



Office of the City Clerk

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

Legislation Details (With Text)

File #: O2013-1603

Type: Ordinance **Status:** Passed

File created: 3/13/2013 **In control:** City Council

Final action: 4/10/2013

Title: Amendment of Municipal Code Titles 3 and 9 regarding Wheel Tax License staggered system, residential parking permits, and operation of motor-powered vehicles by minors

Sponsors: Mendoza, Susana A., Willie B. Cochran, O'Shea, Matthew J., Sposato, Nicholas, Moreno, Proco Joe, Mitts, Emma, Reboyras, Ariel, Fioretti, Bob, Graham, Deborah L., Silverstein, Debra L., O'Connor, Mary, Quinn, Marty, Cappleman, James

Indexes: Ch. 40 Driving Rules, Ch. 56 Wheel Tax Licenses, Ch. 64 Parking Regulations, Ch. 68 Restricted Parking-Permits & Regulations

Attachments: 1. O2013-1603.pdf

Date	Ver.	Action By	Action	Result
4/10/2013	1	City Council	Passed	Pass
4/3/2013	1	Committee on License and Consumer Protection	Recommended to Pass	Pass
3/13/2013	1	City Council	Referred	

CQ013 ib03

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

SECTION 1. Section 3-56-010 of the Municipal Code of Chicago is hereby amended by deleting the language stricken through and by inserting the language underscored, as follows:

3-56-010 Interpretation of chapter Definitions.

For the purpose of this chapter:

"Antique motor vehicle" means (1) a motor vehicle that is more than 25 years old, or a bona fide replica thereof, which is driven exclusively to and from antique shows, exhibitions; or demonstrations, or for servicing, or (2) a ~~fire-fighting~~ fire-fighting vehicle that is more than 20 years old^ which is used exclusively for exhibition ~~and shall be~~ if such motor vehicle or bona fide replica thereof or fire-fighting vehicle is properly licensed as an antique vehicle by the State of Illinois, ~~as an antique motor vehicle~~ as evidenced by a current Antique Vehicle ("AY") license plate.

(Omitted text is unaffected by this ordinance)

"Required purchase date" means the date, as set forth in rules and regulations duly promulgated by the city clerk, by which the owner of a motor vehicle or other vehicle subject to this chapter is required to obtain a wheel tax license emblem for such vehicle.

"Residing within the city" or "resides in the city" means ~~and includes~~ (i) maintaining a place of residence for oneself within the city; or (n) the owning, leasing, or otherwise controlling ~~of property or~~ a place of business wherein motor vehicles or semi-trailers are stored, repaired, serviced, loaded, or unloaded within the city in connection with such business.

(Omitted text is unaffected by this ordinance)

"Situs" or "base of for a vehicle" or "based" means the place where (i) from which a vehicle is principally ~~garaged~~ dispatched to other locations, or ~~from whence it is principally dispatched,~~ (ii) where a vehicle is principally stored, garaged or maintained, or (in) where the movements of stteh a vehicle usually originate.

(Omitted text is unaffected by this ordinance)

SECTION 2. Chapter 3-56 of the Municipal Code of Chicago is hereby amended by inserting a new Section 3-56-015, as follows:

3-56-015 Staggered system for issuing wheel tax licenses - Authorized.

The city clerk is authorized to (1) establish a system for issuing wheel tax licenses on a staggered basis throughout the year in a manner that the city clerk determines is most economical, best accommodates the public, and distributes the work of issuing wheel tax licenses as uniformly as practicable throughout the calendar year; and (2) promulgate rules and regulations, with which persons requiring a wheel tax license under this chapter shall be required to comply, setting forth the required purchase date(s) for wheel tax licenses and other requirements necessary or appropriate to establishing a staggered system for issuing such licenses or for the proper administration of this chapter.

SECTION 3. Section 3-56-020 of the Municipal Code of Chicago is hereby amended by deleting the language stricken through and by inserting the language underscored, as follows:

3-56-020 License required - Unlawful acts.

