, software, peripherals, technology .services or any combination of them, in order to determine suitability for use by the requesting department or agency. Contracts for this purpose may be for products or services that are experimental, under development, not yet marketed, or adapted for use by the requesting department or agency. Such contracts shall be subject to approval of the corporation counsel as to form and legality and subject to the approval ofthe budget director as to funding;;
- g. to participate with the Chicago Board of Education, the Chicago Park District, the Chicago Housing Authority, Community College District Number 508, the Chicago Transit Authority and other governmental agencies in jointly procuring, awarding, executing and purchasing under contracts, and purchasing under contracts already validly entered into by such agencies for computer systems, technology services, computer hardware and software, peripherals and related equipment and services to reduce costs and increase benefits to the participating agencies. Such agreements shall be subject to approval of the chief

procurement officer, the approval of the corporation counsel as to form and legality, and the approval of the governing body of the participating agencies, either by specific action or by delegation similar to this subsection.;

h. to enter into agreements with other government entities regarding shared use of communications and other data transmission infrastructure. Any such agreements shall comply with applicable federal or state restrictions or limitations on shared user;

(i) to enter into agreements with the Illinois Secretary of State in order to access, use or share data useful or necessary to the carrying out of City functions. The chief information officer may enter into such agreements, which may include provisions providing indemnification, directly or through a designee, which may include a designee of another city department if the information at issue directly impacts that other department. The chief information officer or his designee is further authorized to execute such other instruments and to perform such 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;; and

(Omitted text is unaffected by this ordinance)

SECTION 5. Chapter 4-4 of the Municipal Code of Chicago is hereby amended by inserting a new Section 4-4-045, underscored as follows:

4-4-045 Pre-license issuance - Proximity restriction measurement - Application - Fee.

91

a) Proximity restriction measurement - When authorized - Construction of section. If a proximity restriction applies in connection with any license issued under this Title IV. the person seeking such license (for purposes of this section, "prospective license applicant") may, prior to submitting a license application under Section 4-4-050, file an application with the department, on a form prescribed by the commissioner, requesting the department to measure the radius of the applicable area to determine whether, consistent with the applicable proximity restriction, the license (s) being sought by the prospective license applicant may be issued by the department. Provided, however, that nothing in this section shall be construed to prohibit the department from re-measuring the radius of the applicable area under this section or in connection with the submission of a license application under Section 4-4-050.

b) Application - Notice -Duration. The application for a measurement under this section shall contain the following information: (1) the applicant's name; (2) the license(s) being sought by the applicant; (3) the street number and location of the premises for which the license(s) is being sought; (4) the boundaries of the premises for which the licensed) is being sought; and (5) any other information or documentation that the commissioner may require to \ conduct the

measurement. Within 10 business days of completing such measurement, the commissioner shall notify the applicant in writing of: (T) the results of such measurement, and (ii) whether, based on those results and consistent with the applicable proximity restriction, the licensers') being sought may be issued by the department. Except in the case of a measuring error made by the department, a measurement under this section shall be valid for 60 calendar days after the date of notice, as identified on the face of such notice.

c) Non-refundable application fee - Exceptions. An application under this section shall be accompanied by a non-refundable application fee of \$250. Provided, however, that if the license(s) being sought by the prospective license applicant, as set forth in the application submitted under this section, is subsequently issued to such person for the premises and at the location described in such application, the \$250 application fee required under this section shall be deducted from the total amount of the license fee(s) required to be paid by such person in connection with the initial issuance of such license(s). Provided further, that if a measuring error made by the department prohibits the department from issuing the requested licensed), the \$250 application fee required under this section shall be refunded to the applicant under this section.

SECTION 6. Section 2-102-030 of the Municipal Code of Chicago is hereby amended by deleting the language stricken through and by inserting the language underscored, as follows:

2-102-030 Commissioner - Powers and duties.