a) ft City wheel tax license - Required. Except as otherwise provided in subsection (b) of this section, it shall be unlawful £JQ for any motor vehicle owner residing within the city to use, or to cause or permit any of the owner's agents, employees, lessees, licensees or bailees; to use, any motor vehicle or any other vehicle upon the public ways of the city or upon any city-owned property, unless such vehicle is licensed as provided in this chapter; or (2) for any person to operate upon the public ways of the city or upon any city-owned property any motor vehicle or any other vehicle requiring a wheel tax license under this chapter, unless such vehicle is licensed as provided in this chapter. The operator of any such motor vehicle shall be subject to the same penalties that apply to the owner of the vehicle for violation of this section. ~~Trailers are exempted from this license requirement.~~ There shall be a presumption that any vehicle parked in any public garage, as defined in Chapter 4-232, or any parking lot open to pedestrian traffic, used the public ways to arrive at its

location. ~~Commercial motor vehicles, as defined in Section 1-111.8 of the Illinois Vehicle Code, codified as 625 ILCS 5/1-111.8, as amended, which are registered pursuant to the International Registration Plan shall be exempt from the licensing requirements of this chapter.~~

b) Exemptions. A wheel tax license under this chapter shall not be required if the vehicle is: (1) a commercial vehicle, as defined in Section 1-111.8 of the Illinois Vehicle Code, codified at 625 ILCS 5/1-111.8, and such vehicle is registered pursuant to the International Registration Plan, or (2) a trailer as defined in Section 3-56-010.

c) City residents maintaining situs for vehicle outside the city - Requirements -Credit against license fee. The If the owner of a motor vehicle or any other vehicle who resides in the city but maintains a situs or base of for such vehicle located outside of the city, such owner shall be (1) subject to subsection (a) of this section, and (2) entitled to a credit against the appropriate wheel tax license fee provided for herein in Section 3-56-050 in the amount of any wheel tax license fee paid for such vehicle to the municipality where such vehicle is based;

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~~provided, however, that in no event shall such a credit reduce the amount of the wheel tax license fee below zero be reduced to an amount less than the wheel tax license fee for passenger automobiles.~~

~~It shall be unlawful for any person under the age of 16 years to operate on the streets of the city a motorcycle, powercycle, bicycle with motor attached, or power scooter, with a motor which produces not to exceed five brake horsepower. No person shall operate a motor vehicle as set forth in this chapter without said vehicle being duly licensed as prescribed herein. The operator of any such motor vehicle shall be subject to the same penalties as the owner for the violation of any of the terms of this ordinance.~~

SECTION 4. Section 3-56-021 of the Municipal Code of Chicago is hereby amended by deleting the language stricken through and by inserting the language underscored, as follows:

3-56-021 ~~New city residents or new purchases~~ Purchase deadlines - Affirmative defense.

a) Within 30 days of commencing residence in the city, a person shall obtain a wheel tax license for any vehicle required to be licensed under this chapter. Within 30 days of purchasing or otherwise acquiring ownership of a vehicle, a person shall obtain a wheel tax license for such vehicle if the vehicle is required to be licensed under this chapter. In all other cases, the required purchase date for any wheel tax license required under this chapter shall be as set forth in rules and regulations duly promulgated by the city clerk.

b) Any person alleged to have violated either the license requirement set forth in Section 3-56-020 or the license display requirement set forth in Section 9-64-125 may raise as an affirmative defense that (1) such person resided in the city for less than 30 days at the time he or she was cited for violation[^] or (2) the cited vehicle was purchased or ownership of the vehicle was otherwise acquired less than 30 days prior to the issuance of the violation. If the alleged violator can demonstrate, by clear and convincing evidence, that he or she resided in the city for less than 30 days or owned the vehicle for less than 30 days at the time the citation

was issued, and that the appropriate fee was paid in accordance with Chapter 3-56 no later than 30 days following the commencement of city residence or purchase of the vehicle,¹ no liability shall exist. A showing of recent residency may be made by a lease, utility billing records or other appropriate documents. A showing of recent vehicle purchase or acquisition may be made by applicable vehicle registration or title documents issued by the Secretary of State or other appropriate documents. Any person who knowingly provides inaccurate information in connection with this section subsection shall be ~~fin~~~~ed in an amount~~ subject to a fine of not less than \$500.00 ~~and not~~ nor more than \$ 1,000.00 for such offense.

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SECTION 5. Section 3-56-030 of the Municipal Code of Chicago is hereby amended by deleting the language stricken through and by inserting the language underscored, as follows:

3-56-030 Application.

~~Any person desiring a license for any such motor vehicle or other vehicle Applications for a wheel tax license shall be filed an application with the city clerk, on a form provided by the city clerk, and shall contain the following information: which shall set forth (1) the name and address of the applicant, (2) a description of the vehicle for which the wheel tax license is desired, and (3) such any other information as may be prescribed that the city clerk may reasonably require.~~

SECTION 6. Section 3-56-040 of the Municipal Code of Chicago is hereby amended by deleting the language stricken through and by inserting the language underscored, as follows:

3-56-040 Issuance.

fa) Upon the payment by the applicant of the wheel tax license fee hereinafter provided, the city clerk shall issue, or cause to be issued, a wheel tax license. The annual period ~~for every such~~ for a wheel tax license shall begin ~~on July 1st, and end on June 30th of the year following the year of issuance~~ on the required purchase date and shall end on the last day of the same month in the following year, as indicated on the face of such license; provided, however, that if a wheel tax license is issued before the required purchase date, such license shall be valid upon its issuance. ~~However, any permit purchased before July 1 for the annual period to begin July 1 of that year, will be considered valid as soon as it is purchased and affixed as described in Sections 3-56-070, and 3-56-090.~~

b) During the transition period preceding full implementation of the staggered system authorized under Section 3-56[^]-015 for issuing wheel tax licenses, and thereafter, as provided for in duly promulgated rules and regulations, the city clerk is authorized to issue wheel tax licenses for more or less than an annual period. In such case, the fee for such license shall be prorated in accordance with Section 3-56-050(c).

c) The During a period of heavy volume of applications for a wheel tax license, or when necessary or appropriate to promote the efficient and orderly administration of this chapter, the city clerk shall have authority to provide a grace period (1) extend the required purchase date for an additional amount of time, not e

~~exceeding to exceed 30 (thirty) days, during times of heavy volume of applications, for all persons desiring required during such period to buy a wheel tax license emblem or combined wheel tax license/ residential license/residential permit parking emblem; and (2) waive any late fees otherwise applicable to such persons during such period. If the city clerk exercises such authority, the city clerk shall post notice of such fact on the city clerk's website.~~

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SECTION 7. 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.

(Omitted text is unaffected by this ordinance)

Vehicles licensed to handicapped individuals

Handicapped individual means every natural person who has permanently lost the use of a leg or both legs or an arm or both arms or any combination thereof or any person who is so severely disabled as to be unable to move without the aid of crutches, tripod type cane, walker or wheelchair; and (2) has a valid disability license plate issued by the Illinois Secretary of State

(Omitted text is unaffected by this ordinance)

(b) (1) Except as otherwise provided in subsection (b)(2) of this section, if the applicant for a wheel tax license fails to purchase such license by the required purchase date, the license fee for each vehicle shall be a late fee of \$60.00 shall be assessed. Such late fee shall be in addition to the wheel tax license fee set forth in subsection (a) of this section, ~~greater than the amount otherwise specified in this section if the license is purchased after July 15th and (1) the applicant fails to purchase the license within 30 days of residing in the city, or (2) the applicant fails to purchase the license within 30 days of purchasing the vehicle, unless the city clerk determines that the failure to purchase the license in any case was due to reasonable cause.~~

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

(3) No late fee shall be imposed under this subsection (b) if (i) the applicant obtains a wheel tax license within 30 days of commencing residence in the city, as required under

Section 3-56-021(a); or (ii) the applicant obtains a wheel tax license within 30 days of purchasing or otherwise acquiring ownership of a vehicle, as required under Section 3-56-021(a).

(3[^]4) No ~~additional~~ late fee shall be imposed under this subsection (b)(1) ~~or (b)(2)~~ for any vehicle registered to an applicant who, on the ~~purchase deadline~~ required purchase date, was serving in the United States Armed Forces and was stationed outside the City, ~~provided~~ that if a wheel tax license is purchased for the vehicle within 30 days of the applicant's discharge from the United States Armed Forces and the applicant did not cause or permit any person to use of the vehicle, ~~as forth~~ in violation of Section 3-56-020 (a); at any time after the ~~application deadline~~ required purchase date and before the applicant's discharge date.

(5) Upon an applicant's showing of reasonable cause, accompanied by appropriate documentation, the city clerk is authorized to waive any late fee that would otherwise apply to such applicant for failure to obtain a wheel tax license by the required purchase date.

c) If, pursuant to Section 3-56-040(b), the city clerk authorizes the issuance of wheel tax licenses for more or less than an annual period, the city clerk shall establish and administer a prorated fee schedule for such license(s). The amount of the prorated fee shall be based on the number of months for which the wheel tax license is issued. The prorated fee shall be in addition to any late fee required to be paid under subsection (b) of this section, ~~ff application is made for the license after July 15th, the following fees shall apply:~~

~~Between July 16th and November 30th – 100 percent of the applicable fee set forth in subsection (a) plus any additional fee mandated by subsection (b);~~

~~Between December 1st and March 31st – two-thirds of the applicable fee set forth in subsection (a) plus any additional fee mandated by subsection (b); and~~