92

The commissioner of transportation shall have the following powers and duties:

(Omitted text is unaffected by this ordinance)

(w) To enter into: (i) intergovernmental agreements transferring or otherwise allocating jurisdiction over, and carrying out construction, maintenance and repairs to, public way and other public infrastructure; and (ii) agreements with public utilities and railroads regarding construction, maintenance and repairs that impact their facilities upon or adjacent to public property; and, in connection with agreements entered into under this subsection, to enter into and execute all such other instruments and to perform any and all acts, including the allocation and expenditure of duly appropriated funds, as shall be necessary or advisable in connection with the implementation of such agreements and any renewals thereto. Any such intergovernmental agreement may include provisions providing indemnification. The authority conferred in this subsection shall not include the ceding of governmental ownership of public way or the transfer of title to real estate.

(w) (x) The powers and duties conferred in this section shall not apply to the operation, management and maintenance of the Chicago Riverwalk, as defined in Section 2-32-1300(a), which shall be under the jurisdiction of the commissioner of fleet and facility management.

SECTION 7. Section 4-60-073 of the Municipal Code of Chicago is hereby amended by deleting the language stricken through and by inserting the language underscored, as follows:

4-60-073 Lakefront venue liquor licenses - Special conditions.

(Omitted text is unaffected by this ordinance)

(b) A Lakefront Venue liquor license shall be subject to all provisions of this chapter with the following exceptions:

(1) Subsections (e) and (f) and the ~~45-day~~ 35-day review period of subsection (h) of Section 4-60-040.

(Omitted text is unaffected by this ordinance)

SECTION 8. Section 4-60-074 of the Municipal Code of Chicago is hereby amended by deleting the language stricken through and by inserting the language underscored, as follows:

4-60-074 Riverwalk Venue liquor licenses - Special conditions.

(Omitted text is unaffected by this ordinance) 93

(d) A Riverwalk Venue liquor licensee shall be subject to all provisions of this chapter with the following exceptions:

(1) Subsections (e) and (f) of Section 4-60-040; the ~~45-day~~ 35-day review period of subsection (h) of Section 4-60-040; and Section 4-60-050.

(Omitted text is unaffected by this ordinance)

SECTION 9. Section 7-12-300 of the Municipal Code of Chicago is hereby amended by deleting the language stricken through and by inserting the language underscored, as follows:

7-12-300 Ban of unlicensed possession of animals for slaughter.

No person shall own, keep or otherwise possess for their own food purposes, or slaughter any animal ~~sheep, goat, pig, cow or the young of such species, poultry, rabbit, dog, cat, or any other animal, intending to use such animal for food purposes~~; provided, however, that this prohibition shall not apply to edible byproducts, such as eggs or milk, produced by an animal.

~~This section is applicable to any cult that kills (sacrifices) animals for any type of ritual, regardless of whether or not the flesh or blood of the animal is to be consumed; except that Kosher slaughtering is exempted~~

~~from this ordinance.~~

Nothing in this ordinance is-te shall be ~~interpreted as prohibiting~~ construed to prohibit any properly licensed establishment from slaughtering for food purposes any animals which are specifically raised for food purposes.

(Omitted text is unaffected by this ordinance)

SECTION 10. Section 7-38-500 of the Municipal Code of Chicago is hereby amended by deleting the language stricken through, as follows:

7-38-500 Unlicensed premises - Slaughtering permitted when.

The slaughtering of animals for food shall not be permitted or conducted in any place in the city other than in a duly licensed slaughterhouse; ~~except as authorized in this section.~~

~~Any person desiring to slaughter sheep or goats for a period of only one day in a place not duly licensed as a slaughterhouse shall make application to the department of buildings for a permit for such slaughtering.~~

94

~~If the department of buildings, upon investigation, shall find that the place where such slaughtering is to be carried on is in a good sanitary condition and the slaughtering can be conducted without causing a nuisance, it may issue a permit to carry on such slaughtering for a period of time not exceeding one day at the place mentioned in said application.~~

~~The fee for such permit shall be \$5.00, which fee shall cover the cost of the necessary inspection service.~~

SECTION 11. Section 9-8-010 of the Municipal Code of Chicago is hereby amended by deleting the language stricken through and by inserting the language underscored, 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 and removal 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. Provided, however, that if city council approval is required to install anv traffic control device, city council approval shall also be required to remove such device. 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, that 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, placemen^ and maintenance and removal 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.