~~After April 1st - one-third of the applicable fee set forth in subsection (a) plus any additional fee mandated by subsection (b).~~

d) (JJ Persons who obtain a wheel tax license within 30 days of purchasing or otherwise acquiring ownership of a vehicle or of commencing residence within the city shall be assessed a prorated fee for such license, ~~Before any applicant shall be entitled to a prorated license as provided for in paragraph (2) of this subsection, if the applicant may be required to furnish~~ furnishes an affidavit in a form satisfactory to the city clerk and accompanied by suitable documentary proof, establishing the date of the purchase or acquisition of the vehicle or the ~~beginning~~ commencement of residency. Suitable documentary proof of the date of commencement of residency shall include a lease, mortgage or title documents, or other appropriate documents. Suitable documentary proof of the date of vehicle purchase or acquisition shall include vehicle registration or title documents issued by the Secretary of State or other appropriate documents. All applicants that do not comply with the requirements for a prorated license shall be subject to a full annual license fee.

2) Except as otherwise provided in paragraph (3) of this subsection (d), the following prorated fees shall apply to persons meeting the requirements set forth in paragraph (1) of this subsection:

Between July 1, 2013 and November 30, 2013 - 100 percent of the applicable fee set forth in subsection (a) plus any additional fee mandated by subsection (b);

Between December 1, 2013 and March 31, 2014 - two-thirds of the applicable fee set forth in subsection (a) plus any additional fee mandated by subsection (b); and

After April 1, 2014 and before July 1, 2014- one-third of the applicable fee set forth in subsection (a) plus any additional fee mandated by subsection (b); and

On and after July 1, 2014 - the amount of the prorated fee shall be based on the number of months for which the wheel tax license is issued, as set forth in the prorated fee schedule established by the city clerk pursuant to subsection (c) of this section.

3) Notwithstanding any language in this subsection (d) to the contrary, if, at any time after July 1, 2013 and before July 1, 2014, the city clerk (i) authorizes, pursuant to Section 3-56-040(b), the issuance of wheel tax licenses for more or less than an annual period; and (ii) establishes, pursuant to Section 3-56-050 (c), a prorated fee schedule for such license(s), the amount of the prorated fee required to be paid under this subsection shall be as set forth in such prorated fee schedule. Such prorated fee shall be in addition to any late fee required to be paid under subsection (b) of this section.

~~re) Failure to purchase the required license shall be a violation of this section.~~

SECTION 8. Section 3-56-070 of the Municipal Code of Chicago is hereby amended by deleting the language stricken through and by inserting the language underscored, as follows:

3-56-070 Wheel tax license emblems.

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

(Omitted text is unaffected by this ordinance)

SECTION 9. Section 3-56-150 of the Municipal Code of Chicago is hereby amended by inserting the language underscored, as follows:

3-56-150 Penalty.

(Omitted text is unaffected by this ordinance)

(b) Any person who fails to pay the wheel tax license fee imposed by this chapter, or who fails to display the wheel tax license emblem as required by this chapter, shall be fined the vehicle-weight-based amount applicable to a violation of Section 9-64-125 for failure to display the wheel tax license emblem.

Any person violating any provision of this chapter or any rule or regulation promulgated thereunder, where the penalty is not otherwise herein provided for, shall be fined not less than \$5.00 nor more than \$100.00 for each offense.

(Omitted text is unaffected by this ordinance)

SECTION 10. Chapter 3-56 of the Municipal Code of Chicago is hereby amended by inserting a new Section 3-56-160, as follows:

3-56-160 Rules and regulations.

The city clerk is authorized to promulgate rules and regulations necessary to implement the requirements of this chapter and subsection (d) of Section 9-68-020. The city clerk shall

- 1) post on the city clerk's website any rules and regulations promulgated under this chapter;
- 2) keep a printed copy of such rules and regulations on file in the office of the city clerk; and
- 3) make such rules and regulations available for public inspection and copying during normal business hours.

SECTION 11. Chapter 9-40 of the Municipal Code of Chicago is hereby amended by inserting a new Section 9-40-175, as follows:

9-40-175 Operation of motor-powered vehicles by a minor.

It shall be unlawful for any person under the age of 16 years to operate on the streets of the city a motorcycle, powercycle, bicycle with motor attached, or power scooter, with a motor

which produces not to exceed five brake horsepower. Any person who violates this section shall be subject to a fine of not less than \$5.00 nor more than \$100.00 for each offense.