(Omitted text is unaffected by this ordinance)

SECTION 12. Section 9-76-230 of the Municipal Code of Chicago is hereby amended by deleting the language stricken through, as follows:

9-76-230 Use of mobile telephones.

95

(Omitted text is unaffected by this ordinance)

~~(d) If any violation of this section is subject to the reporting requirements of Section 6-204 of the Illinois Vehicle Code, as amended, such violation shall be deemed not to be a compliance violation within the meaning of subsection (a) of Section 9-100-020 and the corporation counsel shall institute appropriate proceedings in a court of competent jurisdiction to prosecute such violation.~~

SECTION 13. Section 13-56-160 of the Municipal Code of Chicago is hereby amended by inserting the language underscored, as follows:

13-56-160 Class G-2, moderate hazard industrial units.

Industrial units other than low-hazard industrial units as defined in Section 13-56-150 shall be classified as Class G-2, moderate hazard industrial units. Buildings, or parts thereof, used to distill ethyl alcohol, either as a primary or auxiliary use, shall be classified as a Class G-2, moderate hazard industrial unit.

SECTION 14. Section 15-24-530 of the Municipal Code of Chicago is hereby amended by deleting the language stricken through and by inserting the language underscored, as follows:

15-24-530 Distilling and condensing plants.

a) ~~All distilling and condensing plants, except~~ Except as otherwise provided in Section 15-24-540

or in subsection (b) of this section, all distilling and condensing plants shall have a clearance of not less than 300 feet in reference to any building or lot line.

b) Buildings, or parts thereof, used to distill ethyl alcohol, either as a primary or auxiliary use, shall be classified as a Class G-2, moderate hazard industrial unit, and shall have either (1) a clearance of not less than 300 feet in reference to any building or lot line, or (2) at least a four-hour fire-resistive separation to all other uses. In addition, all flammable liquid storage or any dust producing operations shall comply with all applicable city requirements.

SECTION 15. Section 3-56-050 of the Municipal Code of Chicago is hereby amended by deleting the language stricken through and by inserting the language underscored, as follows:

3-56-050 Fees - Late fees.

(a) Applicable license fees are as follows; provided, however, that each amount set forth in this subsection "a" shall be adjusted upwards, if applicable, for the term starting in on January 1, 2014 and every two years thereafter by applying to it the rate of inflation over the

96

two-year period ending on the most recent July 1, calculated based on the Consumer Price Index - Urban Wage Earners and Clerical Workers (Chicago All Items) published by the United States Bureau of Labor Statistics, as calculated by the Comptroller, communicated to the Clerk by the Comptroller, and published by the Clerk. Such adjustment shall take place on January 1 of the applicable year, and shall apply the overall rate of inflation, if any, for the two-year period ending on the most recent July 1. Provided further, that the amount of any such adjustment shall be capped at 105% of the fee being adjusted:

(Omitted text is unaffected by this ordinance)

**ARTICLE XI. SEVERABILITY,
REPEALER**

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 XII. EFFECTIVE
DATES**

SECTIONS 1, 2, 3, 4, 5 and 6 of Article IV of this ordinance (pertaining to Debt Relief) shall take full force and effect upon its passage and approval.

SECTIONS 1, 2, 3, 4, 5 and 6 of Article VII of this ordinance (pertaining to Snow Removal) shall take full force and effect ten days after its passage and publication.

SECTIONS 1 and 2 of Part A of Article IX of this ordinance (pertaining to Looplink) shall take full force and effect upon its passage and approval.

SECTIONS 1, 2, 3 and 4 of Part B of Article IX of this ordinance (pertaining to Looplink) shall take full force and effect upon its passage and approval.

SECTION 11 of Article X of this ordinance (pertaining to Sign Removal), amending Section 9-8-010, is intended to clarify, rather than to change, existing law.

97

SECTIONS 13 and 14 of Article X of this ordinance (pertaining to Distilleries), amending Sections 13-56-160 and 15-24-530, respectively, shall take full force and effect upon its passage and approval.

The remainder of this ordinance, following its passage and approval, shall take effect on January 1, 2016.