SECTION 12. Section 9-64-125 of the Municipal Code of Chicago is hereby amended by inserting the language underscored, as follows:

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

(Omitted text is unaffected by this ordinance)

(d) If display is required by this section, the wheel tax license emblem shall be (1) affixed in accordance with the instructions printed thereon or accompanying the emblem, which are made a part hereof, and (2) affixed without the use of supplemental adhesives, and (3) positioned to be clearly visible and (4) maintained in a clearly legible condition on the front windshield in the lower right-hand corner farthest removed from the driver's position; provided, however, that if the wheel tax license emblem takes the form of a license tag, such license tag shall be affixed to the vehicle's rear license plate in a manner that does not obstruct the visibility of the license plate or any information set forth on such plate.

(Omitted text is unaffected by this ordinance)

SECTION 13. Section 9-68-020 of the Municipal Code of Chicago is hereby amended by deleting the language stricken through and by inserting the language underscored, as follows:

9-68-020 Residential parking permits.

(a) {¥} Upon application and payment of the required fee to the city clerk, the clerk or his designee shall issue annual "residential parking permit" stickers to residents of the residential parking permit zone for use on each car owned and registered within any residential parking permit zone, displaying a current city wheel tax license emblem. Such a residential parking permit sticker may also be issued as part of such city wheel tax license emblem. Such a residential parking permit sticker shall be affixed, in accordance with the instructions printed thereon and without the use of supplemental adhesives, at the lower right-hand corner of the inside of the glass portion of the windshield of such motor vehicle, directly above or as part of the city wheel tax license emblem. This permit sticker shall not guarantee or reserve any parking space, nor shall it exempt the holder from the observance of any traffic or parking regulation.

i¥) [~~Reserved.~~]

(Omitted text is unaffected by this ordinance)

(d) Q) The fee for an annual residential parking permit is \$25.00 for each vehicle. Except as

otherwise provided in paragraph (3) of this subsection (d). ff if application is made for the permit on or after ~~November 30th of the current annual period~~ July 1, 2013, the following fees shall apply:

Between July 1, 2013 and November 30. 2013: 100 percent of the applicable fee:
and

Between December 1~~st~~ and March 31~~st~~ 1, 2013 and March 31, 2014: 66 percent of the applicable fee; and

Between April 1~~st~~ and June 30* 1. 2014 and June 30. 2014: 33 percent of the applicable fee; and

On and after July 1. 2014: The amount of the prorated fee shall be based on the number of months for which the residential parking permit or wheel tax license/residential permit parking emblem is issued, as set forth in the prorated fee schedule established by the city clerk pursuant to paragraph (2) of this subsection.

2) The city clerk is authorized to establish and administer a prorated fee schedule which shall apply to any person who purchases a residential parking permit for less or more than a year. The amount of the prorated fee shall be based on the number of months for which the residential parking permit or wheel tax license/residential permit parking emblem is issued.

3) Notwithstanding any language in this subsection (d) to the contrary, if. at any time after July 1. 2013 and before July 1. 2014. the city clerk establishes, pursuant to paragraph (2) of this subsection, a prorated fee schedule for the residential parking permit or wheel tax license/residential permit parking emblem, the amount of the prorated fee required to be paid under this subsection shall be as set forth in such prorated fee schedule.

4) The fee for one-day permits shall be \$16 for 30 permits. A replacement of an annual permit will be issued for \$10 upon receipt of the permit number portion of the removed annual permit sticker and a receipt for the current annual permit sticker. Replacement of any permits which are lost or destroyed will be made at full cost.

(Omitted text is unaffected by this ordinance)

(k) The city clerk shall have the authority to promulgate rules and regulations necessary to implement the requirements of this section.

SECTION 14. The city clerk is authorized to implement this ordinance in a graduated fashion, pursuant to a schedule that conforms to the operational and administrative needs of the office of the city clerk. The city clerk (1) shall conclude any such graduated phase-in with full implementation of this ordinance no later than

July 1, 2014, and (2) shall provide during any such period of graduated implementation, in written or electronic form available to the general public, information regarding which wheel tax licenses and associated requirements are being phased in before July 1, 2014, and the timing of such phase-in.

SECTION 15. This ordinance shall take full force and effect on July 1, 2013. Provided, however, that:
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- (1) SECTION 1, SECTION 2, SECTION 3, the amendments to subsection (a) of SECTION 7, SECTION 8, SECTION 10, SECTION 11 and SECTION 12 shall take full force and effect upon passage and publication.

Chicago City Council Co-Sponsor Addition/Change

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- City Clerk

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